

ENCLOSURE (3) STANDARD FORM 86 QUESTION 21 ISSUE: A PERMANENT EXCEPTION FOR SEXUAL ASSAULT COUNSELING IS NEEDED
GREG JACOB, POLICY DIRECTOR, SERVICE WOMEN'S ACTION NETWORK

For the past 18 months, SWAN has worked closely with the Office of the Director of National Intelligence (ODNI), Senator Jon Tester and Congresswoman Chellie Pingree to revise Question 21 on Standard Form (SF) 86 "Questionnaire for National Security Positions." Based on information gained from sexual assault survivors still on active duty, SWAN has been advocating for a permanent exception to Question 21 for counseling related to sexual assault.

Question 21 asks about the mental health of the applicant. Previously, it has asked applicants to disclose any treatment or counseling they have received in the past 7 years. Disclosure of sexual assault counseling has historically been problematic for survivors who do not wish to officially report their assaults. Yet because of Question 21, many wind up being forced to either self-report the assault, or avoid seeking out much needed mental health care, or not disclose their counseling on the form. In the past, exemptions existed for marital counseling, grief counseling or counseling related to combat trauma and SWAN was asking that sexual assault be added to this list of exemptions. In February of this year James Clapper, the Director of the Office of National Intelligence agreed to change Question 21 to enable sexual assault survivors to check NO when answering the form, thus establishing an exception for sexual assault counseling. ODNI then issued interim guidance specifying this exception which remained in effect until further revisions of the SF86 form. This was a huge victory for SWAN and sexual assault survivors.

Recently, ODNI submitted the finalized the language to Question 21, but instead of permanently establishing an exception for sexual assault counseling, the final version of the question has been completely rewritten, using language that ODNI says eliminates the need for any exceptions whatsoever. As a result, the exemptions for sexual assault, martial, grief and combat-related counseling no longer exist. Instead, the question now asks more general behavioral-related questions.

Although the revised question does allow survivors not to disclose any treatment if it was related to sexual trauma, the confusion involved in the rewrite has resulted in sexual assault survivors telling SWAN that they are still not comfortable with seeking treatment or reporting their treatment on the SF86. We have also spoken to combat vets who are leery about seeing their exemption for combat-related counseling go away.

The intent behind the revision is obvious: seeking out mental needed mental health care is in no way related to the individual's ability to handle classified information and ODNI acknowledges as much in the new preamble to the question. The issue here is in the execution: The populations most affected by this change (those who have sought mental health care) is either confused or completely unaware of the change.

The bottom line is that sexual assault survivors should not be avoiding treatment for their assaults due to fears that such treatment will negatively affect their military careers or their future. SWAN's recommendation is twofold: First, ODNI needs to reinstate the previous exemptions including the exemption for sexual assault related counseling and make them permanent; second, ODNI must engage in a proactive outreach effort to communicate any Question 21 changes. It's not enough for ODNI to rewrite the question, declare victory and just walk away.