Federal Investigations Notice

Notice No. 13-02

SUBJECT: Revised Instructions for Completing Question 21, Standard Form 86, “Questionnaire for National Security Positions”

OPM has revised the Standard Form (SF) 86 instructions at Question 21 in its Electronic Questionnaires for Investigations Processing (e-QIP) as approved by the Office of Management and Budget. Effective April 14, 2013, the SF 86 in e-QIP now displays the following additional instructions at Question 21:

“Victims of sexual assault who have consulted with the health care professional regarding an emotional or mental health condition during this period strictly in relation to the sexual assault are instructed to answer 'No'.”

The Director of National Intelligence (DNI), in his role as Security Executive Agent, has issued the attached memorandum directing Executive branch departments and agencies to inform all individuals completing the SF 86 that the instructions for Question 21 have been modified by adding this instruction. The memorandum contains an attachment that is to be provided in hard copy to any individual not using e-QIP to complete the SF 86.

For assistance with questions regarding this notice, please contact Agency Liaison at 724-794-5612.

Merton W. Miller
Associate Director
Federal Investigative Services

Attachment: DNI Memorandum with Question 21 Instruction

Inquiries: Agency Liaison – 724-794-5612
Code: Investigations
Distribution: All SOIs/SONs
Notice Expires: Until superseded
MEMORANDUM FOR: Distribution

SUBJECT: Revised Instructions for Completing Question 21, Standard Form 86, “Questionnaire for National Security Positions”

In my role as Security Executive Agent, I have conducted a comprehensive review, in consultation with the Department of Defense and other federal agencies, of Question 21 (Mental and Emotional Health) found on the Standard Form 86 (SF 86). The U.S. Government recognizes the critical importance of mental health and supports proactive management of mental health conditions, wellness, and recovery. Victims of sexual assault may benefit from mental health treatment and support, yet may not seek treatment out of concern for their career or security clearance.

In the interest of encouraging victims of sexual assault to seek the mental health services they may need, I have worked with the Office of Personnel Management (OPM) and the Office of Management and Budget to revise the instructions to Question 21 on the SF 86. OPM will modify the instructions to Question 21 in the Electronic Questionnaires for Investigations Processing (the electronic version of the SF 86 known as e-QIP) system as follows: "Please respond to this question with the following additional instruction: Victims of sexual assault who have consulted with a health care professional regarding an emotional or mental health condition during this period strictly in relation to the sexual assault are instructed to answer No."

Executive branch departments and agencies should instruct all individuals completing the SF 86 that the instructions for Question 21 have been modified to advise victims of sexual assault who have received mental health counseling strictly related to the sexual assault to respond “No” to this question. Other than as authorized by this revised instruction, all individuals completing the SF 86 should continue to answer Question 21 using the existing exemptions found under that question when it applies to them.

I also want to emphasize that an individual’s decision to seek mental health care should not, in and of itself, adversely impact that individual’s ability to obtain or maintain eligibility to hold a national security sensitive position or eligibility for access to classified information. In fact, the decision to seek personal wellness and recovery may favorably affect a person’s eligibility determination. Further, mental health counseling alone cannot form the basis of a denial of a security clearance.
Agencies shall ensure that all personnel are trained specifically on the contents of this memorandum and that the additional instruction regarding responding to question 21, attached here, be provided in hard copy if the electronic form is not used. Questions pertaining to this memorandum should be directed to Mr. Charles Sowell at (571) 204-6508 or SecEA@dni.gov.

James R. Clapper.

12 April 2013

Date

Attachment:
1. Question 21 Instruction
SUBJECT: Revised Instructions for Completing Question 21, Standard Form 86, "Questionnaire for National Security Positions"

Distribution:
Secretary of Agriculture, Department of Agriculture
Secretary of Commerce, Department of Commerce
Secretary of Defense, Department of Defense
Secretary of Education, Department of Education
Secretary of Energy, Department of Energy
Secretary of Health and Human Services, Department of Health and Human Services
Secretary of Homeland Security, Department of Homeland Security
Secretary of Housing and Urban Development, Department of Housing and Urban Development
Secretary of the Interior, Department of the Interior
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Secretary of Labor, Department of Labor
Secretary of State, Department of State
Secretary of Transportation, Department of Transportation
Secretary of the Treasury, Department of the Treasury
Secretary of Veterans Affairs, Department of Veterans Affairs
Director, Central Intelligence Agency
Director, Defense Intelligence Agency
Director, Office of Intelligence and Counterintelligence, Department of Energy
Under Secretary, Intelligence and Analysis, Department of Homeland Security
Assistant Secretary, Bureau of Intelligence and Research, Department of State
Assistant Secretary, Intelligence and Analysis, Department of Treasury
Chief of Intelligence/Senior Officer (SOIC), Drug Enforcement Administration
Executive Assistant Director, National Security Branch, Federal Bureau of Investigation
Director, National Geospatial-Intelligence Agency
Director, National Reconnaissance Office
Director, National Security Agency
Deputy Chief of Staff, G2 Army
Director of Naval Intelligence, Unites States Navy
Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance, United States Air Force
Director of Intelligence, Headquarters, U.S. Marine Corps
Assistant Commandant for Intelligence and Criminal Investigations, United States Coast Guard
Director, United States Secret Service
Undersecretary of Defense for Intelligence, Department of Defense
Secretary of the Air Force, U.S. Air Force
Secretary of the Army, U.S. Army
Secretary of the Navy, U.S. Navy
Commandant of the Marine Corps, U.S. Marine Corps
Chief, National Guard Bureau
Director, Defense Information Systems Agency
SUBJECT: Revised Instructions for Completing Question 21, Standard Form 86, “Questionnaire for National Security Positions”

Distribution (continued):
Chairman, Joint Chiefs of Staff
Director, Defense Logistics Agency
Director, Missile Defense Agency
Director, Defense Threat Reduction Agency
Inspector General, Department of Defense
Director, Defense Security Service
Director, Defense Advanced Research Projects Activity
Director, Defense Contract Audit Agency
Director, Defense Finance and Accounting Services
Director, Bureau of Alcohol, Tobacco, Firearms and Explosives
Director, Broadcasting Board of Governors
Administrator, Drug Enforcement Agency
Administrator, Environmental Protection Agency
Administrator, Equal Employment Opportunity Commission
Chairman, Federal Reserve Board, Federal Reserve System
Chairman, Federal Communications Commission
Chairman, Federal Maritime Commission
Chairman, Federal Trade Commission
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Chairman, International Trade Commission
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Administrator, National Aeronautics and Space Administration,
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Director, Office of Personnel Management
Chief Postal Inspector, U.S. Postal Inspection Service
Chairman, Security and Exchange Commission
Director, Office of Science and Technology Policy
Director, Selective Service System
Administrator, Small Business Administration
Commissioner, Social Security Administration
Administrator, United States Agency for International Development
Commissioner, United States Customs and Border Protection
U.S. Trade Representative
Director, White House Office of the National Drug Control Policy
Office of Board of Governors, United States Postal Service
REVISED INSTRUCTIONS FOR COMPLETING QUESTION 21 OF STANDARD FORM 86, "QUESTIONNAIRE FOR NATIONAL SECURITY POSITIONS"

EFFECTIVE 4 APRIL 2013

QUESTION 21 OF THE STANDARD FORM 86 (SF 86) "QUESTIONNAIRE FOR NATIONAL SECURITY POSITIONS" ASKS ABOUT MENTAL HEALTH TREATMENT. IN THE INTEREST OF ENCOURAGING VICTIMS OF SEXUAL ASSAULT TO SEEK THE MENTAL HEALTH SERVICES THEY MAY NEED, REVISED INSTRUCTIONS HAVE BEEN DEVELOPED. THE REVISED QUESTION 21 INSTRUCTION IS AS FOLLOWS:

"PLEASE RESPOND TO THIS QUESTION WITH THE FOLLOWING ADDITIONAL INSTRUCTION: VICTIMS OF SEXUAL ASSAULT WHO HAVE CONSULTED WITH A HEALTH CARE PROFESSIONAL REGARDING AN EMOTIONAL OR MENTAL HEALTH CONDITION DURING THIS PERIOD STRICTLY IN RELATION TO THE SEXUAL ASSAULT ARE INSTRUCTED TO ANSWER NO."

OTHER THAN AS AUTHORIZED BY THIS REVISED INSTRUCTION, ALL INDIVIDUALS COMPLETING THE SF 86 SHOULD CONTINUE TO ANSWER QUESTION 21 USING THE EXISTING EXEMPTIONS FOUND UNDER THAT QUESTION WHEN IT APPLIES TO THEM.