



**SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000**

SEP 04 2012

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Department of Defense Guidance on Question 21, Standard Form 86, Questionnaire for National Security Positions

The Director of National Intelligence (DNI) has been conducting a comprehensive review, in consultation with the Department of Defense and other Federal agencies, of Question 21 of 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. If an applicant has experienced a mental health condition, that person may benefit from mental health treatment and support. Left untreated or unaddressed, mental health conditions may affect an individual's judgment, reliability, and trustworthiness.

In the meantime, pending the DNI review, I write to make clear that an applicant's decision to seek mental health care should NOT, in and of itself, adversely impact that individual's ability to obtain or maintain a national security position. In fact, seeking personal wellness and recovery may favorably impact a person's eligibility for a national security position. All information pertaining to treatment shall be handled on a strict need-to-know basis and any misuse of the provided information by investigators, adjudicators, supervisors or other personnel is punishable under applicable regulations, policies, and privacy laws.

Everyone involved in the process, including the applicant, must be fully aware of the national policy set by Executive Order (E.O.) 12968 and the specific protections afforded applicants. Question 21 on the SF 86 asks whether the applicant has consulted with a health care professional regarding an emotional or mental health condition or was hospitalized for such a condition within seven years prior to completing the SF 86. Subsection 3.1(e) of E.O. 12968 states in part that "No negative inference concerning the standards in this section may be raised solely on the basis of mental health counseling."



OSD006533-12

Therefore, mental health counseling alone cannot form the basis of a denial of an interim security clearance, and officials such as security managers, commanders, or supervisors are prohibited from asking the applicant for additional information regarding listed mental health counseling. In addition, the protections in the SF 86 medical information release form limit the questions investigators may ask health care practitioners regarding mental health counseling. A credentialed personnel security investigator from the investigative service provider may ask the health care practitioner if the person under investigation has a condition that could impair judgment, reliability, or ability to properly safeguard classified national security information. This question is to determine if such treatment or counseling is relevant to the adjudication for eligibility for access to classified information or sensitive national security position. If the practitioner answers "no" to this question, no further questions are authorized. This guidance clarifies the second answer to the frequently asked questions attached to the November 20, 2009, memorandum which suggests that further questioning is authorized. Additional questioning of mental health providers and/or the applicant is only authorized when the practitioner answers "yes" to this question. Applicants should report any unauthorized questioning about mental health counseling to the DoD Inspector General Hotline at 1-800-424-9098, as outlined in the attached handout.

This policy applies to all types of mental health counseling, including any counseling sought as the result of a sexual assault. Any unauthorized questioning or denial of an interim security clearance on such a basis would be inconsistent with current policies. The DoD remains committed to ensuring that the protections provided by those policies are strictly enforced. Improper questions about an individual's mental health counseling may result in administrative or other appropriate disciplinary action. Within DoD, all heads of security and adjudication elements will ensure that all personnel are trained specifically on the contents of this memorandum. My point of contact is Dr. Kelly Buck at (703) 604-1130 or Kelly.Buck@osd.mil.



Attachment:
As stated

cc:
Deputy Secretary of Defense

Information and Guidance to all Department of Defense Applicants regarding Question 21 on the Standard Form 86 Questionnaire for National Security Positions (SF 86)

The U.S. Government recognizes the critical importance of mental health and advocates proactive management of mental health conditions to support wellness and recovery. If you have experienced a mental health condition, you may benefit from mental health treatment and support. Left untreated or unaddressed, mental health conditions may affect your judgment, reliability and trustworthiness.

Your decision to seek mental health care will NOT in and of itself adversely impact your ability to obtain or maintain a national security position. In fact, seeking personal wellness and recovery may favorably impact your eligibility for a national security position. All information pertaining to treatment will be handled on a strict need-to-know basis and any misuse of information provided is punishable under applicable privacy laws.

You are being provided this information because you are being asked to complete the SF 86, or to update information since you last submitted an SF 86. Question 21 on the SF 86 asks whether you have consulted with a health care professional regarding an emotional or mental health condition, or were hospitalized for such a condition, within the seven years prior to filling out the SF 86 (subject to certain exceptions set out in the question itself).

National policy implementing Executive Order 12968 provides specific protections for applicants answering "yes" to Question 21 on the SF 86. The first step in the investigative process is to determine if the listed mental health counseling is relevant to the adjudication of your eligibility for access to classified information or a sensitive national security position. In most cases, it is not. Seeking professional care for mental health issues is a positive course of action that, by itself, will not jeopardize a security clearance. On the contrary, your decision to seek counseling or treatment is viewed as a positive sign that you recognize a problem may exist and are willing to take steps towards resolving it.

The next steps are designed to ensure that only information relevant to this process is considered.

Following a "yes" answer to Question 21, the investigative service provider may ask the health care professional if you have a condition that could impair your judgment, reliability, or ability to properly safeguard classified national security information. This question is to determine if the underlying condition that led to consultation with the health care professional is relevant to the adjudication for eligibility for access to classified information or a sensitive national security position. If the health care professional answers "no," to this question, no further questions are authorized. If the health care professional answers "yes" to this question, then a credentialed personnel security investigator from the investigative service provider may be contacting you. Security managers, commanders, or supervisors are not authorized to ask you questions

regarding your listed mental health counseling. You should report any such unauthorized questioning about mental health counseling to the DoD IG Hotline number: 1-800-424-9098.

The prohibition against unauthorized questioning about mental health counseling, or denial of an interim security clearance as a result of answering "yes" to Question 21, applies to all types of mental health counseling, including any counseling you sought as the result of a sexual assault. Any unauthorized questioning, or denial of an interim security clearance on such basis, would be inconsistent with Departmental policies, including the policy to provide comprehensive support, not limited to medical and mental health services, to victims of sexual assault.

The Department is committed to ensuring that the protections provided by those policies are enforced.

TAB

B



OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1000

NOV 20 2009

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

Subject: Mental Health Counseling and Treatment and Security Clearances

In April 2008, we issued a joint memorandum to all Department of Defense (DoD) personnel reaffirming the Department's strong endorsement that personnel should "seek professional help to address all health-related concerns, either mental or physical." The purpose of this memorandum is to reiterate that counseling and treatment for mental or physical health, in and of itself, is not a reason to deny or revoke a security clearance. Indeed, many types of mental health counseling and treatment, to include treatment which results from being the victim of a crime, such as rape or sexual assault, are usually not a concern with regard to security clearances.

Unfortunately, DoD civilian personnel and Service members still sometimes avoid or delay seeking mental health counseling or treatment because they are concerned that doing so will jeopardize their security clearance. Some feel embarrassed that others will find out about their mental health problems or fear that seeking help now will cause personnel security officials and commanders to question their judgment or stability later. This concern reflects a misunderstanding of the reason personnel are asked about their mental health history on security clearance applications. Personnel security officials are responsible for identifying applicants with mental or personality disorders which are likely to cause behavior that endangers security. In doing so, they must also distinguish this group of applicants from those cases where an individual's reasons for seeking mental health counseling and treatment do not constitute a valid security concern.

Executive Order 12968, *Access to Classified Information*, states that "no negative inference concerning eligibility for access to classified information may be made solely on the basis of mental health counseling." Adjudicators must adhere to uniform national adjudicative guidelines when evaluating information concerning mental health counseling. Seeking professional care for mental health issues is a positive course of action that, by itself, will not jeopardize a security clearance. On the contrary, failure to

seek care when needed actually increases the likelihood that psychological distress may escalate to a more serious mental condition, which in turn could cause behaviors that would be of security concern. Through the training programs they provide, leaders, security professionals, counselors, and victim advocates must encourage personnel to seek treatment and counseling for issues that affect mental health and must also reinforce the idea that utilization of mental health treatment options is a positive course of action. Education is crucial to dispelling the myths and removing the stigma associated with seeking professional help.

The attachment provides answers to some frequently asked questions regarding mental health counseling and treatment as they relate to security clearances. Again, we encourage all employees to seek care when needed, regardless of the issue, knowing that getting professional assistance is the best way to maintain optimal individual performance and sustain our Nation's security.



James R. Clapper, Jr.
Under Secretary of Defense for
Intelligence



Gail H. McGinn
Performing the Duties of the
Under Secretary of Defense for
Personnel and Readiness

Attachment:
As stated

Frequently Asked Questions

1. If I seek mental health counseling or treatment for a condition that is not excluded from being reported on question 21 of the Standard Form 86 Questionnaire for National Security Positions (SF 86), how will it affect the decision on whether to grant or renew my security clearance?

Your decision to seek counseling or treatment is viewed as a positive sign that you recognize a problem may exist and are willing to take steps towards resolving it. Early intervention is often a key to successful resolution. On the other hand, letting your mental health problem grow until your behavior endangers security may lead to a negative decision on your clearance.

2. If I have received counseling or treatment from a mental health professional for reasons other than the exclusions listed on question 21 of the SF 86, what happens when I am investigated or reinvestigated for my security clearance?

You will have to report the counseling or treatment on your personnel security questionnaire (the SF 86). During an interview, the background investigator will ask standard questions about the length and reasons for your mental health counseling or treatment and its outcomes.

3. Does it make a difference if I enter this counseling or treatment voluntarily, without it being required by a supervisor or court?

Yes. Voluntarily seeking help is a definite plus in the later decision by personnel security officials regarding whether to grant or renew your security clearance. The fact that you have voluntarily sought counseling or treatment for a mental health problem does not suggest that your problem is more serious than someone who has not. Instead, it shows that you are aware of the problem and are trying to deal with it in a responsible manner. This voluntary action is considered positive evidence of reliability and a willingness to fulfill personnel security responsibilities. When the investigation results are later reviewed to make a security clearance decision, the fact that you voluntarily sought professional help will be a significant positive factor in the decision.

4. How do I get help if I have a problem that requires mental health counseling or treatment?

You can receive quick professional help by contacting the Employee Assistance Program (EAP), Military One Source, or Counseling Services that are offered at your workplace. These free government-sponsored programs can assist you in finding a local mental health professional who can help you with your mental health problem. If an EAP is not available, you can seek help from mental health professionals located in your local area.