

to put some time limit on it, or whether or not this would be inapplicable for some reason and, if so, I would be interested to know the reason.

Mr. YEAGLEY. You are speaking of a time limit after which——

Mr. CULVER. The judicial intervention would be ripe.

Mr. YEAGLEY. If a reasonable time limit can be determined for, let's say, legislative purposes, I would think so. Ordinarily the employee must first exhaust his administrative remedies before going to court.

Mr. CULVER. Would you be kind enough to have your staff give that some reflection and make a recommendation.

Mr. YEAGLEY. Well, the time would be a matter of operations, I think; of what is required in the operations of the program by the Defense Department or within the Defense Department.

Mr. CULVER. Do you have any thoughts on that?

Mr. YEAGLEY. I don't.

Mr. CULVER. Do you have legal counsel with you that might?

Mr. LIEBLING. No. We could check that with legal counsel.

Mr. CULVER. Are there now, or would there be under the proposed legislation, provisions to continue salary payments to an employee who is denied actual employment pending administrative proceedings?

Mr. YEAGLEY. I believe the Department of Defense had some arrangements for compensation, is that right?

Mr. LIEBLING. We do in cases of where the decision may have been reversed where, let's say, a suspension is undertaken or revocation of clearance.

Mr. CULVER. But it is not done in all cases.

Mr. LIEBLING. I have a specialist here.

Mr. SCANLON. May I have the question again, sir?

Mr. CULVER. Yes. Are there now, or would there be under the proposed legislation, provisions to continue salary payments to an employee who is denied actual employment pending administrative proceedings?

Mr. SCANLON. Mr. Congressman, the man is not denied employment while these proceedings are pending, normally. Normally, he must have a job where he needs access before he comes to our program.

Mr. CULVER. But once you make the initial determination and trigger the administrative proceedings my question is, does he remain on the payroll?

Mr. SCANLON. He is not denied a clearance until the proceedings get to the natural end.

Mr. CULVER. The natural end.

Mr. SCANLON. If you will give me a moment to run through this for you. He is hired, his employer puts in a request for clearance. This man is still on the payroll.

Mr. CULVER. I wonder if you could get a mike.

Mr. SCANLON. His employer puts in a request for clearance for him while he is on the payroll. The investigative process is started. He is on the payroll normally during this entire period. The investigation develops adverse information. It comes in to us. We start to adjudicate it. We can clear him, at which point he gets the Secret or Top Secret.