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From Federal Register
Friday, October 16, 1953

EXECUTIVE ORDER 10491

(Amendment of Executive Order No. 10450 of April 27, 1953, Relating To Security Requirements For Government Employment)

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); The Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, et seq.); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118j); and the Act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1, et seq.), and as President of the United States, and finding such action necessary in the best interests of the national security, it is hereby ordered as follows:

Subsection (a) of section 8 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment is hereby amended by adding thereto at the end thereof paragraph (8) as follows:

"(8) Refusal by the individual upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct."

Dwight D. Eisenhower

The White House
October 13, 1953

Title 3 - The President

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Executive Order 10548

Amendment of Executive Order No. 10450 of April 27, 1953,
Relating to Security Requirements for Government Employment

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Subsection (a) (1) (iv) of section 8 of Executive Order No. 10450 of April 27, 1953, relating to security requirements for Government employment is hereby amended to read as follows:

"(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case."

Dwight D. Eisenhower

The White House
August 2, 1954

(F. R. Doc. 54-5968; Filed, Aug 3, 1954; 9:25 a.m.)

Executive Order 10548

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E.O. - 10542 - 2 Aug 54
E.O. - 10550 - 5 Aug 54

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10450 *

SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U. S. C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U. S. C. 22-1, *et seq.*), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

SECTION 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

Sec. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee

within the department or agency is clearly consistent with the interests of the national security.

Sec. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, that a person occupy-

(Continued on p. 2491)

CONTENTS

THE PRESIDENT

Executive Order	Page
Security requirements for Government employment.....	2489

EXECUTIVE AGENCIES

Agriculture Department	
<i>See</i> Production and Marketing Administration.	
Air Force Department	
Rules and regulations:	
Civilian personnel; security requirements for Government employment.....	2501
Alien Property Office	
Notices:	
Vested property, notices of intention to return:	
Barth, Jack, et al.....	2514
Brignani, Giuseppina, et al....	2513
Cellitti, Amedeo, et al.....	2513
Coen, Luisa, et al.....	2514
Krogh, Erik Viggo.....	2514
Meyer, Heinrich C. A.....	2514
Pneumatiques et Caoutchouc Manufacture Kleber-Colombes.....	2514

Army Department	
<i>See</i> Engineers Corps.	

Civil Aeronautics Administration	
Rules and regulations:	
Danger areas; alterations.....	2500

Civil Aeronautics Board	
Notices:	
Wiggins renewal investigation case; postponement of oral argument.....	2510

Civil Service Commission	
Rules and regulations:	
Exceptions from the competitive service; Schedule C.....	2493
Security requirements for Government employment:	
Appeals of preference eligibles.....	2493
Appointment through competitive system.....	2493

Commerce Department	
<i>See</i> International Trade Office; National Production Authority.	

See amendment
See Approved For Release 2002/03/20 : CIA-RDP78-03578A000400060033-7

2490

THE PRESIDENT



FEDERAL REGISTER

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**Principal Officials
in the
Executive Branch
Appointed
January 20-April 20,
1953**

A listing of approximately 200 appointments made after January 20, 1953. Names contained in the list replace corresponding names appearing in the 1952-53 U. S. Government Organization Manual

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CONTENTS—Continued

Defense Department	Page
See also Air Force Department; Engineers Corps; Navy Department.	
Rules and regulations:	
Armed Services Procurement Regulation:	
Contingent or other fees.....	2500
Patents and copyrights; title to foreground patents.....	2501
Procurement by formal advertising.....	2500

Economic Stabilization Agency
See Rent Stabilization Office.

CONTENTS—Continued

Engineers Corps	Page
Rules and regulations:	
Kennebec River, Maine; certain State Highway Commission bridges.....	2502

Federal Communications Commission

Rules and regulations:	
Public radiocommunication services (other than maritime mobile); frequency tolerances.....	2502
Television broadcast stations.....	2502

Federal Housing Administration

Notices:	
Acting Commissioner and Deputy Commissioner; delegations of authority and assignment of duties.....	2510

Federal Power Commission

Notices:	
Hearings, etc.:	
Connery, Paul J.....	2508
Indiana Gas & Water Co., Inc., and Panhandle Eastern Pipe Line Co.....	2508
Manufacturers Light and Heat Co. and Cumberland and Allegheny Gas Co.....	2508
Pennsylvania Power & Light Co.....	2508

Federal Trade Commission

Proposed rule making:	
Hearing aid industry; trade practice rules.....	2503

Foreign and Domestic Commerce Bureau

See International Trade Office.

Health, Education, and Welfare Department

See Public Health Service.

Housing and Home Finance Agency

See Federal Housing Administration.

Interior Department

See Land Management Bureau.

International Trade Office

Rules and regulations:	
Export regulations:	
Licenses, general; licensing policies and related special provisions; miscellaneous amendments.....	2499
Positive list of commodities.....	2499

Justice Department

See Alien Property Office.

Land Management Bureau

Notices:	
Alaska; Talkeetna Townsite; notice of sale.....	2508
California:	
Classification order.....	2509
Small tract classification order; amendment.....	2509

Loyalty Review Board

Rules and regulations:	
Security requirements for Government employment:	
Directives to department and agencies; cases of incumbent and excepted applicants.....	2493

CONTENTS—Continued

Loyalty Review Board—Con.	Page
Rules and regulations—Continued	
Security requirements for Government employment—Con.	
Directives to regional loyalty boards; cases of applicants and appointees in competitive service.....	2493
Operations of Board.....	2493
Statement of Board.....	2493

National Production Authority

Notices:	
B & T Metals Co.; modification and termination of suspension order.....	2509

Navy Department

Rules and regulations:	
Naval Academy, admission of candidates as midshipmen; execution of loyalty certificate.....	2501

Production and Marketing Administration

Proposed rule making:	
Apples, canned, U. S. Standards for grades.....	2503
Milk handling:	
Knoxville, Tenn., marketing area.....	2506
New Orleans, La., marketing area.....	2505

Rules and regulations:	
Sugar quotas, allotment; Puerto Rico, 1953.....	2493
Direct consumption portion.....	2497

Public Health Service

Rules and regulations:	
Security requirements for Government employment:	
Commissioned officers.....	2502
Fellowships.....	2502
National Heart Institute traineeships.....	2502

Rent Stabilization Office

Rules and regulations:	
Indianapolis, Ind., defense rental area:	
Hotels.....	2501
Housing.....	2501
Motor courts.....	2501
Rooms.....	2501
Specific provisions:	
Housing.....	2502
Motor courts.....	2502
Rooms.....	2502

Securities and Exchange Commission

Notices:	
Hearings, etc.:	
Arkansas Natural Gas Corp. et al.....	2510
Central and South West Corp. and Central Power and Light Co.....	2511
Central Maine Power Co.....	2511
Columbia Gas System, Inc.....	2513
Consolidated Natural Gas Co. et al.....	2512

Subversive Activities Control Board

Notices:	
Party of United States of America; requirement to register.....	2513

Wednesday, April 29, 1953

FEDERAL REGISTER

2491

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
9835 (revoked by EO 10450)---	2489
10237 (see EO 10450)-----	2489
10450-----	2489
Title 5	
Chapter I:	
Part 2-----	2493
Part 6-----	2493
Part 22-----	2493
Chapter II:	
Parts 200-230-----	2493
Title 7	
Chapter I:	
Part 52 (proposed)-----	2503
Chapter VIII:	
Part 814 (2 documents)-----	2493, 2497
Chapter IX:	
Part 942 (proposed)-----	2505
Part 988 (proposed)-----	2506
Title 14	
Chapter II:	
Part 608-----	2500
Title 15	
Chapter III:	
Part 371-----	2499
Part 373-----	2499
Part 399-----	2499
Title 16	
Chapter I:	
Part 159 (proposed)-----	2503
Title 32	
Chapter IV:	
Part 400-----	2500
Part 401-----	2500
Part 408-----	2501
Chapter VI:	
Part 710-----	2501
Chapter VII:	
Part 889-----	2501
Title 32A	
Chapter XXI (ORS):	
RR 1 (2 documents)-----	2501, 2502
RR 2 (2 documents)-----	2501, 2502
RR 3-----	2501
RR 4 (2 documents)-----	2501, 2502
Title 33	
Chapter II:	
Part 203-----	2502
Title 42	
Chapter I:	
Part 21-----	2502
Part 61-----	2502
Part 63-----	2502
Title 47	
Chapter I:	
Part 3-----	2502
Part 6-----	2502

completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

SEC. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

SEC. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

SEC. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

SEC. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency. *Provided*, that no person whose employment has been terminated under such authority there-

after may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

SEC. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure.

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted, or shows, a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(6) Intentional unauthorized disclosure to any person of security information, or of other information disclosure

ing a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field pre-appointment investigation has not been

2492

THE PRESIDENT

of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Civil Service Commission, and other departments and agencies may use such facilities under agreement with the Commission.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (7) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

Sec. 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

Sec. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

Sec. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be com-

pleted, and the reports thereon shall be made to the appropriate department or agency.

Sec. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked. For the purposes described in section 11 hereof the Loyalty Review Board and the regional loyalty boards of the Civil Service Commission shall continue to exist and function for a period of one hundred and twenty days from the effective date of this order, and the Department of Justice shall continue to furnish the information described in paragraph 3 of Part III of the said Executive Order No. 9835, but directly to the head of each department and agency.

Sec. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

Sec. 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, and shall recommend means to correct any such deficiencies or tendencies.

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

Sec. 15. This order shall become effective thirty days after the date hereof.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
April 27, 1953.

[F. R. Doc. 53-3794; Filed, Apr. 27, 1953;
4:04 p. m.]