

1398 AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

program. Many of the products and services in defense facilities are not necessarily for the use of the Government or are only remotely intended for Government use. In addition, the fact that an item is for the use of the Government might be difficult or impossible to establish.

The bill requires the Secretary of Defense, in designating a defense facility, to determine that it is of such character as to affect the "military security of the United States." Under the present law the "security of the United States" is the basis for his determination. It is our opinion that the term found in the present law gives the Secretary broader discretion by not restricting him to purely military considerations. Accordingly, we recommend that the word "military" be deleted in paragraph (1) of the first part of the bill.

In regard to the criteria to be used by the Secretary of Defense in designating defense facilities, we believe that the adoption of criteria by the Congress is desirable.

In paragraph (2) of the proposed amendment to Section 3 of the Subversive Activities Control Act, the definition of a "sensitive position" would limit such positions to those requiring access to classified information. This is too narrow a definition inasmuch as a large majority of the approximately 3,500 facilities now designated as defense facilities by the Secretary of Defense under Section 5(b) of the Subversive Activities Control Act is not engaged in activities which require access to classified information. The primary reason for protection of defense facilities, as they are now defined, is to assure that these facilities which are essential to the national defense are not seriously damaged or destroyed by sabotage. It is recommended that the definition, in addition to including positions which require access to classified information, be broadened to include those positions in which the incumbent would have the opportunity to engage in sabotage, espionage, or other acts adversely affecting the security interests of the United States by reason of an employment position in such a defense facility, or by reason of his access to designated restricted or critical areas.

The definition of a "sensitive position" in the bill defines classified information as Secret or Top Secret and eliminates the Confidential category. It is our view that a reduction from the three categories established by Executive Order 10501, (3 CFR, 1949-1953), would impose a degree of inflexibility which would hinder the safeguarding of official information requiring protection in the interest of national defense, and would also be in conflict with