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Special Message to the Congress Recommending Amendments to the Atomic Energy Act.

February 17, 1954

To the Congress of the United States:

For the purpose of strengthening the defense and economy of the United States and of the free world, I recommend that the Congress approve a number of amendments to the Atomic Energy Act of 1946. These amendments would accomplish this purpose, with proper security safeguards, through the following means:

First, widened cooperation with our allies in certain atomic energy matters;

Second, improved procedures for the control and dissemination of atomic energy information; and,

Third, encouragement of broadened participation in the development of peacetime uses of atomic energy in the United States.

NUCLEAR PROGRESS

In 1946, when the Atomic Energy Act was written, the world was on the threshold of the atomic era. A new and elemental source of tremendous energy had been unlocked by the United States the year before. To harness its power in peaceful and productive service was even then our hope and our goal, but its awesome destructiveness overshadowed its potential for good. In the minds of most people this new energy was equated with the atomic bomb, and the bomb spelled the erasure of cities and the mass death of men, women, and children.

Moreover, this Nation's monopoly of atomic weapons was of crucial importance in international relations. The common defense and world peace required that this monopoly be protected and prolonged by the most stringent security safeguards.

In this atmosphere, the Atomic Energy Act was written. Well suited to conditions then existing, the Act in the main is still adequate to the Nation's needs.

Since 1946, however, there has been great progress in nuclear science and technology. Generations of normal scientific development have been compressed into less than a decade. Each successive year has seen technological advances in atomic energy exceeding even progressive estimates. The anticipations of 1946, when government policy was established and the Atomic Energy Act was written, have been far outdistanced.

One popular assumption of 1946--that the United States could maintain its monopoly in atomic weapons for an appreciable time--was quickly proved invalid. That monopoly disappeared in 1949, only three years after the Atomic Energy Act was enacted. But to counterbalance that debit on the atomic ledger there have been mighty increases in our assets.

A wide variety of atomic weapons--considered in 1946 to be mere possibilities of a distant future--have today achieved conventional status in the arsenals of our armed forces. The thermonuclear weapon--nonexistent eight years ago--today dwarfs in destructive power all atomic weapons. The practicability of constructing a submarine with atomic propulsion was questionable in 1946; three weeks ago the launching of the U.S.S. Nautilus made it certain that the use of atomic energy for ship propulsion will ultimately become widespread. In 1946, too, economic industrial power

from atomic energy sources seemed very remote; today, it is clearly in sight--largely a matter of further research and development, and the establishment of conditions in which the spirit of enterprise can flourish.

Obviously, such developments as these within so short a period should have had a profound influence on the Nation's atomic energy policy. But in a number of respects, our atomic energy- law is still designed to fit the conditions of 1946.

Many statutory restrictions, based on such actual facts of 1946 as the American monopoly of atomic weapons and limited application of atomic energy in civilian and military fields, are inconsistent with the nuclear realities of 1954. Furthermore, these restrictions impede the proper exploitation of nuclear energy for the .benefit of the American people and of our friends throughout the free world.

An objective assessment of these varied factors leads clearly to these conclusions: In respect to defense considerations, our atomic effectiveness will be increased if certain limited information on the use of atomic weapons can be imparted more readily to nations allied with us in common defense. In respect to peaceful applications of atomic energy, these can be developed more rapidly and their benefits more widely realized through broadened cooperation with friendly nations and through greater participation by American industry. By enhancing our military effectiveness, we strengthen our efforts to deter aggression; by enlarging opportunities for peacetime development, we accelerate our own progress and strengthen the free world.

Section 1 of the Atomic Energy Act of 1946 wisely recognizes the need for future revisions of the law. In its spirit and in consideration of matters of the utmost importance to the Nation's defense and welfare, I recommend that the Congress approve a number of amendments to the Atomic Energy Act.

COOPERATION WITH OTHER NATIONS

In this atomic era, the growth of international cooperation for the defense of the free world is the most heartening development on the world political scene. The United States is allied with many friends in measures to deter aggression and, where necessary, to defeat the aggressor. The agreements

binding ourselves and our friends in common defense constitute a warning to any potential aggressor that his punishment will be swift and his defeat inevitable. These powerful influences for peace must be made as strong and convincing as possible.

Most of our friends among the nations have had little opportunity to inform themselves on the employment of atomic weapons. Under present law, we cannot give them tactical information essential to their effective participation with us in combined military operations and planning, and to their own defense against atomic attack.

Our own security will increase as our allies gain information concerning the use of and the defense against atomic weapons. Some of our allies, in fact, are now producing fissionable materials or weapons, supporting effective atomic energy research and developing peacetime uses for atomic power. But all of them should become better informed in the problems of atomic warfare and, therefore, better prepared to meet the contingency of such warfare. In order for the free world to be an effective defense unit, it must be geared to the atomic facts of this era.

I urge, therefore, that authority be provided to exchange with nations participating in defensive arrangements with the United States such tactical information as is essential to the development of defense plans and to the training of personnel for atomic warfare. Amendments to the definition of "restricted data" recommended later in this message will also contribute to needed administrative flexibility in the exchange of information with such nations concerning the use of atomic weapons.

To meet a specific defense need existing in 1951, the Congress approved a carefully limited procedure for the communication of information on the processing of atomic raw materials, reactor development, production of fissionable materials, and related research and development. These limitations should now be modified so that the authority to communicate information, adjusted to present conditions, may be better used to our national advantage.

In the development of peaceful uses for atomic energy, additional amendments are required for effective United States cooperation with friendly nations. Such cooperation requires the exchange of certain "restricted data" on the industrial applications of atomic energy and also

the release of fissionable materials in amounts adequate for industrial and research use. I therefore recommend that the Atomic Energy Act be amended to authorize such cooperation. Such amendments should prescribe that before the conclusion of any arrangements for the transfer of fissionable material to a foreign nation, assurances must be provided against its use by the recipient nation for military purposes.

Sharing certain information with other nations involves risks that must be weighed, in each instance, against the net advantages to the United States. In each case, we must be guided by such considerations as: The sensitivity and importance of the data, the specific uses to which the information will be put, the security standards of the cooperating nation, its role in the common defense of the free world, and the contributions it has made and can make to the mutual security effort. Such considerations apply to the exchange or communication of information on general defense planning and the employment of conventional weapons as well as to the information that could be exchanged pursuant to these recommendations.

These recommendations are apart from my proposal to seek a new basis for international cooperation in the field of atomic energy as outlined in my address before the General Assembly of the United Nations last December. Consideration of additional legislation which may be needed to implement that proposal should await the development of areas of agreement as a result of our discussions with other nations.

In a related area, present law prevents United States citizens or corporations from engaging directly or indirectly in the production of fissionable material outside the United States, except upon determination by the President that the proposed activity will not adversely affect the common defense and security. Matters that have arisen under this provision have been ordinary business or commercial activities which nevertheless fall within the broad statutory prohibition because they might contribute in some degree, however minor, to foreign atomic energy programs. The President should be enabled to authorize the Atomic Energy Commission to make future determinations of this nature. This amendment is related also to the above amendment concerning the exchange of information with other countries, as arrangements for authorized exchanges of information with friendly foreign governments

may involve participation by American citizens or firms in work in foreign countries. The proposed amendment would permit the Atomic Energy Commission also to authorize such participation.

All of these proposed amendments should make it clear that the authority granted must be exercised only in accordance with conditions prescribed by the President to protect the common defense and security.

PROTECTION OF ATOMIC ENERGY INFORMATION

A special category of "restricted data," so defined as to include virtually all atomic energy data of security significance, is now established by law. "Restricted data" are protected in the law by special espionage provisions, provisions relating to the control, dissemination and declassification of such data, and by requirements for personnel security clearances.

Personnel Security. The provisions of the Act relating to security clearances of personnel need improvement in several respects. The Act does not recognize degrees of sensitivity of "restricted data." The same clearance requirements apply to any type of "restricted data," whether it be access by the unskilled construction laborer to "restricted data" of only marginal security significance, or access by a scientist to the heart of atomic weapons information. The Atomic Energy Commission lacks sufficient latitude under present law to determine the extent of personnel investigation needed for adequate security. Many costly background investigations required by present law are unnecessary. The Atomic Energy Commission should be permitted to relate the scope of investigation required under the Act to the significance of the access to "restricted data" which will be permitted.

This amendment is especially pertinent to the proposed broadening of private participation in the development of atomic power. While such private participants will require access to "restricted data" on reactor technology, full investigations of all their employees who will have such access are not warranted because much of the data involved will not have significant security importance. Moreover, such investigations would impede and discourage the desired participation and would be unnecessarily costly both to government and to industry. Where access to more sensitive "restricted data" is involved, the Commission must, of course, require full investigations.

Another security clearance problem relates to personnel of Department of Defense agencies and to the personnel of contractors with those agencies. The Atomic Energy Commission may now disclose "restricted data" to such of these personnel as have security clearances from the Department of Defense. The "restricted data" so disclosed by the Commission are thereafter protected in accordance with Department of Defense security regulations. And yet, contractors of the Commission are precluded by law from granting the same personnel access to the same "restricted data" until they have had AEC clearances, based on investigations by the Federal Bureau of Investigation or the Civil Service Commission.

As applications of atomic energy become increasingly widespread within the Armed Services, the necessity increases for communication of "restricted data" between AEC contractors and participants in related Department of Defense programs. The present fact that personnel engaged in military programs who have military clearances must be denied access to "restricted data" by AEC contractor personnel impedes cooperation between the Department of Defense and the Atomic Energy Commission in areas of mutual interest and causes unnecessary expense in time and money. I therefore recommend that the Atomic Energy Commission be enabled to authorize its contractors and licensees to afford access to "restricted data" to personnel engaged in Department of Defense programs who need such data in their work and who possess the proper military security clearances.

The Definition of Restricted Data. (i) A large body of "restricted data" under present law relates primarily to military utilization of atomic weapons. The responsibility for the control of much of this weapons information logically should rest with the Department of Defense rather than with the Commission. Many administrative difficulties that are produced by a dual system of security would be eliminated by the removal of this weapons information from the "restricted data" category and its subsequent protection by the Department of Defense in the same manner and under the same safeguards as other military secrets.

This method of handling weapons information is not possible under present law. "Restricted data" can be removed from the statutory "restricted data" category only by declassification, upon a determination by the Atomic Energy Commission that the publication of such data would not adversely affect the common defense and security. Declassification

obviously is not the remedy. The remedy lies in reliance upon the standard security measures of the user, the Department of Defense. I recommend, therefore, that the statutory definition of "restricted data" be amended to exclude information concerning the utilization of atomic weapons, as distinguished from information on their theory, design and manufacture.

(2) In addition to information which falls wholly within the utilization category, there is information which concerns primarily the utilization of weapons but which pertains also to their design and manufacture. In order to avoid difficulties in this marginal zone, I recommend legislation which also would authorize removal of such information from the "restricted data" category. This would be done only when the Commission and the Department of Defense jointly determine that it relates primarily to military utilization of atomic weapons and that it can be adequately safeguarded as classified defense information under the Espionage Act and other applicable law.

(3) Consistent with these changes, I recommend that the Department of Defense join with the Atomic Energy Commission in any declassification of "restricted data" which relate primarily to military utilization of atomic weapons and which can be published without endangering the national security. Thus, the Department of Defense will have an appropriate voice in the protection and declassification of such "restricted data" and the responsibilities of the Commission will be clarified with respect to all other "restricted data".

DOMESTIC DEVELOPMENT OF ATOMIC ENERGY

What was only a hope and a distant goal in 1946--the beneficent use of atomic energy in human service--can soon be a reality. Before our scientists and engineers lie rich possibilities in the harnessing of atomic power. The Federal Government can pioneer in its development. But, in this undertaking, the enterprise, initiative and competitive spirit of individuals and groups within our free economy are needed to assure the greatest efficiency and progress at the least cost to the public.

Industry's interest in this field is already evident. In collaboration with the Atomic Energy Commission, a number of private corporations are now conducting studies, largely at their own expense, of the various reactor types which might be developed to produce economic power. There are

indications that they would increase their efforts significantly if the way were open for private investment in such reactors. In amending the law to permit such investment, care must be taken to encourage the development of this new industry in a manner as nearly normal as possible, with careful regulation to protect the national security and the public health and safety. It is essential that this program so proceed that this new industry will develop self-reliance and self-sufficiency.

The creation of opportunities for broadened industrial participation may permit the Government to reduce its own reactor research and development after private industrial activity is well established. For the present, in addition to contributing toward the advancement of power reactor technology, the Government will continue to speed progress in the related technology of military propulsion reactors. The present complementary efforts of industry and Government will therefore continue, and industry should be encouraged by the enactment of appropriate legislation to assume a substantially more significant role. To this end, I recommend amendments to the Atomic Energy Act which would:

1. Relax statutory restrictions against ownership or lease of fissionable material and of facilities capable of producing fissionable material.
2. Permit private manufacture, ownership and operation of atomic reactors and related activities, subject to necessary safeguards and under licensing systems administered by the Atomic Energy Commission.
3. Authorize the Commission to establish minimum safety and security regulations to govern the use and possession of fissionable material.
4. Permit the Commission to supply licensees special materials and services needed in the initial stages of the new industry at prices estimated to compensate the Government adequately for the value of the materials and services and the expense to the Government in making them available.
5. Liberalize the patent provisions of the Atomic Energy Act, principally by expanding the area in which private patents can be obtained to include the production as well as utilization of fissionable material, while continuing for a limited period the authority to require a patent owner to license others to use an invention essential to the peacetime applications of atomic energy.

Until industrial participation in the utilization of atomic energy acquires a broader base, considerations of fairness require some mechanism to assure that the limited number of companies, which as government contractors now have access to the program, cannot build a patent monopoly which would exclude others desiring to enter the field. I hope that participation in the development of atomic power will have broadened sufficiently in the next five years to remove the need for such provisions.

In order to encourage the greatest possible progress in domestic application of atomic energy, flexibility is necessary in licensing and regulatory provisions of the legislation. Until further experience with this new industry has been gained, it would be unwise to try to anticipate by law all of the many problems that are certain to arise. Just as the basic Atomic Energy Act recognized by its own terms that it was experimental in a number of respects, so these amendments will be subject to continuing future change and refinement.

The destiny of all nations during the twentieth century will turn in large measure upon the nature and the pace of atomic energy development here and abroad. The revisions to the Atomic Energy Act herein recommended will help make it possible for American atomic energy development, public and private, to play a full and effective part in leading mankind into a new era of progress and peace.

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