EXHIBIT 11

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LIBRARY OF CONGRESS REGULATIONS

LCR 2024-3

THE LIBRARY OF CONGRESS

SUBJECT: Investigative Requirements and Case Processing

SERIES: 2024 Personnel Security	STATUTORY AUTHORITY: 2 U.S.C. §136 2 U.S.C. §140	RESPONSIBLE OFFICE: Office of Security, Office of the Librarian
ISSUE DATE: August 6, 2002	REVIEW DATE: August 6, 2004	SUPERSEDES: LCR 2024-3 (7/16/69), LCR 2024-4 (7/16/69), and LCR 2024-6 (3/29/79)

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Section 1. Purpose

This Regulation describes the purpose of personnel background investigations, policy and procedures regarding investigative requirements, and the functions of the different offices involved in case processing.

Section 2. Policy and Procedures

A. Federal employees are required to meet very high standards, both personal and professional. Each appointment within the Library of Congress is subject to investigation to ensure that the individual's education and employment history and background information claimed on the application and declaration for employment are accurate, and that the individual is reliable, trustworthy, of good character and conduct, and loyal to the United States. Undergoing the investigation is a condition of employment. Providing the information requested on personnel security questionnaires is voluntary; however, the Library may remove from employment, or take any lesser action against, under the provisions of LCR 2010-11, Personnel Appointments, Assignments, Qualifying/Probationary Periods, and Terminations, or LCR 2020-3, Policies and Procedures Governing Adverse Actions, any employee who fails, without justification, to submit the required security forms on a timely basis, as such failure will preclude the completion of the required investigation and prevent a personnel security or suitability determination. In the case of

an applicant, failure to submit the required paperwork or other information requested on a timely basis may result in the application's being dropped from further consideration; in the case of a person to whom an offer of employment has been made, failure to submit the required paperwork or other information may result in the withdrawal of the offer of employment.

B. The scope and timing of the investigation are determined by the nature of the duties involved or by the position sensitivity designation (see LCR 2024-2, Position Sensitivity Designations). Insofar as is practicable, the Library shall conduct no less than the minimum investigation prescribed by the Office of Personnel Management and other cognizant Federal agencies, except that a National Agency Check and Inquiries (NACI) investigation may be accepted as meeting the requirement for appointment to a public trust moderate risk position if the NACI has been completed within 10 years. In that case, the Personnel Security Office shall supplement that NACI through a review of the Official Personnel Folder or other agency records, and may conduct a credit check if relevant to position responsibilities. However, these minimum requirements shall not restrict the Personnel Security Office from requesting a more comprehensive investigation when warranted by the facts and circumstances of an individual case, or by specific risk factors inherent in the job responsibilities of certain categories of positions, in order to reach a well-founded determination.

C. Whenever a personnel background investigation develops information that indicates that the person may have acted, or been subjected to, coercion, influence, or pressure to act contrary to the best interests of the national security, the matter shall be referred to the Federal Bureau of Investigation.

D. Whenever a personnel background investigation discloses that an applicant being considered for Library appointment has been terminated by another Federal agency or department pursuant to the provisions of Executive Order (E.O.) 10450 or for other security or suitability reasons, the Personnel Security Officer shall make a recommendation regarding that individual's suitability for appointment or security clearance eligibility to the Director of Security. The findings of the Director of Security shall be made a part of the personnel security record of the person concerned.

E. Violations of law disclosed in the investigations or proceedings under the program may be reported to the Department of Justice, subject to consultation with the Library's General Counsel.

Section 3. Case Processing for Sensitive, or National Security, Positions

A. The Personnel Security Office shall initiate all investigations for sensitive, or national security, positions. At the Library, sensitive, or national security, positions are generally those that require access to classified national security information. These positions are designated special-sensitive, critical-sensitive, or noncritical-sensitive, depending on the degree of potentially adverse effect on the national security.

B. Investigation for appointment to special-sensitive positions must be completed and favorably adjudicated prior to appointment; there are no exceptions to this requirement.

C. Investigation for appointment to critical-sensitive positions must be completed and favorably adjudicated prior to appointment. However, the Director of Security may waive the requirement to complete the investigation pre-appointment when it is determined that an emergency exists and that it is in the national interest to fill the position pending the completion of the investigation. The Service Unit Head or Enabling Infrastructure unit head must submit a justification of the

waiver to the Personnel Security Officer, indicating the position's security clearance requirement and certifying that any access to classified information will be denied until such time that a clearance may be granted. The approval of the waiver request by the Director of Security will be based on the justification of the emergency action and the results of pre-appointment inquiries conducted by the Personnel Security Office. At a minimum, pre-appointment checks shall consist of a personnel security interview of the applicant, an interview with a supervisory source, a credit check, and national agency checks. These minimum prescribed checks shall not restrict the Personnel Security Office from conducting any additional inquiries considered necessary to reach a well-founded determination. Should the request for waiver of pre-appointment investigation be approved, the individual's retention is made subject to the favorable completion of the required investigation.

D. Investigation for appointment to noncritical-sensitive positions may be completed post-appointment. However, the Personnel Security Office will conduct pre-appointment national agency checks and other inquiries as may be warranted given the circumstances of the particular case. Retention is subject to the favorable completion of the investigation.

Section 4. Reinvestigations

The Personnel Security Officer is responsible for establishing and maintaining a reinvestigations program. As provided for in E.O. 10450, as amended, E.O. 12968, and Federal guidelines, incumbents of national security positions are subject to periodic reinvestigation to assess their ongoing suitability for sensitive positions and continued eligibility for access to classified information. These minimum requirements do not restrict the Personnel Security Office from initiating a more comprehensive investigation, or any other investigation, whenever a question may be raised regarding an individual's continued suitability or security clearance eligibility.

In addition, incumbents of positions designated public trust that entail specific security concerns may also be the subject of reinvestigation for the purpose of determining ongoing employment suitability for duties involving a high degree of trust and responsibility. Specific public trust positions determined to be subject to reinvestigation will be included in an Office of Security directive to be issued pursuant to this Regulation.

Section 5. Case Processing for Public Trust Positions

A. The Personnel Security Office shall initiate all investigations for high and moderate risk public trust positions.

B. Investigation for appointment to high risk public trust positions must be completed and favorably adjudicated prior to appointment. However, the Director of Security may waive the requirement to complete the investigation on a pre-appointment basis when it is determined that an emergency exists and that it is in the national interest to fill the position pending the completion of the investigation. The Service Unit Head or Enabling Infrastructure unit head must submit a justification of the waiver to the Personnel Security Officer, indicating the position's sensitivity level. The approval of the waiver request by the Director of Security will be based on the justification of the emergency action and the results of pre-appointment inquiries conducted by the Personnel Security Office. At a minimum, pre-appointment checks shall consist of a personnel security interview of the applicant, an interview with a supervisory source, a credit check, and national agency checks. These minimum prescribed checks shall not restrict the Personnel Security Office from conducting any additional inquiries considered necessary to reach a well-

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founded determination. Should the request for waiver of pre-appointment investigation be approved, the individual's retention is made subject to the favorable completion of the required investigation.

C. Investigation for appointment to moderate risk positions may be completed on a post-appointment basis. However, the Personnel Security Office will conduct pre-appointment inquiries with pertinent Federal agencies and other inquiries as may be warranted given the circumstances of the particular case. Retention is subject to the favorable completion of the investigation.

Section 6. Case Processing for Nonsensitive Positions

Investigation for appointment to nonsensitive positions may be completed post-appointment. However, the Personnel Security Office will conduct pre-appointment inquiries as may be warranted given the circumstances of the particular case. Human Resources Services is responsible for initiating NACI suitability investigations for appointments to nonsensitive positions and for ensuring timely NACI initiations on a post-appointment basis. Retention is subject to the favorable completion of the investigation.

Section 7. Exceptions to InvestigativeRequirements

A. Consistent with E.O. 10450, as amended, and 5 CFR 732.202, the Library may exempt from prescribed investigative requirements appointments that are intermittent, seasonal, per diem, or temporary, not to exceed an aggregate of 180 days in either a single continuous appointment or series of appointments, and those for aliens employed by the Library outside the United States.

B. In the case of temporary assignment to sensitive national security or public trust positions where the recommended applicant does not already meet investigative standards, the Service Unit or Enabling Infrastructure unit shall determine if position responsibilities for the duration of assignment warrant investigation. The Service Unit or Enabling Infrastructure unit shall consider both the degree of independence and supervision received and the range of duties during the temporary assignment when making this determination. For sensitive national security positions, the Service Unit or Enabling Infrastructure unit must further determine the clearance requirement for the period of temporary assignment, and if none is needed, the Service Unit Head or Enabling Infrastructure unit head must also certify that no access to classified information shall be provided.

Section 8. Break in Service

After a break in service of less than two years, no additional investigation is required if records checks confirm that the individual has previously been the subject of the prescribed investigation by an authorized Federal agency that meets timeliness requirements, absent any indication of potentially adverse information or information that requires further consideration. However, appointees may be required to execute an updated personnel security questionnaire.

Section 9. Sensitivity Designation Upgrade

A. An incumbent of a position, the sensitivity designation of which has been upgraded, may remain in the position pending completion of the required investigation.

B. The Personnel Security Office shall take appropriate and practical actions to upgrade and/or

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update investigations of incumbents when the sensitivity level of the position involved is increased. For example, the Personnel Security Office may supplement previous investigations through reviews of the Official Personnel Folder and other agency records; credit and law enforcement checks; inquiries with employers, educational institutions, references, or residential sources; or field investigations conducted by the Office of Personnel Management. Decisions regarding what inquiries are needed shall be based on the timeliness and scope of the existing investigation, the change in the sensitivity level, and the specific duties of the position involved.

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