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Title: Presidential Executive Order 9816 Providing for the Transfer of Properties and Personnel to the Atomic Energy Commission

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PRESIDENTIAL EXECUTIVE ORDER 9816
Providing for the Transfer of Properties and Personnel to the Atomic Energy Commission

R.A. Meade, ed.

Editor's Note

In October 1941, when President Franklin Roosevelt authorized the building of the first atomic bomb, he assigned that responsibility to the War Department.¹ Working through its Manhattan Engineer District (MED), the War Department created a massive research and development effort that included Los Alamos. Shortly before the end of World War II, Secretary of War Henry Stimson created a temporary committee, known as the Interim Committee, to advise him on atomic issues. One of the Interim Committee's recommendations was to create a civilian executive agency to manage the nation's nuclear program, thereby removing control of the atomic bomb from the military. After considerable debate and lobbying, Congress passed the Atomic Energy Act of 1946. One of the Act's provisions created the Atomic Energy Commission (AEC) to replace the MED. The Act, however, did not transfer the MED's assets, including Los Alamos, to the AEC. Accordingly, President Harry Truman issued Executive Order 9816 transferring these assets to the AEC. Below is the text of Truman's Executive Order.

By virtue of the authority vested in me by the Constitution and the Statutes, including the Atomic Energy Act of 1946, and as President of the United States and Commander-in-Chief of the Army and Navy, it is hereby ordered and directed as follows:

1. There are transferred to the Atomic Energy Commission all interests owned by the United States or any Government Agency in the following property:
 - (a) All fissionable material; all atomic weapons and parts thereof; all facilities, equipment and material for the processing, production, or utilization of fissionable material or atomic energy; all processes and technical information of any kind and the source thereof (including data, drawings, specifications, patents, patent applications, and other sources) related to the processing, production, and utilization of fissionable material or atomic energy; and all contracts, agreements, leases, patents, applications for patents, inventions, discoveries (whether patented or unpatented), and other rights of any kind concerning such item.
 - (b) All facilities, equipment, and materials devoted primarily to atomic energy research and development.

¹ Now the Department of the Army.

2. There are also transferred to the Atomic Energy Commission all properties, real or personal, tangible or intangible, including records owned by or in the possession, custody, or control of the Manhattan Engineer District, War Department, in addition to the properties described in paragraph 1 above. Specific items of such properties, including records, may be excepted from transfer to the Commission in the following manner:
 - (a) The Secretary of War shall notify the Commission in writing as to the specific items of property or records he wishes to except, and
 - (b) If, after full examination of the facts by the Commission, it concurs in the exception, these specific items of property or records shall be excepted from transfer to the Commission, or
 - (c) If, after full examination of these facts by the Commission, it does not concur in the exception, the matter shall be referred to the President for decision.
3. The Atomic Energy Commission shall exercise full jurisdiction over all interests and properties transferred to the Commission in paragraphs 1 and 2 above in acceptance with the provisions of the Atomic Energy Act of 1946.
4. Any Government Agency is authorized to transfer to the Atomic Energy Commission, at the request of the Commission, any property, real or personal, tangible or intangible, acquired or used by such Government Agency in connection with any of the properties or interests transferred to the Commission by paragraphs 1 and 2 above.
5. Each Government Agency shall supply the Atomic Energy Commission with a report on, and an accounting and inventory of, all interests and properties described in paragraphs 1, 2, and 4 above, owned by or in the possession, custody or control of such Government Agency, the form and details of such reports, accounting and inventory to be determined by mutual agreement, or in case of non-agreement, by the Director of the Bureau of the Budget.
6. (a) There also are transferred to the Atomic Energy Commission, all civilian officers and employees of the Manhattan Engineer District, War Department, except, that the Commission and the Secretary of War, by mutual agreement exclude any such personnel from transfer to the Commission.

(b) The military and naval personnel heretofore assigned or detailed to the Manhattan Engineer District, War Department, shall continue to be made available to the Commission for military and naval duty in similar manner without prejudice to military or naval status of such personnel, for such periods of time as

may be agreed mutually by the Commission and the Secretary of War, or the Secretary of the Navy.

7. The assistance and the services, personnel or other, including the use of property, heretofore made available by any Government Agency to the Manhattan Engineer District, War Department, shall be made available to the Atomic Energy Commission for same purposes as heretofore, and under the arrangements now existing, until terminated, after 30 days notice given by the Commission or the Government Agency concerned in each case.
8. The Commission is authorized to exercise all of the powers and functions vested in the Secretary of War by Executive Order NO 9001², of December 27, 1941, as amended, insofar as they relate to contracts heretofore made by or hereby or transferred to the Commission.
9. Such further measures and dispositions as may be determined by the Atomic Energy Commission and by any Government Agency concerned to the necessary to effectuate the transfer authorized or directed by this Order shall be carried out in such manner as the Director of the Bureau of the Budget may direct and by such agency as he may designate.
10. This order shall be effective as of midnight December 31, 1946.

/s/ Harry S. Truman
The White House
December 31, 1946

² "Establishing Methods for Wartime Procurement"