

DOCUMENT 7

Title: "Main Problems in the Senate Bill Establishing a Federal Space Agency,"
July 7, 1958.

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During the evening of July 7, 1958, President Eisenhower met with Senate Majority Leader Lyndon B. Johnson to discuss the legislation to create a national space agency. Bryce Harlow, a congressional liaison aide to Eisenhower who handled defense and space issues, is thought to have drafted this memorandum to prepare Eisenhower for his meeting with Johnson. Ann Whitman was Eisenhower's personal secretary. The notation on the upper right hand corner of the first page probably refers to an unrelated meeting that Eisenhower had earlier in the day with Senator Harry Byrd of Virginia.

**MAIN PROBLEMS IN THE SENATE BILL ESTABLISHING A FEDERAL
SPACE AGENCY**

- (a) Creation of a Policy Board;
- (b) Transfer of functions

*Staff notes
offt Ryd
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THE POLICY BOARD

What it is.

This is a seven member Board in the Executive Office of the President. All seven are Federal officials who, in their principal assignment, have been appointed by the President and confirmed by the Senate. The seven include the Secretaries of State and Defense, the AEC Chairman, and the Director of the new Space Agency. The President names the remaining three to represent other federal agencies interested in aeronautical and space activities.



What it does.

The Board conducts a continuing survey of United States Space matters, recommends a United States program, decides who shall be responsible for major projects, and decides whether any project is in fact an aeronautical and space activity.

Added Features.

The Secretary of Defense is a member, but no other member may be from Defense. The Secretary may appeal Board decisions to the President when he thinks National Security would be adversely affected.

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Objections to the Board.

- (1) Conflicts with the concept of a single head directly responsible to the President;
- (2) Prescribes by statute the manner in which, and the officials through whom, the President will exercise his judgment and responsibility -- including a part of his responsibility as Commander-in-Chief;
- (3) Divides responsibility, and makes it difficult to hold anyone accountable for results;
- (4) Would encourage Agency logrolling and suppress issues the President should decide;
- (5) Denies the President flexibility, while imposing a new chore on agency heads whose full-time jobs may not always bear upon the space problem at hand.

The House Approach.

The House has no such policy board. It followed the President's recommendations for a single civilian head, responsible directly to the President.

The House followed the President's recommendation for a statutory 17-man Advisory Committee (eight from private life, and nine government representatives -- at least three of whom shall be from Defense. Under the Senate bill, there could be advisory committees, but they would lack stature. Hence, they would not attract the kind of scientific talent needed.

Two important drawbacks in the House bill do not appear in the Senate version. The House sets up: (1) A military liaison committee, with a military applications division in the new Agency; and (2) A nuclear liaison committee, with a nuclear applications division. We have urged that these be stricken.



AUTHORITY TO TRANSFER FUNCTIONS

What the bill does.

The Senate bill has no transfer provisions. The report says reorganization plans should be used where programs or projects are to be transferred to the new Agency.



Problems created by this approach.

- (1) No functions could be moved to the new agency until next April, since reorganization plans must sit before Congress for 60 consecutive days of a session.
- (2) This will hamper the new agency in the first eight months of its existence, and make for duplication of effort within the government.
- (3) It will delay consolidation and obstruct planning, since authority for most Defense space projects expires next February.
- (4) It will involve Congress in the reviewing the placement of very technical scientific programs and projects within the Executive Branch.

NOTE:

The House bill parallels the Administration's on the transfer provisions. Functions related primarily to space and aeronautics could be promptly switched to the Space Agency, with the concurrence of the agency giving up the function, and with the approval of the President.

The House rejected the Reorganization Plan idea, but requires that each House of Congress be notified about every transfer made.

General Points

- (1) There is real concern in Congress about protecting the proper role of the military in our space activities. There is no essential difference in the stated purposes of House and Senate sponsors regarding the military. However, the actual language differs. We have taken the position (concurred in by Defense) that we prefer the Senate language. Insofar as it relates to military participation, the Senate language properly protects the responsibilities of the Defense Department.
- (2) The Senate bill provides a Joint Congressional Committee, while the House provides two standing committees. The House version, which we endorsed, seems assured.
- (3) There are other differences, all minor, relating to such things as patent rights and employee pay provisions.

