

Mr. LIEBLING. The contractors can do this.

Mr. CULVER. You mean the facility involved makes it?

Mr. LIEBLING. Yes, under the Industrial Security Program for Confidential, in most areas of Confidential. In Secret and Top Secret, the Government makes the judgment on this, but the requirement for the employee to have access is determined by the contractor and then submitted into the system for a judgment by the Government.

Mr. CULVER. Now, in the case you just described, would the same person make the initial determination, assuming the investigative reports warrant it, that the individual should not, at least without further proceedings and inquiry, be cleared?

Mr. LIEBLING. Again it would depend on the limitations that you laid out for us, but I would answer with a broad statement that, if we have presumed as I answered earlier that we will apply the Industrial Security Clearance Program to the Industrial Defense Program, then my answer would have to be yes, we would use the same procedures.

Mr. CULVER. Would this differ depending upon whether the Industrial Defense program rather than the Industrial Security Program was involved?

Mr. LIEBLING. No.

Mr. CULVER. There would be no difference.

Mr. LIEBLING. No. We would use the same procedures.

Mr. CULVER. All right.

Thank you. I have a few more questions, but we can all relax.

Now, are the persons making such determinations Government employees in all cases except the one you described with regard to the Confidential clearance?

Mr. LIEBLING. Yes.

Mr. CULVER. Do they have any security of tenure?

Mr. LIEBLING. Do they have security of tenure?

Mr. CULVER. The Government employees making the determination.

Mr. LIEBLING. Oh, yes.

Mr. CULVER. Any independence, such as that supposedly enjoyed by hearing examiners under the Administrative Procedure Act.

Mr. LIEBLING. Any independence?

Mr. CULVER. Such as that enjoyed by hearing examiners.

Mr. LIEBLING. Our hearing examiners are Government employees under our program.

Mr. CULVER. Do they have a similar independent status as under the Administrative Procedure Act?

Mr. LIEBLING. No.

Mr. CULVER. Are such initial determinations that an individual should not be cleared made on the basis of the investigative reports alone?

Mr. LIEBLING. No. A clearance action is initiated on the part of the contractor. It goes to a central activity known as the Defense Industrial Security Clearance Office in Columbus, Ohio, which operates the clearance program for the Department of Defense, and clearance judgments are made there by experienced people. If any serious derogatory information is developed, then the jurisdiction immediately moves into Washington to my office, and screening boards will undertake to review the investigative findings of the case, and we have specific