

out authenticating witnesses, of records compiled in the regular course of business. At present, we have such a provision both in Executive Order 10865 and in our Industrial Security Directive. Experience has shown that such a provision saves much time and money at hearings. It does not operate to the prejudice of an applicant because the presumption of admissibility for such evidence is subject to rebuttal. If the committee decides to include such a provision, we suggest that the language of section 5 of Executive Order 10865 be used.

Subparagraph (1) provides the President with the summary power to suspend, revoke, or deny a clearance or access to a defense facility. There is no provision for further delegation of this power. The subparagraph would, therefore, remove the authority presently vested in the Secretary of Defense by section 9 of Executive Order 10865. We, therefore, urge that this subparagraph be amended to authorize the heads of executive departments and agencies to retain authority for this summary power.

Subparagraph (m) of proposed section 5A authorizes reimbursement for losses suffered by an applicant who was barred from employment or access and who has subsequently been found to be eligible for such access or employment.

(At this point Mr. Tuck left the hearing room.)

Mr. LIEBLING. We believe that this subparagraph will provide a satisfactory legislative framework for the reimbursement procedures contained in our present Industrial Security Directive, and would likewise apply to our Industrial Defense Program as expanded by the present bill. We offer no objection to its enactment.

Subparagraph (n) of proposed section 5A authorizes the issuance of subpoenas to witnesses at a personal appearance proceeding in the Industrial Defense and Industrial Security Programs. At present, the Department has no subpoena powers to compel the attendance of witnesses at personal appearance proceedings of any kind. We have always favored the grant of such authority and, therefore, indorse the provisions of this subparagraph.

We note, also, that there is a provision in this subparagraph which states, "In any such proceeding, the applicant may be called by the Government to testify as a witness as of cross-examination." We presume that this provision authorizes the Government to call an applicant as a witness in a personal appearance proceeding, either with or without his consent. It would also apparently authorize the Government to use cross-examination procedures, such as leading questions, if the applicant is called by the Government as a witness.

At present, in our industrial security hearings, the applicant usually voluntarily appears as a witness in his own behalf and is cross-examined by the Government. In cases where the applicant does not testify voluntarily the Government may call him as a witness and cross-examine him. We would have no objection to a statutory authorization for this practice.

Subparagraph (o) would authorize the same fees, travel expenses, and per diem as those presently authorized in Federal courts. We have no objection to this subparagraph.

Subparagraph (p) provides that the administrative procedure act would not apply to industrial defense and industrial security hearings. As the committee knows, the act, by its own terms, is not presently