
From: Levine, Peter K HON (US)
Sent: Tuesday, June 14, 2016 6:53 PM
To: Wada, Debra S HON USARMY HQDA ASA MRA (US); Schneider, Karl F SES (US); Parker, Franklin R HON (US); Camarillo, Gabriel O (Gabe) HON USAF SAF-MR (US); McConville, James C LTG USARMY HQDA DCS G-1 (US); Burke, Robert P VADM USN CNO (US); McCabe, Katherine A RDML USN DCNO N1 (US); Brilakis, Mark A LtGen USMC MANDR AFFAIRS (US); Murray, Sheryl E SES USMC HQMC (US); Grosso, Gina M Lt Gen USAF AF-A1 (US); Burcham, Margaret W BG USARMY JS J1 (US); Denton, Ivan E BG USARMY NG NGB (US); Kelly, William G RDML USCG (US); Hinrichs, Kurt B RADM USCG (US); Dahlgren, Judy P SES OSD OUSD ATL (US); Schleien, Steven L SES OSD OUSD POLICY (US); Conger, John C HON OSD OUSD C (US); Ratcliff, Sara B SES OSD OUSD INTEL (US); Tillotson, David III SES (US); Pannullo, Jerome E SES OSD CAPE (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Penrod, Virginia S SES OSD OUSD P-R (US); Ruark, Robert R LtGen USMC OSD OUSD P-R (US); (b)(6) USARMY (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV (US); Weiler, Todd A HON (US); Milam, Charles E SES OSD OUSD P-R (US); Feehan, Daniel P SES OSD OUSD P-R (US); Guice, Karen S SES (US); Harrell, Margaret C SES (US); Kurta, Anthony M SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV (US); Carroll, Katherine SES SD; (b)(6) CIV SD; (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: DHRB Read-Aheads | Transgender Service Policy #2 | 16 June
Attachments: DRAFT DTM (as of 14 June).doc; DRAFT DoDI (as of 14 June).docx

Dear Colleagues,

As you know, we have scheduled a follow-on meeting of the Defense Human Resources Board (DHRB) on Thursday, June 16, from 1000-1200, in Pentagon room 2E579, to continue our discussion of the Department's policy on Transgender service.

I appreciate the time and effort you invested in providing me with your comments and edits on our two DRAFT policy issuances, subsequent to our first DHRB on this issue.

The revised DRAFTs of both the DTM and DoDI, attached above, have been modified to reflect much of the input received. I propose that we use these revised DRAFTs as the basis for our discussion on Thursday.

Thanks again for your help on this,

Peter

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Sunday, June 12, 2016 8:30 PM
To: (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD
OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Hebert, Lernes J
SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US);
(b)(6) CIV OSD HA (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: Consolidated TG inputs
Attachments: DRAFT DTM (post DHRB 12 June).doc

Fyi.....looks like a Wed senior level meeting of some sort. Likely a session with USD to go over these Monday or Tuesday.
Tony

Tony Kurta
OUSD P&R - M&RA
Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)
(b)(6) (Office)
(b)(6) (Cell)

From: (b)(6) USARMY OSD OUSD P-R (US)
Sent: Tuesday, June 07, 2016 4:54 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US)
Subject: Fw: OSD/PA - LGBT celebration briefing card
Attachments: RE: LGBT celebration briefing card; RE: LGBT celebration briefing card; 2016 LGBT PRIDE MONTH BRIEFING CARD With OGC & PA final edits.docx

For your situational awareness.

V/R,
(b)(6)
(b)(6)
(b)(6), AG, USA
Accession Policy
OSD P&R, MPP (AP)
Original Message
From: (b)(6) USAF OSD OUSD P-R (US) <(b)(6)>
Sent: Tuesday, June 7, 2016 4:38 PM
To: (b)(6) CIV OSD PA (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV (US); Johnson, Clarence A SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: RE: OSD/PA - LGBT celebration briefing card

(b)(6)

There seems to be some contradictory language at the top of the card, (b)(5)

(b)(5)
(b)(5)

(b)(6) has asked if we can take another look at the language to make sure we're consistent with the message throughout.

I'm adding (b)(6), (b)(6), and (b)(6) to the e-mail trail.

V/R

(b)(6)

(b)(6), USAF

(b)(6)

Pentagon RM: (b)(6)

Office of the Executive Director, Force Resiliency

Comm: (b)(6)

Blackberry: (b)(6)

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-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Tuesday, June 07, 2016 3:52 PM
To: (b)(6) USAF OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OGC (US); (b)(6) CIV (US); (b)(6) CIV OSD PA (US); Johnson, Clarence A
SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: RE: OSD/PA - LGBT celebration briefing card

(b)(6) - Use this version.

v/r

(b)(6)
Deputy Director
Office of Diversity Management and Equal Opportunity
4000 Defense Pentagon - Room (b)(6)
Washington, DC 20301-4000

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Tuesday, June 07, 2016 3:33 PM
To: (b)(6) USAF OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OGC (US); (b)(6) CIV (US); (b)(6) CIV OSD PA (US); Johnson, Clarence A
SES OSD OUSD P-R (US); (b)(6) CTR (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: OSD/PA - LGBT celebration briefing card

(b)(6) - this is ready for EDFR approval. We are good with the card. The attached contains minor edits from OSD/PA and OSD/OGC. Where there were differences between LA and OGC - we defaulted to OGC.

Upon approval, request you let OSD/PA (b)(6) know we are good to go ---

v/r

(b)(6)
(b)(6)
Office of Diversity Management and Equal Opportunity
4000 Defense Pentagon - Room (b)(6)
Washington, DC 20301-4000

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD PA (US)
Sent: Friday, June 03, 2016 4:22 PM
To: (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) CIV OSD OGC (US); (b)(6)
(b)(6) USARMY OSD OUSD P-R (US)

Cc: (b)(6) CTR (US); (b)(6) CTR (US); Johnson, Clarence A SES OSD OUSD P-R (US); (b)(6)
(b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: LGBT celebration briefing card

(b)(6) - please see the updated briefing card (attached.) Can you clear this through ODMEQ and hand off to (b)(6) for FR clearance and P&R clearance? Thanks!

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, June 03, 2016 3:50 PM
To: (b)(6) CIV (US); (b)(6) CIV OSD OGC (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)
Cc: (b)(6) CTR (US); (b)(6) CTR (US); (b)(6) CIV OSD OUSD P-R (US); Johnson, Clarence A SES OSD OUSD P-R (US)
Subject: RE: HOT --- SECDEF Proposed Message for LGBT

(b)(6) - here you go

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, June 03, 2016 3:00 PM
To: (b)(6) CIV (US); (b)(6) CIV WHS AD (US); (b)(6) CIV OSD OGC (US); (b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) CTR (US); (b)(6) CTR (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6); Johnson, Clarence A SES OSD OUSD P-R (US)
Subject: HOT --- SECDEF Proposed Message for LGBT

All - electrons for hard package coming your way. OUSD(P&R) is looking for a coordination this afternoon (sorry for short suspense).

v/r

(b)(6)
(b)(6)
Office of Diversity Management and Equal Opportunity
4000 Defense Pentagon - Room (b)(6)
Washington, DC 20301-4000
(b)(6)

From: (b)(6) CIV (US)
Sent: Friday, June 03, 2016 6:57 PM
To: (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6)
(b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OASD LA (US)
Subject: RE: LGBT celebration briefing card
Attachments: 2016 LGBT PRIDE MONTH BRIEFING CARD EP EDITS + RC edits.docx

All,

Attached please find LA's edits. Thanks so much.

Have a great weekend!

Best,

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, June 03, 2016 4:30 PM
To: (b)(6) CIV OSD OGC (US); (b)(6) CIV (US); (b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: FW: LGBT celebration briefing card

(b)(6) - another item for your coordination. This is an OSD/PA Briefing Card on LGBT. I am good with the briefing card.

Please let me know if you have any issues.

v/r

(b)(6)

(b)(6)

Office of Diversity Management and Equal Opportunity
4000 Defense Pentagon - Room (b)(6)
Washington, DC 20301-4000

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD PA (US)
Sent: Friday, June 03, 2016 4:22 PM
To: (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) CIV OSD OGC (US); (b)(6)
(b)(6) USARMY OSD OUSD P-R (US)

Cc: (b)(6) CTR (US); (b)(6) CTR (US); Johnson, Clarence A SES OSD OUSD P-R (US); (b)(6)
(b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: LGBT celebration briefing card

(b)(6) - please see the updated briefing card (attached.) Can you clear this through ODMEQ and hand off to (b)(6) for FR clearance and P&R clearance? Thanks!

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, June 03, 2016 3:50 PM
To: (b)(6) CIV (US); (b)(6) CIV OSD OGC (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)
Cc: (b)(6) CTR (US); (b)(6) CTR (US); (b)(6) CIV OSD OUSD P-R (US); Johnson, Clarence A SES OSD OUSD P-R (US)
Subject: RE: HOT --- SECDEF Proposed Message for LGBT

(b)(6) here you go

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, June 03, 2016 3:00 PM
To: (b)(6) CIV (US); (b)(6) CIV WHS AD (US); (b)(6) CIV OSD OGC (US); (b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) CTR (US); (b)(6) CTR (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6); Johnson, Clarence A SES OSD OUSD P-R (US)
Subject: HOT --- SECDEF Proposed Message for LGBT

All - electrons for hard package coming your way. OUSD(P&R) is looking for a coordination this afternoon (sorry for short suspense).

v/r

(b)(6)
(b)(6)
Office of Diversity Management and Equal Opportunity
4000 Defense Pentagon - Room (b)(6)
Washington, DC 20301-4000
(b)(6)

From: Guice, Karen S SES (US)
Sent: Friday, May 20, 2016 5:38 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: RE: DRAFT DTM and DODI
Attachments: DoDI 19 May (DRAFT to WG) ksg.docx

My edits and comments.

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Thursday, May 19, 2016 8:13 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: DRAFT DTM and DODI

(b)(5)

Thanks again for all of the discussion and input today. Please know that it is greatly appreciated, particularly given all else that is ongoing. S

From: Guice, Karen S SES (US)
Sent: Thursday, May 19, 2016 6:20 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: RE: DRAFT DTM
Attachments: DTM -- 19 May (SAB) ksg.doc

Mine added to Tony's to help control versions.

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, May 19, 2016 5:42 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: RE: DRAFT DTM

Ms. Barna

My comments/suggested edits attached.
VR/Tony

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Thursday, May 19, 2016 4:14 PM
To: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); Kurta, Anthony M SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: DRAFT DTM

(b)(5)



(b)(5)



Appreciate anything you can to do move this as quickly as feasible.

Thanks much -- S

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Wednesday, May 18, 2016 5:42 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Koffsky, Paul S SES OSD OGC (US)
Subject: TG Draft of SecDef DTM
Attachments: DTM TG Policy Memo 18 May to SAB.doc

Ms Barna

We haven't seen this one in awhile, but this is the current draft of the DTM that we would have SD sign. We did not parrot any of the in-service transition guidance; that will go up along with this proposed DTM and both be approved at the same time. (b)(5)

(b)(5)
VR/Tony

Tony Kurta
OUSD P&R - M&RA
Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)
(b)(6) (Office)
(b)(6) (Cell)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Wednesday, May 18, 2016 12:19 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US)
Subject: Latest TG DoDI
Attachments: DoDI 18 May to SAB.docx

Ms. Barna

Latest DoDI attached. (b)(5)

(b)(5)

(b)(5). We will need to adjudicate that with HA, OGC, and Mr Levine in tomorrow's meeting and I think that is a good time/place to do so.

DTM coming later this afternoon.

VR/Tony

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)

(b)(6) (Office)

(b)(6) (Cell)

From: (b)(6) CIV OSD HA (US)
Sent: Friday, May 13, 2016 6:26 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US)
Subject: RE: Request Review: TG In-Service Transition DoDI (DRAFT)
Attachments: DoDI 13 May (DRAFT) (pkl) jws.docx

Stephanie, here are comments and suggested edits from (b)(6) and me. These are still subject to additional edits by Dr. Guice. We will also provide suggested DTM edits as soon as Dr. Guice has had a chance to review. Best regards, (b)(6)

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Friday, May 13, 2016 11:06 AM
To: (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); Guice, Karen S SES (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: Request Review: TG In-Service Transition DoDI (DRAFT)

(b)(5)



Appreciate your review and insight,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)

(b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Friday, May 13, 2016 10:56 AM
To: (b)(6) CIV OSD HA (US); Guice, Karen S SES (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Subject: RE: TG and Gender Dysphoria

Thanks. Also, just talked with Mr Levine and he wants us (HA and MPP) to come brief him soon on what/how our medical policy will be promulgated.

(b)(5)

Tony

-----Original Message-----

From: (b)(6) CIV OSD HA (US)
Sent: Friday, May 13, 2016 10:20 AM
To: Guice, Karen S SES (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Subject: RE: TG and Gender Dysphoria

I agree.

(b)(5)

(b)(5)

(b)(6)

From: Guice, Karen S SES (US)

Sent: Friday, May 13, 2016 9:01 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD HA (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)

Subject: RE: TG and Gender Dysphoria

We agreed among the medical that individuals undergoing gender transition would, by definition, have a diagnosis of GD. We recognize that the range of GD is variable, but we need to tie treatment to a diagnosis - as we do for everything else. You don't remove parts of someone's liver without a diagnosis for which that is the treatment.

(b)(5)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Friday, May 13, 2016 8:32 AM

To: Guice, Karen S SES (US); (b)(6) CIV OSD HA (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)

Subject: TG and Gender Dysphoria

Karen/ (b)(6)

Is there a potential situation whereby a Service member could embark/complete some parts of transition, start hormone therapy, etc...

WITHOUT a diagnosis of GD? (b)(5)

(b)(5)

Tony

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)

(b)(6) (Office)

(Cell)

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Tuesday, May 10, 2016 3:44 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6) USAF OSD OUSD P-R (US)
Subject: Updated DoDI (Clean & Track Changes)
Attachments: DoDI 10 May (CLEAN).docx; DoDI 10 May Track Changes.docx

- Ms. Barna

Sir -- Latest DoDI edits, in clean and track change versions. It took longer than we expected, but these latest documents merge your edits with OGC's recommended changes and include requested edits from your email of 8:39PM yesterday,

(b)(5)

You'll see we adjusted the flow in some areas where we believe it makes more sense within the framework of the document. We also added back in some content where it seemed to fall out in the multiple revisions (b)(5)

(b)(5), but clearly labeled all substantive edits with call out boxes such that you can understand the rationale and make a decision to keep/delete.

Many thanks to (b)(6), and (b)(6)

Best regards,
SPM

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)
(b)(6)
(b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Monday, May 09, 2016 6:19 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US)
Subject: Re: [Non-DoD Source] Updated doc

Yes, I will review Hershel's edits later this eve and the Team will smooth tomorrow for his review....
VR/Tony

----- Original Message -----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Monday, May 09, 2016 10:16 PM Coordinated Universal Time

To: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US)
Subject: RE: [Non-DoD Source] Updated doc

Tony -- do you think it possible for us to have a "next draft" for Peter for tomorrow? He has open time in the afternoon and I think he will want to keep pushing on this issue, if possible. Thanks, S

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Monday, May 09, 2016 7:23 AM
To: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: Fw: [Non-DoD Source] Updated doc

Ms Barna

My answers/comments embedded. The team will accept your edits, adjudicate the comments and provide a clean copy ASAP.

VR/Tony

From: anthony kurta [mailto:(b)(6)]
Sent: Monday, May 09, 2016 11:20 AM Coordinated Universal Time
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: [Non-DoD Source] Updated doc

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Sent from Outlook Mobile < Caution-https://aka.ms/sdimjr >

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, May 06, 2016 5:22 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USAF OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6) USARMY
Subject: RE: DTM Help!!!
Attachments: SD Transgender Policy Memo v2 (DRAFT).docx

Stephanie,

As you requested, I have attached an updated version of the "narrative DTM" that incorporates the latest language from the In-Service Transition DoDI and fills in some holes that I identified. Hopefully it will provide a useful base as we continue to work on the DoDI so that we can move out quicker once we are settled on language.

Have a great weekend.

V/r,

(b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Friday, May 06, 2016 1:14 PM
To: (b)(6) CIV OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: DTM Help!!!

Fabulous, and timely!! Thanks (b)(6)
Tony

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, May 06, 2016 1:13 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: DTM Help!!!

(b)(5)

(b)(5)

V/r,

(b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Friday, May 06, 2016 1:02 PM

To: (b)(6) USAF OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6)

(b)(6) CIV OSD OUSD P-R (US)

Subject: DTM Help!!!

We have a line in the DoDI that I need help on:

(b)(5)

Thanks in advance....

Tony Kurta

OSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)

(b)(6) (Office)

(Cell)

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, May 06, 2016 1:46 PM
To: Guice, Karen S SES (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: RE: second pass on Army TG stance
Attachments: Response to Army SG TG Info Paper.docx

Dr. Guice,

Please see our proposed response.

V/r,

(b)(6)

--

(b)(5)



We have attached a point by point response to the Army information paper for your reference.

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Friday, May 06, 2016 8:37 AM
To: Guice, Karen S SES (US); (b)(6) CIV OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: second pass on Army TG stance

Thanks Karen. I agree. We'll put together a consolidated response and let you take a look at it before sending to Mr Levine later today.

Tony

-----Original Message-----

From: Guice, Karen S SES (US)

Sent: Friday, May 06, 2016 8:24 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)

Cc: (b)(6) CIV OSD OUSD P-R (US)

Subject: second pass on Army TG stance

Tony:

I have reviewed the Army's position paper a couple of times now.

(b)(5)

(b)(5)

ksg

Karen S. Guice, MD, MPP

Principal Deputy Assistant Secretary of Defense (Health Affairs)

Office of the Assistant Secretary of Defense (Health Affairs)

phone: (b)(6)

FAX: (b)(6)

(b)(6)

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, May 06, 2016 12:22 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Subject: RE: second pass on Army TG stance
Attachments: Response to Army SG TG Info Paper.docx

Updated to include Stephanie's edits. Please let me know if I should send to Dr. Guice for her review.

--

(b)(5)



We have attached a point by point response to the Army information paper for your reference.

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)

Sent: Friday, May 06, 2016 11:57 AM

To: (b)(6) CIV OSD OUSD P-R (US)

Cc: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6)

(b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)

Subject: RE: second pass on Army TG stance

(b)(6) -- I have some recommended edits to consider -- pen and ink copy on my desk, or I can walk it to you?

Best,

SPM

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)

Sent: Friday, May 06, 2016 11:42 AM

To: MILLER, Stephanie P SES OSD OUSD P-R (US)

Cc: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6)

(b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)

Subject: RE: second pass on Army TG stance

Stephanie,

Below please find a draft of my proposed consolidated MPP and HA response to Mr. Levine's query about the Army Surgeon General's information paper.

Since Mr. Kurta wanted to keep the response concise, I have also attached a point by point response to ensure Mr. Levine has additional information as necessary.

V/r,

(b)(6)

--

(b)(5)

We have attached a point by point response to the Army information paper for your reference.

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Friday, May 06, 2016 8:37 AM
To: Guice, Karen S SES (US); (b)(6) CIV OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: second pass on Army TG stance

Thanks Karen. I agree. We'll put together a consolidated response and let you take a look at it before sending to Mr Levine later today.

Tony

-----Original Message-----

From: Guice, Karen S SES (US)
Sent: Friday, May 06, 2016 8:24 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OUSD P-R (US)
Subject: second pass on Army TG stance

Tony:

I have reviewed the Army's position paper a couple of times now.

(b)(5)

(b)(5)

ksg

Karen S. Guice, MD, MPP

Principal Deputy Assistant Secretary of Defense (Health Affairs)

Office of the Assistant Secretary of Defense (Health Affairs)

phone: (b)(6)

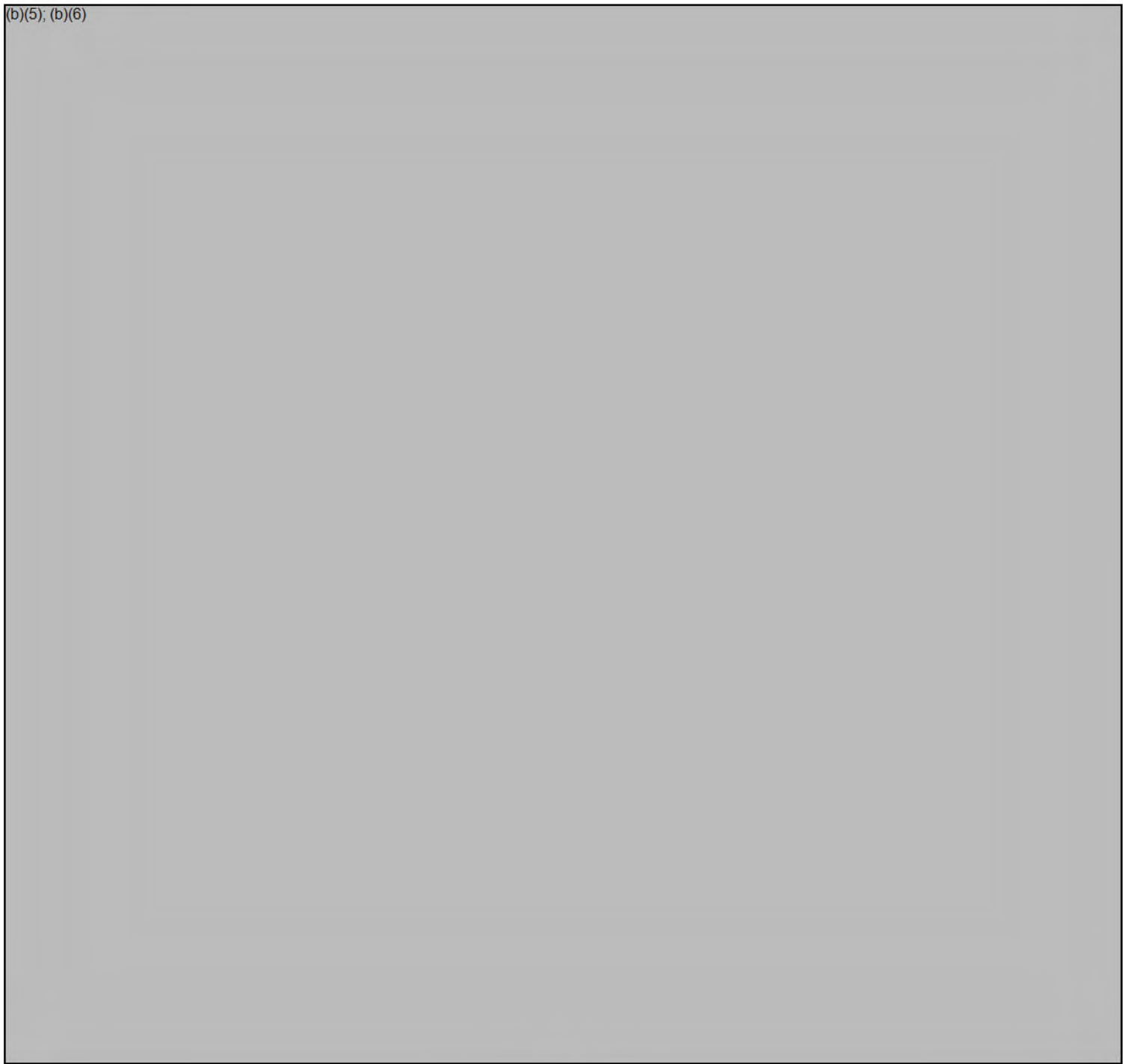
FAX: (b)(6)

(b)(6)

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, May 06, 2016 9:17 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Busch, Jerilyn B (Jeri) SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Subject: RE: Army SG Paper

Mr. Kurta,

(b)(5); (b)(6)



V/r,

(b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Friday, May 06, 2016 8:35 AM

To: (b)(6) CIV OSD OUSD P-R (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Busch, Jerilyn B (Jeri) SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)

Subject: RE: Army SG Paper

Thanks (b)(6)

Second item if you can track this down icw AP.

(b)(5); (b)(6)

(b)(5); (b)(6)

Tony

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)

Sent: Friday, May 06, 2016 8:19 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Busch, Jerilyn B (Jeri) SES OSD OUSD P-R (US)

Subject: RE: Army SG Paper

Mr. Kurta,

I am still waiting on a response/input from Dr. Guice and HA. I was planning to ping her this morning. I am happy to write something up independent of HA if necessary, but Dr. Guice

(b)(5)

V/r,

(b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Thursday, May 05, 2016 5:00 PM

To: (b)(6) CIV OSD OUSD P-R (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Busch, Jerilyn B (Jeri) SES OSD OUSD P-R (US)

Subject: Army SG Paper

Hershel

We need to answer Mr. Levine soonest. What is your timeline?

Tony

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room

(b)(6)

(b)(6) (Office)

(b)(6) (Cell)

From: Guice, Karen S SES (US)
Sent: Tuesday, February 02, 2016 1:09 PM
To: (b)(6) USN USUHS (US); (b)(6) USN DHA NCR MEDICAL DIR (US); (b)(6) USARMY MEDCOM WAMC (US); (b)(6) USN DHA TRICARE HP (US); (b)(6) CIV DHA HEALTH OPNS DIR (US); (b)(6) CIV DHA OGC (US); Casciotti, John A SES OSD OGC (US); Allen, Roosevelt Jr Maj Gen USAF AF-SG (US); (b)(6) CIV OSD HA (US); (b)(6) USPHS (US); (b)(6) CIV DHA (US); (b)(6) CTR (US); (b)(6) USPHS DHA HEALTH OPS DIR (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV USAF (US); (b)(6) USARMY HQDA ASA MRA (US); (b)(6) CIV OSD OUSD P-R (US); Wagner, Elaine C RADM USN BUMED FCH VA (US); (b)(6) CIV USARMY MEDCOM HQ (US); (b)(6) USARMY MEDCOM HQ (US); (b)(6) CIV DHA COMM (US); (b)(6) USARMY HQDA OTSG (US); Kiyokawa, Guy T SES (US); Jones, Stephen L (Steve) MG USARMY MEDCOM AMEDDCS (US); (b)(6) USARMY HQDA OTSG (US); (b)(6) USARMY HQDA OTSG (US); Cordts, Paul R SES (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV, DHA; (b)(6) CIV DHA HEALTH OPNS (US); (b)(6) CIV DHA HEALTH OPNS DIR (US); (b)(6) CIV (US); (b)(6) USARMY MEDCOM (US); (b)(6) CIV (US); (b)(6) USAF AFMSA (US); (b)(6) USARMY DHA HEALTH OPNS DIR (US); (b)(6) CIV DHA HEALTH OPNS DIR (US); USARMY NCR HQDA OTSG Mailbox OTSG Executive Office; (b)(6) USARMY JS OCJCS (US); Schmid, Josef F III Brig Gen USAF JS J4 (US); Wilmoth, Margaret C MG USARMY HQDA OTSG (US); (b)(6) CIV DHA CMD GRP (US)
Subject: RE: TG-Health Medical Treatment review from yesterday
Attachments: Book of COAs medical treatment carve out 2 2 2016.doc

Now with the attachment.

-----Original Message-----

From: Guice, Karen S SES (US)
Sent: Tuesday, February 02, 2016 1:08 PM
To: (b)(6) USN USUHS (US); (b)(6) USN DHA NCR MEDICAL DIR (US); (b)(6) USARMY MEDCOM WAMC (US); (b)(6) USN DHA TRICARE HP (US); (b)(6) CIV DHA HEALTH OPNS DIR (US); (b)(6) CIV DHA OGC (US); Casciotti, John A SES OSD OGC (US); Allen, Roosevelt Jr Maj Gen USAF AF-SG (US); (b)(6) CIV OSD HA (US); (b)(6) USPHS (US); (b)(6) CIV DHA (US); (b)(6) CTR (US); (b)(6) USPHS DHA HEALTH OPS DIR (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV USAF (US); (b)(6) USARMY HQDA ASA MRA (US); (b)(6) CIV OSD OUSD P-R (US); Wagner, Elaine C RADM USN BUMED FCH VA (US); (b)(6) CIV USARMY MEDCOM HQ (US); (b)(6) USARMY MEDCOM HQ (US); (b)(6) CIV DHA COMM (US); (b)(6) USARMY HQDA OTSG (US); Kiyokawa, Guy T SES (US); Jones, Stephen L (Steve) MG USARMY MEDCOM AMEDDCS (US); (b)(6) USARMY HQDA OTSG (US); (b)(6) USARMY HQDA OTSG (US); Cordts, Paul R SES (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV, DHA; (b)(6) CIV DHA HEALTH OPNS (US); (b)(6) CIV DHA HEALTH OPNS DIR (US); (b)(6) CIV (US); (b)(6) USARMY MEDCOM (US); (b)(6) CIV (US); (b)(6) USAF AFMSA (US); (b)(6) USARMY DHA HEALTH OPNS DIR (US); (b)(6)

(b)(6) CIV DHA HEALTH OPNS DIR (US); USARMY NCR HQDA OTSG Mailbox OTSG Executive Office; (b)(6)
(b)(6) USARMY JS OCJCS (US); Schmid, Josef F III Brig Gen USAF JS J4 (US); Wilmoth, Margaret C MG USARMY HQDA OTSG
(US); (b)(6) CIV DHA CMD GRP (US)
Subject: TG-Health Medical Treatment review from yesterday

All –

(b)(5) . I believe I captured all the
input/decisions/recommendations from yesterday. Please review and clarify if I got something wrong. I do need input by
tomorrow COB so I can get these to Tony Kurta as soon as possible.

Thanks,

k

Karen S. Guice, MD, MPP

Principal Deputy Assistant Secretary of Defense (Health Affairs)

Office of the Assistant Secretary of Defense (Health Affairs)

phone: (b)(6)

FAX: (b)(6)

(b)(6)

From: (b)(6) USARMY OSD OUSD P-R (US)
Sent: Tuesday, December 01, 2015 12:38 PM
To: (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US)
Subject: FW: Question

Gents,
FYSA. I know this came up last week.

v/r,
(b)(6)

-----Original Message-----

From: (b)(6) USAF OSD OUSD P-R (US)
Sent: Tuesday, December 01, 2015 10:53 AM
To: (b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) CIV USARMY HQDA OAA AHS (US)
Subject: FW: Question

(b)(6)

Sir, (b)(6) runs the PAC here in the building (among other things) and has some questions regarding transgender policies. I know the TG work is still on-going, but thought you may have some information specific to his issue below.

V/R
(b)(6)

(b)(6), USAF
(b)(6)
Pentagon RM: (b)(6)
Office of the Executive Director, Force Resiliency
Comm: (b)(6)
Blackberry: (b)(6)

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-----Original Message-----

From: (b)(6) CIV USARMY HQDA OAA AHS (US)
Sent: Tuesday, December 01, 2015 10:32 AM
To: (b)(6) USAF OSD OUSD P-R (US)
Subject: Question

Good morning (b)(6)

Well...the inevitable finally happened. We had our first transgender incident in the PAC last week. A "male" was found showering in the female locker room. When confronted by one of my custodial staff, a female stepped in and said he/she was transitioning. Regardless, we didn't make a bigger scene than that.

However, I'm curious if OSD has made any headway with their policy on accommodation? My limited understanding is that even if I provide a "unisex" bathroom, I can't force a transgender person to use it. If that's the case, am I even required to maintain a facility? Just curious on your thoughts...

Thanks in advance,

(b)(6)

(b)(6)

(b)(6)

U.S. Army Headquarters Services
Office of the Administrative Assistant to the Secretary of the Army
121 Army Pentagon
Washington DC 20310-0121

(b)(6)

(b)(6)

From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, July 28, 2015 9:16 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Subject: FW: Transgender directive
Attachments: transgender service directive 28 July 2015.pdf

The SecDef Directive.

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)

Room

email

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-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)

Sent: Tuesday, July 28, 2015 8:48 AM

To: Casciotti, John A SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6)

(b)(6) CIV OSD OGC (US)

Subject: FW: Transgender directive

All--

FYI

Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense
Phone (b)(6)

~~Caution: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: (b)(6)

Sent: Tuesday, July 28, 2015 8:44 AM

To: Carson, Brad R HON USARMY HQDA SECARMY (US); Van Ovost, Jacqueline D Maj Gen USAF JS ODJS (US); Hedger, Stephen C SES OSD OASD LA (US); Whitman, Bryan G SES OSD PA (US); Taylor, Robert S SES OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); LeMay, Anne R SES USARMY HQDA SECARMY (US); Pierce, Eric A SES USAF SAF-OS (US); Oppel, Thomas P SES USN (US)

Cc: Lewis, Ronald LTG SD; Rosenbach, Eric HON SD; Mears, Zachary SES SD; (b)(6) CIV SD; Bruhn, Michael L SES (US)

Subject: RE: Transgender directive

All - the signed version of the directive is attached. Thanks to everyone for their assistance.

Best, (b)(6)



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

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Transgender Service Members

JUL 28 2015

Effective as of July 13, 2015, no Service member shall be involuntarily separated or denied reenlistment or continuation of active or reserve service on the basis of their gender identity, without the personal approval of the Under Secretary of Defense for Personnel and Readiness. This approval authority may not be further delegated.

The Under Secretary of Defense for Personnel and Readiness will chair a working group composed of senior representatives from each of the Military Departments, Joint Staff, and relevant components from the Office of the Secretary of Defense to formulate policy options for the DoD regarding the military service of transgender Service members. The working group will start with the presumption that transgender persons can serve openly without adverse impact on military effectiveness and readiness, unless and except where objective, practical impediments are identified, and shall present its recommendations to me within 180 days. Pending the issuance of DoD-wide policy following the submission of the working group's report, any interim guidance issued by the Military Departments will be coordinated with, and subject to the prior personal approval of, the Under Secretary of Defense for Personnel and Readiness. If questions relating to the service of transgender members arise, the Military Departments should address them to the Under Secretary of Defense for Personnel and Readiness.

Asa Carter

cc:
DepSecDef
CJCS
USDs
DoD, GC
ASD(LA)
ATSD(PA)

From: (b)(6) CIV OSD OGC (US)
Sent: Friday, June 05, 2015 2:01 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: FW: AF "Transgender" Documents
Attachments: SAF MR, 4 Jun 15, Transgender Separation Decision Authority.pdf; FINAL PAG - Transgender Separation Decision Authority (4 Jun 15).pdf

New USAF policy attached.

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)
Room
email

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: (b)(6) CIV USAF SAF-GC (US)
Sent: Friday, June 05, 2015 11:06 AM
To: (b)(6) CIV OSD OGC (US); (b)(5); (b)(6) CIV USN (US); McCallum, Daniel F SES USARMY HQDA OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV USARMY HQDA (US)
Cc: Smith, Craig A SES USAF SAF-GC (US); (b)(6) CIV USAF SAF-GC (US); (b)(6) CIV USAF SAF-GC (US); (b)(6) CIV USAF AF-JA (US)
Subject: AF "Transgender" Documents

All,

I've attached the SAF/MR memo and the AF Public Affairs Guidance for the change announced yesterday. (b)(5)

(b)(5)

v/r

(b)(6)

(b)(6)

Associate General Counsel (SAF/GCI)
Office of the Air Force General Counsel

(b)(6)

My email address recently changed to:

(b)(6)

~~Caution: This message may contain information protected from disclosure by attorney-client and/or attorney work product privileges or by other applicable laws, regulations or orders. Do not disseminate without the approval of the Office of the Air Force General Counsel. If you have received this message in error, please notify the sender by reply e-mail and delete all copies of this message.~~

~~This e-mail may contain FOR OFFICIAL USE ONLY (FOUO) INFORMATION which must be protected under the Privacy Act and AFI 33-332.~~

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)

Sent: Thursday, June 04, 2015 9:19 AM

To: (b)(6) CIV USARMY HQDA (US); (b)(6) CIV USN (US);
Smith, Craig A SES USAF SAF-GC (US); (b)(6) CIV USAF SAF-GC (US);
(b)(6) CIV USAF SAF-GC (US); McCallum, Daniel F SES USARMY HQDA OGC (US)

Cc: Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US);

(b)(6) CIV OSD OGC (US)

Subject: Let Transgender Troops Serve Openly

Let Transgender Troops Serve Openly
New York Times, June 4, Pg. A24 | Editorial

Staff Sgt. Loeri Harrison could receive the paperwork any day now, forms certifying that after an exemplary eight-year Army career, she is no longer fit for duty and must leave Fort Bragg because she is transgender.

Early this year, Senior Airman Logan Ireland feared he might face a similar fate when he disclosed to his commanders during a recent deployment in Afghanistan that he transitioned from female to male. Yet, his supervisors have been supportive, allowing him to wear male uniforms and adhere to male grooming standards even though Air Force records continue to label him as female.

It can go either way in the military these days. While transgender civilians in the federal work force enjoy robust legal protections from discrimination, those in the armed forces may be discharged at any moment. The Pentagon, shamefully, has yet to rescind anachronistic personnel guidelines that prohibit openly transgender people from joining the military, labeling their condition a "paraphilia," or perversion.

The policy has forced thousands to serve in silence, repressing an essential part of their identity. The Williams Institute at the U.C.L.A. School of Law, which researches gender issues, estimates there are about 15,500 transgender troops serving in uniform.

Those who take steps to transition while in uniform must carefully compartmentalize their lives as they test the shifting boundaries of tolerance within an institution that still allows discrimination on the basis of gender identity. While some service members have come out in recent years to commanders willing to bend or disregard rules, scores have been expelled.

The absence of common-sense leadership on this issue by Pentagon leaders has forced commanders on the ground to develop a patchwork of unofficial rules. Those have created a tremendously uneven landscape in which some service members are treated with respect and assured career advancement, while others are subject to scorn, if not dismissal.

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She was among the active duty service members who traveled to Houston in January 2014 for a Sparta strategy meeting attended by representatives of prominent advocacy groups, including the American Civil Liberties Union, the National Center for Transgender Equality and the Palm Center. It was a galvanizing moment for those who had been too afraid of taking steps to transition.

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Soon after the Houston meeting, Sergeant Harrison told her battalion physician during a regular checkup that she intended to start hormone replacement therapy soon. The doctor urged her to notify her commander. "That was a scary moment, basically going up to someone and saying, 'Here is my career. You can flush it if you want, but this is what I need to do to be sane,'" she said.

Much to her surprise, her commander was supportive. As long as she adhered nominally to male grooming standards during the day, he said, the unit would overlook everything else that was happening in her life. She used strong gel to slick her hair back during the work day, asked close colleagues, as a personal favor, to use female pronouns, and began using a female restroom near her office that was infrequently used.

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Defense Secretary Ashton Carter should take on what they refused to do. The current policies leave transgender troops vulnerable to discrimination that the Justice Department and the Equal Employment Opportunity Commission describe as a violation of the Civil Rights Act of 1964. Medical and military experts who have studied the policies have concluded that there is

no rationale for disqualifying transgender troops from serving on medical grounds.

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Lt. Cmdr. Jesse Ehrenfeld, a Navy Reserve doctor who returned recently from a deployment to Afghanistan, has treated several transgender service members. He said the type of medical care most of them need is fairly basic and should not preclude them from being deployed.

"They do just fine and are able to serve appropriately," he said. "I've seen folks deploy with all sorts of complex medical conditions that are frankly more limiting." Yet, some commanders have prohibited troops from taking hormones to transition.

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"It's not that hard," Brig. Gen. Rachel Tevet-Weisel, a senior Israeli military leader who played a significant role in fostering an open environment for transgender troops. "The issue is you have to have very good education for the young soldiers coming each year."

Commander Ehrenfeld and Senior Airman Ireland were among the troops who met with Mr. Carter during his visit to Kandahar, Afghanistan, in February, a few days after being sworn in. The doctor asked Mr. Carter what he thought about transgender troops serving in austere environments, a reference to the argument some officials at the Pentagon have made to justify the ban.

Mr. Carter replied that he hadn't studied the issue closely, but he added that the military should be working to attract the most qualified people. "That's the important criteria," he said. "Are they going to be excellent service members?"

They already are. While some, like Senior Airman Ireland, are thriving, others, including Sergeant Harrison, fear that their careers could unravel at any moment. That is an inexcusable way to treat Americans who want to serve their country.

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something about it to save my life," she said she decided then.

She is scheduled to report for flight school in October. That gives Mr. Carter ample time to ensure that her career gets off the ground smoothly, and that transgender troops will no longer have to suffer in silence.

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)

Room

email

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deliberative process, or other privileged information. Do not FORWARD
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DEPARTMENT OF THE AIR FORCE
WASHINGTON, D.C.

OFFICE OF THE ASSISTANT SECRETARY

JUN 04 2015

MEMORANDUM FOR DEPUTY CHIEF OF STAFF FOR MANPOWER, PERSONNEL AND SERVICES

FROM: Principal Deputy Assistant Secretary of the Air Force (Manpower and Reserve Affairs)

SUBJECT: Transgender Separation Decision Authority

References: (a) AFI 36-3206, *Administrative Discharge Procedures for Commissioned Officers*

(b) AFI 36-3208, *Administrative Separation of Airmen*

(c) AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*

Effective immediately, the Director, Air Force Review Boards Agency (AFRBA) is the decision authority for all involuntary administrative separation actions relating to Air Force officers or enlisted members with a diagnosis of gender dysphoria or who identify themselves as transgender. Any separation action of this type involving an officer or enlisted member of the Regular Air Force, Air National Guard or Air Force Reserve will be forwarded through the appropriate coordination route for processing via the Secretary of the Air Force Personnel Council (SAFPC) for recommendation and then to the Director, AFRBA for decision.

To the extent this memorandum is inconsistent with AFI 36-3208, *Administrative Separation of Airmen*, and AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, as they relate to the authority to act on enlisted involuntary administrative separation determinations, this memorandum is controlling. Officer involuntary administrative separation decision authority for cases processed pursuant to AFI 36-3206, *Administrative Discharge Procedures for Commissioned Officers*, already resides with the Director, AFRBA, through delegated authority from the Secretary of the Air Force through Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

Both officer and enlisted involuntary administrative separation decisions involving a diagnosis of gender dysphoria or members who identify themselves as transgender are now reserved for the Director, AFRBA. All other existing separation authorities remain unchanged. This memorandum only modifies approval procedures for involuntary separations of members diagnosed with gender dysphoria or who identify themselves as transgender for the purpose of ensuring consistency between officer and enlisted actions.

My point of contact is (b)(6), (b)(6), or via e-mail at

(b)(6)



DANIEL R. SITTERLY
Principal Deputy Assistant Secretary
(Manpower and Reserve Affairs)

cc:

SAF/GC

AF/JA

AF/A1

AF/SG

SAF/LL

AFPC/CC

ARPC/CC

SAF/PA

From: (b)(6) CIV OSD OGC (US)
Sent: Thursday, June 04, 2015 9:20 AM
To: (b)(6) CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: Let Transgender Troops Serve Openly

Good morning,
You probably already saw this, but just in case.

v/r

(b)(6)

Let Transgender Troops Serve Openly
New York Times, June 4, Pg. A24 | Editorial

Staff Sgt. Loeri Harrison could receive the paperwork any day now, forms certifying that after an exemplary eight-year Army career, she is no longer fit for duty and must leave Fort Bragg because she is transgender.

Early this year, Senior Airman Logan Ireland feared he might face a similar fate when he disclosed to his commanders during a recent deployment in Afghanistan that he transitioned from female to male. Yet, his supervisors have been supportive, allowing him to wear male uniforms and adhere to male grooming standards even though Air Force records continue to label him as female.

It can go either way in the military these days. While transgender civilians in the federal work force enjoy robust legal protections from discrimination, those in the armed forces may be discharged at any moment. The Pentagon, shamefully, has yet to rescind anachronistic personnel guidelines that prohibit openly transgender people from joining the military, labeling their condition a "paraphilia," or perversion.

The policy has forced thousands to serve in silence, repressing an essential part of their identity. The Williams Institute at the U.C.L.A. School of Law, which researches gender issues, estimates there are about 15,500 transgender troops serving in uniform.

Those who take steps to transition while in uniform must carefully compartmentalize their lives as they test the shifting boundaries of tolerance within an institution that still allows discrimination on the basis of gender identity. While some service members have come out in recent years to commanders willing to bend or disregard rules, scores have been expelled.

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(b)(6)

(b)(6)

Office of the Deputy General Counsel for

Personnel and Health Policy

(b)(6)



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From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, May 29, 2015 2:58 PM
To: Carson, Brad R HON USARMY HQDA SECARMY (US); Junor, Laura J HON OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); Beyler, Juliet M SES OSD OUSD P-R (US); (b)(6) USARMY (US)
Subject: FW: MAJ Henry - Transgender Issue

All--

FYI

Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense
Phone (b)(6)

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-----Original Message-----

From: Casciotti, John A SES OSD OGC (US)
Sent: Friday, May 29, 2015 1:37 PM
To: (b)(6) USAF OSD OGC (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)
Subject: (b)(6) - Transgender Issue

(b)(5)

-----Original Message-----

From: (b)(6) CIV USARMY HQDA OTSG (US)
Sent: Friday, May 29, 2015 11:23 AM
To: (b)(6) USARMY HQDA OTSG (US); FIORE, ULDRIC L (Ric) JR SES USARMY HQDA OTSG (US); (b)(6)
(b)(6) USARMY HQDA ASA MRA (US); (b)(6) CIV USARMY MEDCOM HQ (US); (b)(6) CIV (US); (b)(6)
(b)(6) CIV DHA CMD GRP (US); (b)(6) CTR (US); (b)(6) CIV USARMY HQDA OCPA (US); (b)(6)
(b)(6) USARMY HQDA OCPA (US); (b)(6) CIV OSD PA (US); (b)(6) USARMY HQDA
OTSG (US); Carvalho, Joseph Jr. (Joe) MG USARMY HQDA OTSG (US)
Subject: FYSA: (b)(6) - Gender Dysphoria Issue - Potential Negative Media (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

All,

For your situational awareness. More detailed IP to follow this afternoon.

We have an individual, currently serving as a staff physician in the Internal Medicine Clinic at WRNMMC, (b)(6), who is undergoing sexual reassignment treatment. (b)(6) is pursuing this gender reassignment treatment outside the MHS.

(b)(6) received a legal change of gender on 9 March 2015 from the Superior Court of the District of Washington from male to female, with a name change to (b)(6). At this time there is no Army policy that addresses this issue as currently all Soldiers are treated and referred to by the gender they were when they entered the service.

(b)(6) feels he is not being treated commensurate with the gender she identifies with and has filed an IG complaint, and is threatening to speak with media. Thus far (b)(6) has not contacted any reporters.

Although this issue involves an Army Medicine soldier, this clearly rises above Army Medicine and the Army as a whole.

We will provide you more information when we have it.

Thank you,

v/r,

(b)(6)
(b)(6), Public Information & Media Relations Directorate of Communications, Public Affairs Office of the Army Surgeon
General/Army Medical Command
7700 Arlington Blvd, (b)(6)
Falls Church, VA 22042-5140
Office Phone: (b)(6)
Direct Line (b)(6)
DSN: (b)(6)
Blackberry: (b)(6)
FAX: (b)(6)
Email: (b)(6)

Army Medicine Social Media Sites: <http://about.me/ArmyMedicine>

Army Medicine: Serving to Heal ... Honored to Serve!

Classification: UNCLASSIFIED

Caveats: NONE

From:

(b)(6) USN OSD PA (US)

Sent:

Monday, February 23, 2015 4:23 PM

To:

(b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); Beyler, Juliet M SES OSD OUSD P-R (US); Boehmer, Matthew D (Matt) SES DODHRA FVAP (US); Brady, Thomas M SES (US); (b)(6) CIV, OASD(HA)/TMA (b)(6); Busch, Jerilyn B (Jeri) SES OSD OUSD P-R (US); (b)(6) USN OSD PA (US); (b)(6); (b)(6) CIV OSD OUSD P-R (US); (b)(6); (b)(6) CTR DODHRA SAPRO (US); (b)(6) USN OSD PA (US); DiGiovanni, Frank C (D9) SES OSD OUSD (US); (b)(6) USARMY OSD OUSD P-R (US); Woodson, Jonathan HON (US); Dubois, Matthew P SES OSD OUSD P-R (US); (b)(6) (b)(6) CIV DHA CMD GRP (US); Feehan, Daniel P SES OSD OUSD P-R (US); FORRESTER, JASON W (Jason) SES OSD OUSD P-R (US); (b)(6); (b)(6) CIV DODHRA DSPO (US); (b)(6) CIV (US); Guice, Karen S SES (US); Hastings, John T SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OASD LA (US); Hinkle-Bowles, Stephanie P SES OSD OUSD P-R (US); (b)(6) USAF OSD (US); Jeu, Joseph H SES (US); Johnson, Clarence A SES OSD OUSD P-R (US); Johnson, Harvey W SES DODHRA DTMO (US); Junor, Laura J HON OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Kelly, Susan S SES OSD (US); Klein, Margaret D (Peg) RADM USN OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USN OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Linnington, Michael S LTG USARMY (US); (b)(6) CIV OSD OUSD P-R (US); Lockette, Warren E SES (US); LTG Robb; (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Milam, Charles E SES (US); (b)(6) USAF OSD OASD LA (US); Mitchell, Pamela S (Pam) SES DODHRA HQ (US); (b)(6) USMC OSD OUSD P-R (US); (b)(6); (b)(6) CIV (US); Patrick, Paul D SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD C (US); Penrod, Virginia S SES OSD OUSD P-R (US); (b)(6); (b)(6) USAF OSD OUSD P-R (US); Register, Jeffrey R SES DODHRA HQ (US); Robbins, Richard A SES (US); (b)(6) CIV, OASD(HA)/TMA (b)(6); Rodriguez, James D SES (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) USARMY (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OASD LA (US); Sitrin, Joel B SES DODHRA OACT (US); (b)(6) USN OSD OUSD P-R (US); (b)(6); (b)(6) CIV OSD OUSD P-R (US); Snavey-Dixon, Mary M SES DODHRA DMDC (US); Snow, Jeffrey J MG USARMY DODHRA SAPRO (US); Stephanie Miller; (b)(6) CIV OSD OUSD P-R (US); Weaver, Nancy E SES OSD OUSD P-R (US); Wightman, Richard O Jr SES OSD OUSD P-R (US); Williams, Rosemary J SES WHS ESD (US); Wilson, Elizabeth F SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Wright, Jessica L HON OSD OUSD P-R (US)

Subject: OSD PA Daily Update for February 23

Secretary Wright,

Today's PA Update:

Transgender. AP, Wall St. Journal, NBC, Wash Post, The Blade, Metro Weekly, BuzzFeed, and Huffington Post, asked about the Secretary's comments re: Transgender over the weekend, and if there was a review of the policy on-going. Let reporters know that the Secretary's comments stand for themselves, and that while there is no specific review of the Department's transgender policy on-going, the Department of Defense began a routine, periodic review of the Department's medical accession policy, DoDI 6130.03 earlier this month.

V/r
Nate

Very respectfully,

(b)(6)

DoD Spokesman, Defense Press Office, Personnel and Readiness

Office of the Assistant Secretary of Defense

Pentagon, Room (b)(6)

Office: (b)(6)

Mobile: (b)(6)

Email: (b)(6)

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Wednesday, January 28, 2015 5:36 PM
To: (b)(6) CIV (US)
Cc: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Subject: RE: OSD PA Daily Update for January 28

(b)(6) --

(b)(5)

Many thanks--Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense
Phone (b)(6)

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-----Original Message-----

From: (b)(6) CIV (US)
Sent: Wednesday, January 28, 2015 5:33 PM
To: (b)(6) USN OSD PA (US); (b)(6); (b)(6); (b)(6)
CIV DHA CMD GRP (US); (b)(6); (b)(6) CDR USN OSD PA (US); (b)(6)
USAF OSD OASD LA (US); (b)(6) OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6)
(b)(6) CIV (US); (b)(6) USARMY OSD OUSD C (US); (b)(6) CIV OSD OUSD P-R (US);
Milam, Charles E SES (US); (b)(6) CIV OSD OUSD P-R (US); Johnson, Clarence A SES OSD OUSD P-R (US);
(b)(6) USARMY (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R
(US); (b)(6); (b)(6); Wilson, Elizabeth F SES OSD OUSD P-R (US);
(b)(6); (b)(6) CIV DODHRA DSPO (US); Rodriguez, James D SES (US);
(b)(6) USAF OSD OUSD P-R (US); FORRESTER, JASON W (Jason) SES OSD OUSD P-R (US); Snow, Jeffrey J
MG USARMY DODHRA SAPRO (US); Register, Jeffrey R SES DODHRA HQ (US); Busch, Jerilyn B (Jeri) SES OSD OUSD P-R
(US); (b)(6) USAF OSD OUSD P-R (US); Wright, Jessica L HON OSD OUSD P-R (US); (b)(6) CIV OSD OUSD
P-R (US); Sitrin, Joel B SES DODHRA OACT (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD
OASD LA (US); Hastings, John T SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); Woodson, Jonathan
HON (US); (b)(6) CIV OSD OASD LA (US); Jeu, Joseph H SES (US); (b)(6) USARMY OSD OUSD P-R
(US); Beyler, Juliet M SES OSD OUSD P-R (US); Guice, Karen S SES (US); (b)(6) CIV (US); (b)(6) CTR
DODHRA SAPRO (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV (US); Junor, Laura J
HON OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US);
Klein, Margaret D (Peg) RADM USN OSD OUSD P-R (US); Snavely-Dixon, Mary M SES DODHRA DMDC (US); Boehmer,
Matthew D (Matt) SES DODHRA FVAP (US); Dubois, Matthew P SES OSD OUSD P-R (US); (b)(6) USMC
OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Linnington, Michael S LTG USARMY (US);
Weaver, Nancy E SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Mitchell, Pamela S (Pam)
SES DODHRA HQ (US); Patrick, Paul D SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Koffsky, Paul S

SES OSD OGC (US); Robbins, Richard A SES (US); Wightman, Richard O Jr SES OSD OUSD P-R (US); Williams, Rosemary J SES WHS ESD (US); (b)(6) USN OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) Hinkle-Bowles, Stephanie P SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Kelly, Susan S SES OSD (US); (b)(6) USAF OSD (US); Brady, Thomas M SES (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Penrod, Virginia S SES OSD OUSD P-R (US); (b)(6)

Subject: OSD PA Daily Update for January 28

Secretary Wright,

Today's PA Update:

- NMAs. Jake Tapper, CNN, interviewed RADM Kirby yesterday (Jan 27), on NMA reimbursements. Tapper also interviewed a service member at Walter Reed. Expect story to air this Friday during Tapper's show (1600 - 1700 ET).
- DD214. (b)(6), Daily Coast Newspaper, asked about transgender veterans who want their DD214 changed. Provided previously coordinated response and let them know that the BCM/NRs do not change the name on the original DD 214 or other documents in the official military personnel record, based on the Service's interest in maintaining the accuracy of its historical records. Based on evidence of the applicant's name change, however, the BCM/NR will place a letter or certificate in the applicant's official service record, which reflects that the former SM's name and gender has changed.

V/r,

(b)(6)

(b)(6)

DoD Spokesperson, Defense Press Office, Personnel and Readiness
Office of the Assistant Secretary of Defense

Pentagon, Room (b)(6)

Office: (b)(6)

Email: (b)(6)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Friday, January 09, 2015 7:22 AM
To: (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US);
Casciotti, John A SES OSD OGC (US)
Cc: Beyler, Juliet M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Kurta,
Anthony M SES OSD OUSD P-R (US)
Subject: RE: Clarification of OSD Position

(b)(6)

Below is what I propose to send back to Mr. Wark in the Army. I appreciate all the assistance and just want to ensure this passes muster. (b)(5); (b)(6) Thanks in advance.

(b)(6)

LTG Linnington (b)(5); (b)(6)

(b)(5); (b)(6)

Tony Kurta

(b)(5)

VR/Tony

Tony Kurta
OUSD P&R - R&FM
Deputy Assistant Secretary (Military Personnel Policy)
Room (b)(6)
(b)(6) (Office)
(b)(6) (Cell)

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Thursday, January 08, 2015 5:02 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Beyler, Juliet M SES OSD OUSD P-R (US)
Subject: FW: Clarification of OSD Position

Sir -- a composition of authorship by the two of us. For your consideration beside the OGC edits. (b)(6)

(b)(6)

LTG Linnington (b)(5)

(b)(5)

LEGAL DEPARTMENT
LESBIAN GAY
BISEXUAL
TRANSGENDER &
AIDS PROJECT



September 30, 2014

VIA HAND DELIVERY

Office of The Surgeon General (DASG-HS-AS)
Suite 4SW112
7700 Arlington Boulevard
Falls Church, VA 22041-3258.

The enclosed package includes the following items submitted on behalf of (b)(6)

(b)(6) United States Army:

- DA Form 2028, *Recommended Changes to Publications and Blank Forms*, concerning Army Regulation (AR) 40-501, *Standards of Medical Fitness*, signed on September 25, 2014 by (b)(6)
- Additional remarks in support of Part III of DA Form 2028 (September 26, 2014 letter, signed by (b)(6) and (b)(6) of the American Civil Liberties Union LGBT Project)
- Attachments to the additional remarks.

Very Respectfully,

/s/ (b)(6)

(b)(6)

American Civil Liberties Union LGBT Project
125 Broad St., New York, NY 10004

(b)(6)

cc: (b)(6) JD
Senior Defense Counsel
Trial Defense Service - Hawaii Field Office

September 26, 2014

Office of The Surgeon General (DASG-HS-AS)
5109 Leesburg Pike
Falls Church, VA 22041-3258.

RE Revisions to AR 40-501 Provisions Regarding Transgender Soldiers

We represent (b)(6) a (b)(6) in the United States Army. (b)(6) has served in the military since 2005 (initially with the Marine Corps) and has been on active duty in the Army since 2009. He is a transgender man, which means that he was assigned a female sex at birth but his gender identity is male.¹

On behalf of (b)(6) we respectfully request that AR 40-501 be revised as follows:

- o Remove from Paragraph 2-27, the word "transsexualism"
- o Remove from the title of Paragraph 3-35, the words "transsexual" and "gender identity"
- o Remove from Paragraph 3-35(a), the words "transsexual, gender identity disorder to include major abnormalities or defects of the genitalia such as change of sex or a current attempt to change sex"

In addition, we respectfully request that the Surgeon General impose a moratorium on administrative separation for (b)(6) and other transgender Soldiers while the foregoing revisions are being considered and implemented.

In the alternative, we request an individual waiver of the foregoing portions of AR 40-501 for (b)(6).

We explain the basis for this request further below.

Introduction

(b)(6) served honorably in Iraq and Afghanistan—(b)(6) (b)(6), after he had fully transitioned to living in accordance with his male gender identity. He wishes to demonstrate his continued fitness to serve. It is our understanding that, because (b)(6) is transgender, the Office of the Surgeon General is currently considering whether (b)(6) should be referred for administrative separation pursuant to paragraph 3-35 of the Army's retention standards in AR 40-501 (Standards of Medical Fitness). (Excerpts

¹ Transgender is an umbrella term used to describe people with a gender identity that differs from the sex they were assigned at birth. Some transgender people have been diagnosed with gender dysphoria (formerly known as "Gender Identity Disorder"), while others have not.

enclosed). This provision is generally understood to require the administrative separation of any transgender Soldier.

On behalf of (b)(6), we respectfully request that the Office of the Surgeon General review and revise the Army's retention standards as requested above. Our explanation of the basis for this request is organized as follows:

Section A explains that the Army's existing retention standards implement a previous Department of Defense Instruction (DoDI 1332.38), which instructed that transgender service members should be discharged through administrative separation. This DoD Instruction was recently cancelled. The DoD's new retention standards (found in DoDI 1332.18) no longer declare that transgender service members are deemed administratively unfit. (Copy enclosed). Instead, the regulation now delegates to the individual service branches the authority to separate service members as administratively unfit for duty if, and only if, the service branch determines that the service member has a "condition, circumstance, or defect of a developmental nature" that "interfere[s] with assignment to or performance of duty." As discussed in the subsequent sections, there is no basis under current medical science to conclude that transgender Soldiers have such a condition.

Section B explains that removing the Army's blanket policy that transgender Soldiers are automatically deemed "administratively unfit" would be consistent with the findings of a recent report by a nonpartisan commission chaired by a former U.S. Surgeon General and a former Director of Health and Safety of the U.S. Coast Guard, which found no medical justification for the current regulations. It would also align the Army's practice with the treatment of transgender individuals by the militaries of our closest allies and would be consistent with the current treatment of transgender persons by the Veterans Health Administration, the Federal Aviation Administration, and the United States Equal Employment Opportunity Commission. Section B further explains that a broad ban on transgender service in Paragraph 3-35 of AR 40-501 rests on outdated medical assumptions about transgender people, which improperly associated gender dysphoria with sexual paraphilias, such as exhibitionism or voyeurism. Those past assumptions do not have any support in today's medical science.

Section C states that concerns about fitness to serve, including in remote or austere environments, do not justify differentiating between Soldiers receiving treatment for gender dysphoria and Soldiers receiving treatment for other medical conditions. Soldiers receiving treatment for gender dysphoria should – like Soldiers with virtually every other medical condition – receive an individualized assessment of whether they are deployable under paragraph 5-14 of AR 40-501. In the vast majority of cases, Soldiers receiving treatment for gender dysphoria are fully deployable. In the unusual case in which a Soldier's treatment for gender dysphoria interferes with the ability to perform the duties of his/her office, grade, rank or rating, that Soldier should be referred to the same medical review process that determines the medical fitness for Soldiers with virtually every other medical condition. There is no reason to depart from these normal procedures and deem all Soldiers receiving treatment for gender dysphoria to be administratively unfit.

Section D summarizes (b)(6) situation. His deployment to a remote forward operating base in Afghanistan in 2011 occurred after he transitioned to living in accordance with his male gender identity. He served honorably in that assignment and has continued to serve effectively in his more recent assignments, including in his helicopter maintenance and engineering specialties, until he was removed from that assignment a few months ago. Under Paragraph 3-35 of AR 40-501 (b)(6) is threatened with administrative separation without any opportunity to demonstrate his actual fitness to serve. (b)(6) situation is an excellent illustration of why the regulation providing for administrative separation of transgender Soldiers should be changed.

Finally, Section E explains how the Army can and should use existing authority to permit (b)(6) and other transgender Soldiers to serve while awaiting revisions to AR 40-501. The Office of the Surgeon General has authority to provide an individual waiver of AR 40-501 paragraph 3-35 to (b)(6). But there are other transgender Soldiers who, like (b)(6), have served honorably and effectively and are fully fit to continue to serve their country as Army Soldiers. We therefore respectfully request that the Army eliminate or revise paragraph 35-5 in a manner that will afford all transgender Soldiers the same opportunity as any other Soldier who is medically fit for duty.

A. DoD Recently Cancelled Its Instruction Requiring Administrative Discharge of Transgender Service Members, and Delegated Authority to the Service Branches to Determine What Medical Conditions Should Render a Service Member Administratively Unfit.

On August 5, 2014, DoD changed its retention standards, cancelling DoDI 1332.38, *Physical Disability Evaluation*, and replaced it with DoDI 1332.18, *Disability Evaluation System (DES)*. The Army regulation that implemented DoDI 1332.38—paragraph 3-35 of AR 40-501—has not yet been updated to reflect the cancellation of that Instruction. Under the new DoD Instruction, the Army and other service branches may deem that a medical condition renders service members administratively unfit *only* if it is a “condition, circumstance, or defect of a developmental nature” that “interfere[s] with assignment to or performance of duty.” Because DoD regulations no longer provide that transgender service members should be automatically separated as administratively unfit, the Office of the Surgeon General has responsibility to update AR 40-501 to eliminate the bar on continued service by transgender Soldiers.

DoDI 1332.38 provided for categorical exclusion of transgender service members. The Instruction created a framework under which potentially disqualifying conditions were divided into two tracks. Service members with most medical conditions were able to continue serving without the need for a special medical review. If the service member had a medical condition that interfered with the performance of duty, that condition was treated or was referred to evaluation by a medical review board, which made an individualized determination of whether a service member was fit for duty despite that medical condition.

In contrast, DoDI 1332.38 provided that individuals with conditions defined as “not constituting a physical disability” should be separated administratively at the commander’s discretion and without the same opportunity to demonstrate fitness for duty. The list of conditions “not

constituting a physical disability” (in Enclosure 5 of DoDI 1332.38) included “Certain Mental Disorders including . . . Sexual Gender and Identity Disorders, including Sexual Dysfunctions and Paraphilias.” Transgender service members were accordingly automatically referred for administrative separation and, as part of that separation, were denied the same protections afforded to service members who were referred to a medical board for other medical conditions.

Paragraph E4.1.2 of DoDI 1332.38 gave the individual services authority to “modify these guidelines to fit their particular needs” but only so long as modifications were consistent with DoD guidance. The Army promulgated its policy in paragraph 3-35 of AR 40-501, *Standards of Medical Fitness*, December 14, 2007, Revised August 4, 2011. Under this paragraph, various conditions, including “transsexual, gender identity disorder to include major defects or abnormalities of the genitalia such as change of sex or a current attempt to change sex, . . . render an individual administratively unfit . . . [and] will be dealt with through administrative channels....” Army personnel apparently read this provision to require administrative separation of all transgender Soldiers. (In addition, paragraph 2-27.n provides that “transsexualism” does not meet enlistment standards.)

DoDI 1332.18, issued in August 2014, retains the distinction between medical conditions that are referred to a medical review board and medical conditions that are subject to administrative separation. But the new regulation no longer provides an enumerated list of which conditions should lead to administrative discharge. Instead, the regulation now delegates to the individual service branches the authority to separate service members as administratively unfit if, and only if, the service branch determines that the service member has a “condition, circumstance, or defect of a developmental nature” that “interfere[s] with assignment to or performance of duty.” DoDI 1332.18.

Being transgender or receiving a diagnosis of gender dysphoria does not meet this new standard. As discussed below, being transgender or receiving a diagnosis of gender dysphoria does not, by itself, interfere with a Soldier’s performance of duty; and in the majority of cases, medical treatments for gender dysphoria do not interfere with performance of duty either. Revising paragraph 3-35 of AR 40-501 is therefore necessary to bring the Army’s retention standards in line with the new DoD Instruction, and with today’s medical science.

B. The Army’s Categorical Exclusion of Transgender Soldiers Has No Basis in Modern Medical Science and Standards of Care.

This is a particularly appropriate time for the Army to reconsider its policy of administrative separation for transgender Soldiers. In March 2014, a nonpartisan commission chaired by Joycelyn Elders, MD, former Surgeon General of the United States, and Rear Admiral Alan Steinman, MD, USPHS/USCG (Ret.), former U.S. Coast Guard Director of Health and Safety, issued a comprehensive report addressing the military’s policies relating to transgender persons (*Elders-Steinman Report*). (Copy enclosed). This report concluded that there is no compelling

medical rationale for banning military service by transgender persons and that eliminating the ban would advance a number of military interests. *Elders-Steinman Report* at 3.²

A follow-up report by a nonpartisan group co-chaired by Major General Gale S. Pollock, USA (Ret.), former acting Army Surgeon General, and including Brigadier General Clara Adams-Ender USA (Ret.), former Head of the Army Nurse Corps (*Pollock Report*), discussed how open service by transgender service members could be effectively implemented, consistent with maintaining military readiness and adhering to core military values and principles. (Copy enclosed). These recent reports support the conclusion that paragraph 3-35 of AR 40-501 should be reexamined and the provision for administrative separation of all transgender Soldiers removed. There have been other suggestions (even within the military) that it is time to reexamine the ban on service by transgender service members. One example is the recent article by Major Mark Milhiser, *Transgender Service: The Next Social Domino for the Army*, 220 Mil. L. Rev. 191 (2014).

Revising AR 40-501 would align the Army with the militaries of the United States' closest allies in the treatment of transgender individuals. The United Kingdom, Canada, and Australia (as well as other nations) now permit transgender individuals to actively serve in their militaries. *Elders-Steinman Report* at 13. For example, a United Kingdom regulation states, "Transsexual applicants with no history of mental health problems or deliberate self-harm who meet other fitness standards should be passed as being fit to join the Armed Forces." Post-transition transgender service members from the United Kingdom and Canada have completed tours in Afghanistan. *Elders-Steinman Report* at 13-14. Revising AR 40-501 would also be timely in light of recent changes at the Veterans Health Administration (VHA), the Federal Aviation Administration (FAA), and the United States Equal Employment Opportunity Commission (EEOC). Since June 2011, the VHA has provided transgender-related health care, with the exception of gender-confirming surgery, for transgender veterans. *Elders-Steinman Report* at 20. VHA personnel have developed expertise in delivering such services. Among other things, VHA has established four Transgender E-Consultation teams to support health care providers throughout the VHA system. *Elders-Steinman Report* at 20. In 2012, the FAA eliminated onerous mental health testing requirements for transgender pilots, including those flying large commercial airlines. FAA, *Guide for Aviation Medical Examiners: Item 41. G-U System - Gender Identity Disorder*. In the same year, the EEOC found that employment discrimination against an individual because that person is transgender is covered under Title VII of the Civil Rights Act of 1964. *Macy v. Department of Justice*, EEOC Appeal No. 0120120821 (April 20, 2012).

It is unclear why the U.S. military issued regulations excluding transgender persons from service in the first place. One possible reason is that medical professionals had previously classified transgender identity as a personality disorder. Indeed, the title and text of AR 40-501 paragraph 35-5 explicitly group transgender Soldiers with Soldiers who have "[p]ersonality [disorders],

² A shorter version of this report was subsequently published in a peer-reviewed journal as M. Joycelyn Elders, et al, *Medical Aspects of Transgender Military Service*, Armed Forces & Society, 0095327X14545625, first published online on August 19, 2014.

psychosexual conditions, . . . exhibitionism, transvestism, voyeurism, other paraphilias, or factitious disorders” and “disorders of impulse control not elsewhere classified.”

Several decades ago, the American Psychiatric Association, in its *Diagnostic and Statistical Manual* (DSM) (excerpts enclosed), also grouped “transsexualism” along with “psychosexual conditions” and “paraphilias” such as exhibitionism or voyeurism, but modern medical science has squarely rejected this conflation of gender dysphoria with sexual paraphilias (defined as conditions “involving distressing and repetitive sexual fantasies, urges, or behaviors” that “interfere[s] with everyday functioning”). Currently, in the fifth edition of the DSM (DSM-5), gender dysphoria and disorders related to sexuality are in completely separate sections, reflecting the modern medical understanding that gender identity and sexuality disorders are distinct. Even under the fourth edition (DSM-IV), Gender Identity Disorder was no longer grouped with paraphilias. *Elders-Steinman Report* at 9.³

Since at least the early 1980s, Army regulations have not been substantively updated to reflect these developments in medical consensus. This update should take place now. As the Elders-Steinman Report concluded, there is no compelling medical rationale for administratively separating all transgender Soldiers, regardless of their fitness to serve. *Elders-Steinman Report* at 3. The exclusion reflects past social judgments against transgender individuals, not contemporary medical science.

³ In addition, the modern medical community no longer considers gender dysphoria (and previous names for that diagnosis) to be a mental illness or psychological disorder. This evolution is reflected in successive editions of the DSM. (Excerpts enclosed) DSM-III, issued in 1980, listed “Transsexualism” as a mental health diagnosis. The next edition (DSM-IV), issued in 1994, eliminated “Transsexualism” as a mental health diagnosis and replaced it with “Gender Identity Disorder.” The most recent edition (DSM-5), published in 2013, no longer describes transgender identity as a “disorder.” It replaced “Gender Identity Disorder” with “gender dysphoria,” a condition diagnosed by “clinically significant distress” that may follow from the incongruence between a person’s expressed or desired gender identity and the gender the person had been assigned at birth. The World Health Organization’s Working Group on the Classification of Sexual Disorders and Sexual Health has recommended that the 2015 version of the *International Statistical Classification of Diseases and Related Health Problems* (ICD-11) adopt a similar view of transgender identity. (Copy of recommendation enclosed). There are now standards of care for treating gender dysphoria, and medical professionals recognize that symptoms associated with this condition typically can be alleviated by treatments that have been found in numerous peer-reviewed studies to be safe, effective, and reliable. World Professional Association for Transgender Health, *Standards of Care (SOC) for the Health of Transsexual, Transgender, and Gender Nonconforming People* (SOC-VII). (Excerpt enclosed).

C. Concerns About Fitness to Serve, Including in Remote or Austere Environments, Should Be Addressed Through the Normal Medical Review Process, Not By Automatically Deeming Transgender Soldiers Administratively Unfit.

Concerns about transgender Soldiers' deployability to remote or austere environments can and should be evaluated under the same standard that applies to virtually every other medical condition besides gender dysphoria. According to Army regulations that apply to virtually every other medical condition besides gender dysphoria: "Personnel who have existing medical conditions may deploy" if deployment is unlikely to aggravate the condition, if an unexpected worsening of the condition would not pose a grave threat, if health care and medications are immediately available in theater, and if "no need for significant duty limitation is imposed by the medical condition." Department of the Army, *Personnel Policy Guidance for Overseas Contingency Operations*, 2013, at ¶ 7-9(e). In the past, the Army has permitted continued service and deployment by many Soldiers with serious medical conditions, like diabetes and other conditions that require hormone treatment, as well as mental health conditions. *Elders-Steinman Report* at 13. Enclosed is a table contrasting the different treatment of transgender Soldiers and Soldiers with a sampling of other medical conditions.

There is no good reason for treating Soldiers receiving treatment for gender dysphoria differently than Soldiers receiving treatment for any other medical diagnosis. Some transgender persons have only mild symptoms (or no symptoms) of gender dysphoria. For transgender persons who do experience gender dysphoria, that dysphoria is amendable to safe and effective treatments, and those treatments should not usually pose any barrier to service for transgender Soldiers. There are accepted standards of care for treating gender dysphoria, and the medical treatments are no longer considered experimental. *Elders-Steinman Report* at 9-15. Many transgender people do not need or want surgery (particularly genital surgery). For those who have surgery, the rate of post-surgical complications is low. The *Elders-Steinman Report* explains that the military already has the competency to provide care for most transgender service members; moreover, the experience of the VHA, which has treated transgender veterans for several years, demonstrates that the Army could adopt several simple tools for building knowledge in transgender care and providing resources for Army medical personnel (e.g., webinars, FAQ's and other online resources for health care providers). *Elders-Steinman Report* at 20-21.

(b)(6) own experience during his post-transition deployment to Afghanistan, described in the next section, demonstrates that transgender Soldiers can receive appropriate care when assigned to remote locations.

Furthermore, the medical needs of most Soldiers receiving treatment for gender dysphoria are not materially different from those the military handles for other Soldiers, including those deployed to distant or austere environments. For example, the military provides psychological care around the globe. It also provides medications for people with diabetes and other disorders on a long-term basis and stocks various hormones in its dispensaries in the United States and abroad. *Elders-Steinman Report* at 13. Additionally, the Army deployment policy requires that "A minimum of a 180-day supply of medications for chronic conditions will be dispensed to all deploying Soldiers." Department of the Army, *Personnel Policy Guidance for Overseas Contingency Operations*, 2013 at ¶ 7-13(b)1. Indeed, according to Army regulations. "Soldiers taking medications should not automatically be disqualified for any duty assignment." AR 40-

501, ¶ 5-14(17). The military branches (including the Army) also provide leave for certain elective and reconstructive surgeries without discharging the service members who undergo those surgeries while serving. *Elders-Steinman Report* at 14.

Even in extreme cases where a particular transgender Soldier's medical care renders the Soldier ineligible for worldwide deployment, there is no reason why transgender Soldiers should be singled out for automatic discharge without an individualized inquiry into fitness. Many non-transgender service members are temporarily or permanently non-deployable, but they are not automatically discharged as a result, and military policies accommodate them within reason. *Elders-Steinman Report* at 17.

In short, transgender Soldiers receiving treatment for gender dysphoria are not inherently different from other Soldiers with treatable medical conditions. If *any* Soldier, transgender or not, has a condition requiring medication or surgery, Army medical personnel are capable of following regular standards to determine whether such condition interferes with the Soldier's performance of duty. If there are grounds to refer the Soldier to a medical review board, then transgender Soldiers should have the same opportunity afforded to every other Soldier to show they are, in fact, medically fit for service – along with the same procedural and substantive protections that Army regulations provide to all other Soldiers referred for medical evaluation.

D. (b)(6) Own Situation Illustrates Why it Makes No Sense to Discharge All Transgender Soldiers Without Allowing the Soldier to Demonstrate Fitness.

(b)(6) own service record provides a good illustration of why AR 40-501 should be revised. (b)(6) has served honorably in the Marine Corps and Army since enlisting in 2005 and has successfully completed two deployments to Iraq and one to Afghanistan. The Afghanistan deployment occurred *after* his gender transition.

(b)(6)

(b)(6)

While posted to (b)(6) (b)(6) began the transition to live in accordance with his male gender identity. (b)(6) underwent chest masculinization surgery under the care of a civilian physician, began masculinizing hormone therapy under the supervision of civilian and military physicians, and legally changed his gender marker to male and his first name to (b)(6). (b)(6) disclosed this transition to military physicians on several occasions. He has not experienced any psychological problems. Military medical officers found him fit for duty.

Following his gender transition, (b)(6) deployed to (b)(6) in Afghanistan. (b)(6) continued to take hormone supplements under the supervision of military medical personnel while deployed in Afghanistan. (b)(6) fellow Soldiers and commanders were aware of his gender transition throughout this process.

Upon his return from Afghanistan, (b)(6) served in (b)(6) where he is currently based. In connection with a routine flight recertification physical, senior medical personnel in Hawaii observed that he had male hormones in his system. After (b)(6) explained he was taking hormones pursuant to his transition to the male gender, his flight status was revoked, and he has been threatened with separation based on AR 40-501, despite the fact that he has no impediments to performing duties associated with helicopter maintenance positions.

(b)(6) gender transition has eliminated symptoms of gender dysphoria. He has no ongoing complications from his chest surgery, and his hormone treatment does not interfere with performance of his duties. He remains ready, willing, and able to serve as a helicopter flight crew member. We respectfully request that AR 40-501 be revised so that (b)(6) can continue to serve with full flight status certification and so that he and other transgender Soldiers can continue to serve honorably.

E. Pending a Decision on Revision of AR 40-501, the Army Should Permit Sergeant Ortega and Other Transgender Soldiers to Continue to Serve.

We understand that the revision process for AR 40-501 may take time. In addition to bringing AR 40-501 in line with medical science, additional affirmative implementation strategies may be appropriate. *See generally Pollock Report.* But transgender Soldiers should not be kept in administrative limbo while the regulation is being updated. Instead, while a decision on changes to the regulation is pending, the Army Surgeon General should use existing authority to waive the regulation. The Army should publicize this action, so that Army personnel, including other transgender Soldiers, will be on notice.

Holding (b)(6) in limbo, without waiver or a determination of fitness, is untenable. (b)(6) current enlistment runs through 2017, but he has been removed from flight duty and will be unable to advance in his Army career so long as AR 40-501 is on the books. He has been denied his flight certification because of the restrictions on transgender service under AR 40-501, despite the fact that he has served with honor in a flight role for several years and there have been no material changes in his ability to serve in the same capacity.

While the Army considers revision of AR 40-501, the Surgeon General has the authority to rectify this situation for (b)(6) and for other transgender Soldiers. The Surgeon General should impose a moratorium on administrative separation of transgender Soldiers by waiving the regulation as it applies to active duty transgender Soldiers. The waiver would have virtually no impact on Army operations, since these Soldiers are already serving.

Request for Response

We respectfully request that AR 40-501 be revised to permit transgender Soldiers to continue to serve in the Army. The recent revision to DoD retention policies calls for reexamination of this issue. The medical evidence described above and in the Elders-Steinman Report, as well as (b)(6) own service record, show that the ban on continued service by transgender Soldiers is outdated and counterproductive to the Army's mission.

While the decision is pending, the Surgeon General should impose a moratorium on additional administrative separations of transgender Soldiers by waiving the application of AR 40-501 as it affects transgender Soldiers and stating explicitly that being transgender does not automatically render a Soldier administratively or physically unfit. In the alternative, we request an individual waiver for (b)(6) of the portions of AR 40-501 that could be read to require administrative separation based on the fact of his transgender identity.

As discussed above, continuing to hold (b)(6) in limbo creates an untenable situation that deprives him of the ability to advance in his military career. We therefore request that the Surgeon General respond formally to this request within a reasonable period of time (at least by November 30, 2014), stating whether the Army will revise the regulation and, if not, explaining the rationale.

We thank the Surgeon General and other Army officials for their attention to this matter. In addition, we respectfully request that this letter, DA Form 2028, and attachments be added to the administrative record created for the purpose of any separation proceedings initiated against Sergeant Ortega.

Very Respectfully,

/s/ (b)(6)

(b)(6)

American Civil Liberties Union LGBT Project
125 Broad St., New York, NY 10004

(b)(6)

RECOMMENDED CHANGES TO PUBLICATIONS AND BLANK FORMS <small>For use of this form, see AR 25-30; the proponent agency is DAASA</small>						<small>Use Part II (reverse) for Repair Parts and Special Tool Lists (RPSTL) and Supply Catalogs/Supply Manuals (SC/SM).</small>		DATE 20140925	
TO: (Forward to proponent of publication or form) (Include ZIP Code) Office of The Surgeon General (DASG-HS-AS) 5109 Leesburg Pike Falls Church, VA 22041-3258						FROM: (Activity and location) (Include ZIP Code) (b)(6)			
PART I - ALL PUBLICATIONS (EXCEPT RPSTL AND SC/SM) AND BLANK FORMS									
PUBLICATION/FORM NUMBER Army Regulation 40-501						DATE August 4, 2011		TITLE Standards of Medical Fitness	
ITEM	PAGE NO.	PARA-GRAPH	LINE NO.*	FIGURE NO.	TABLE NO.	RECOMMENDED CHANGES AND REASON <small>(Provide exact wording of recommended changes, if possible).</small>			
	15	2-27	(n)			Remove the word "transsexualism" from Paragraph 2-27 (n). Please see attachment to Part III for a fuller explanation.			
	33	3-35				Remove the words "transsexual" and "gender identity" from the title of Paragraph 3-35. Please see attachment to Part III for a fuller explanation.			
	33	3-35	(a)			Remove the words "transsexual, gender identity disorder to include major abnormalities or defects of the genitalia such as change of sex or a current attempt to change sex" from Paragraph 3-35(a). Please see attachment to Part III for a fuller explanation			
TYPED NAME, GRADE OR TITLE (b)(6)						TELEPHONE EXCHANGE/AUTOVON, PLUS EXTENSION (b)(6)		SIGNATURE (b)(6)	

TO: (Forward direct to addressee listed in publication) Office of The Surgeon General (DASG-HS-AS) 5109 Leesburg Pike Falls Church, VA 22041-3258				FROM: (Activity and location) (Include ZIP Code) (b)(6)				DATE 20140925	
PART II - REPAIR PARTS AND SPECIAL TOOL LISTS AND SUPPLY CATALOGS/SUPPLY MANUALS									
PUBLICATION NUMBER				DATE		TITLE			
PAGE NO.	COLM NO.	LINE NO.	NATIONAL STOCK NUMBER	REFERENCE NO.	FIGURE NO.	ITEM NO.	TOTAL NO. OF MAJOR ITEMS SUPPORTED	RECOMMENDED ACTION	
PART III - REMARKS <i>(Any general remarks or recommendations, or suggestions for improvement of publications and blank forms. Additional blank sheets may be used if more space is needed.)</i>									
<p>As explained further in the attachment to this form, AR 40-51 should be revised to remove any requirement that transgender Soldiers be administratively separated. DoD Instruction 1332.38, which stated that transgender service members were subject to administrative discharge, was recently cancelled. The new DoD retention standards (DoDI 1332.18) do not require administrative separation of transgender service members, but provide simply that the individual services may determine the conditions subject to administrative discharge if -- and only if -- those conditions "interfere with assignment to or performance of duty." Being transgender or being treated for gender dysphoria does not meet this new standard. As a recent nonpartisan Commission concluded, there is no compelling medical rationale for the ban. The exclusion of transgender Soldiers is based on an outdated understanding that grouped transgender people together with people with sexual paraphilias, such as exhibitionism or voyeurism. That conflation of transgender identity and sexual paraphilias has been rejected by the medical community for decades. Moreover, there is no reason to treat Soldiers receiving medical treatment for gender dysphoria differently from Soldiers receiving treatment for other types of medical conditions, who are not automatically deemed unfit to serve. My own situation illustrates why AR 40-501 should be revised. I am a transgender Soldier. Since my transition to the male gender, I have continued to serve honorably in the Army, including a deployment to a remote FOB in Afghanistan in 2011, after I had completed my transition. I and other transgender Soldiers should not be administratively discharged without regard to our actual fitness to serve.</p>									
TYPED NAME, GRADE OR TITLE (b)(6)				TELEPHONE EXCHANGE/AUTOVON, PLUS EXTENSION (b)(6)			SIGNATURE (b)(6)		

December 3, 2014

Admiral Paul F. Zukunft
Commandant
United States Coast Guard
Mail Stop 7000
2703 Martin Luther King Jr., Ave. SE
Washington, DC 20593-7000

RE: Request for Revisions to Coast Guard Regulations Regarding Transgender Coast Guardsmen

Dear Admiral Zukunft:

We respectfully request that the United States Coast Guard revise its regulations governing service by transgender Coast Guard military personnel ("Coast Guardsmen").¹ In addition, we respectfully request a meeting with you and the other relevant Coast Guard leaders to discuss our request. We have been working with Rear Admiral Alan Steinman, MD, USPHS/USCG (Ret.), former Coast Guard Director of Health and Safety, on transgender service issues and understand that Admiral Steinman is prepared to participate in this meeting.

Certain provisions of current regulations subject transgender Coast Guardsmen to administrative separation solely on the basis of transgender identity, without giving those individuals the opportunity to demonstrate their fitness to serve. Those provisions have no basis in current medical science, create unjustified disparities in treatment between similarly situated Coast Guardsmen, and conflict with recent Department of Defense ("DoD") guidance (which the Coast Guard historically has followed).²

Specifically, we respectfully request the following revisions:

- COMDTINST M6000.1F, *Coast Guard Medical Manual* (August 2014): Delete "Gender Identity Disorders" from the list of "sexual disorders" in Chapter 5, Section A, ¶ 14. (Excerpts enclosed).
- COMDTINST M1000.4, *Military Separations* (September 2011): Issue a policy statement clarifying that gender identity disorders, gender dysphoria, or transgender identity are not "condition[s] that, though not a physical disability, interfere[] with performance of duty," as that term is used in ¶ 1.B.12.a.12, and do not otherwise constitute conditions that would provide a basis for administrative separation under ¶

¹ "Transgender" is an umbrella term used to describe people with a gender identity that differs from the sex they were assigned at birth. Some transgender people have been diagnosed with gender dysphoria (formerly known as "Gender Identity Disorder"), and some have not. "Gender dysphoria" is clinically significant distress experienced by some individuals whose birth gender does not match the gender with which that person identifies.

² We recently submitted similar requests to the Surgeon General of the Army (in September) and to the Surgeon General of the Navy (in November).

Admiral Paul F. Zukunft
December 3, 2014

1.B.12.a. (Excerpts enclosed). In addition or in the alternative, add a paragraph to the *Coast Guard Medical Manual* stating that a diagnosis of gender dysphoria is not grounds for action as that diagnosis, of itself, has no direct bearing upon fitness for duty.

We have provided copies of this letter to Coast Guard leaders who are responsible for these regulations, as well as to the officers who have been tasked with advising your office on revisions to the COMDTINST M1000 and M6000 series.

Introduction and Summary

The Coast Guard regulations listed above require revisions in order to align Coast Guard policy with recent DoD guidance and the modern understanding of transgender identity and treatment. We explain below why these changes will not interfere with operational readiness and how the Coast Guard can implement the changes without straining its medical resources. Our discussion is organized as follows:

Section A explains that the Coast Guard's retention standards are inconsistent with recently promulgated DoD retention standards. The Coast Guard's existing retention standards appear to follow a previous DoD Instruction (DoDI 1332.38)(copy enclosed), which instructed that transgender service members should be discharged through administrative separation. This DoD Instruction was recently cancelled. The DoD's new retention standards (found in DoDI 1332.18) no longer designate transgender service members as administratively unfit. (Copy enclosed). Instead, the regulation delegates to the individual service branches the authority to separate service members as administratively unfit for duty if, and only if, the service branch determines that the service member has "congenital or developmental defects" that "interfere with assignment to or performance of duty." DoDI 1332.18 ¶ 3.i. As discussed below, there is no basis under current medical science to conclude that transgender service members have such a condition.

Section B explains that the categorical exclusion of transgender service members has no basis in modern medical science and standards of care. Removing the blanket policy that transgender Coast Guardsmen are automatically deemed administratively unfit would be consistent with the findings of a recent report by a nonpartisan commission, chaired by a former U.S. Surgeon General and Admiral Steinman, former Director of Health and Safety of the Coast Guard, which found no medical justification for such a blanket policy. It would also align the Coast Guard's practice with the treatment of transgender individuals by the militaries of our closest allies and would be consistent with the current treatment of transgender persons by the Veterans Health Administration, the Federal Aviation Administration, and the United States Equal Employment Opportunity Commission, and with federal employment and contracting policies. Section B further explains that a broad ban on transgender service rests on outdated medical assumptions about transgender people, which improperly associated gender dysphoria with sexual paraphilias, such as exhibitionism or voyeurism. Those past assumptions have no support in today's medical science.

Section C explains that concerns about fitness to serve, including on extended deployments or in austere environments, do not justify differentiating between Coast Guardsmen receiving

treatment for gender dysphoria and those receiving treatment for other medical conditions. Personnel receiving treatment for gender dysphoria should – like those with virtually every other medical condition – receive an individualized assessment of whether they are fit for duty. In the vast majority of cases, Coast Guardsmen receiving treatment for gender dysphoria are fully fit to serve. In the unusual case in which a treatment for gender dysphoria interferes with the ability to perform the duties of office, grade, rank or rating, that Coast Guardsman should be referred to the same medical review process that determines medical fitness for members with virtually every other medical condition. There is no reason to depart from these normal procedures and deem all personnel receiving treatment for gender dysphoria to be administratively unfit.

Finally, Section D explains how the Coast Guard can and should use existing authority to permit transgender Coast Guardsmen to serve while awaiting revisions to various regulations.

We respectfully request that the Coast Guard revise its regulations to afford all transgender service members the opportunity to continue to serve their country.

A. DoD Recently Cancelled Its Instruction Requiring Administrative Discharge of Transgender Service Members.

On August 5, 2014, DoD changed its retention standards, cancelling DoDI 1332.38, *Physical Disability Evaluation*, and replacing it with DoDI 1332.18, *Disability Evaluation System (DES)*. While the Coast Guard is not compelled to follow the DoD policy guidance except in certain instances when Coast Guard units are deployed in Service of the Navy (*see* DoDI 1332.38 ¶ 2), it has done so historically. However, the Coast Guard regulations that followed DoDI 1332.38 have not yet been updated to reflect the cancellation of that Instruction. Under the new DoD Instruction (DoDI 1332.18), the service branches may deem that a medical condition renders service members administratively unfit *only* if it is a “condition, circumstance, or defect of a developmental nature” that “interferes with assignment to or performance of duty.” DoDI 1332.18, encl. 3, app’x 1 ¶ 4(a)(1); *see also* DoDI 1332.18, sec. 3.i. Because DoD regulations no longer provide that transgender service members should be automatically separated as administratively unfit – and because DoD regulations now provide that service branches may use specified medical conditions as bases for administrative separation only when the conditions interfere with assignment or performance of duty – the Coast Guard should update the Coast Guard Medical Manual and associated regulations in order to eliminate the bar on continued service by transgender Coast Guardsmen.

DoDI 1332.38 provided for categorical exclusion of transgender service members. The Instruction created a framework under which potentially disqualifying conditions were divided into two tracks. Service members with most medical conditions were able to continue serving without the need for a special medical review. If the service member had a medical condition that interfered with the performance of duty, that condition was treated or was referred to evaluation by a medical review board, which made an individualized determination of whether a service member was fit for duty despite that medical condition.

In contrast, DoDI 1332.38 provided that individuals with conditions defined as “not constituting a physical disability” should be separated administratively at the commander’s discretion and

without the same opportunity to demonstrate fitness for duty. The list of conditions “not constituting a physical disability” (in Enclosure 5 of DoDI 1332.38) included “Certain Mental Disorders including . . . Sexual Gender and Identity Disorders, including Sexual Dysfunctions and Paraphilias.” Transgender service members were accordingly automatically referred for administrative separation and, as part of that separation, were denied the same protections afforded to service members who were referred to a medical board for other medical conditions.

The Coast Guard implemented these provisions of DoDI 1332.38 through the directives referenced at pages 1-2 of this letter. Under these implementing regulations, a limited number of conditions, including “Gender Identity Disorders,” are grounds for immediate administrative separation, without any opportunity for a determination of medical fitness. Coast Guard personnel could read these provisions to require administrative separation of all transgender Coast Guardsmen.³

DoDI 1332.18, issued in August 2014, retains the distinction between medical conditions that are referred to a medical review board and medical conditions that are subject to administrative separation proceedings. But the new instruction no longer provides an enumerated list of conditions that automatically lead to administrative discharge. Instead, the instruction delegates to the services the authority to separate service members as administratively unfit if, and only if, the service branch determines that the service member has a “condition, circumstance, or defect of a developmental nature” that “interferes with assignment to or performance of duty.” DoDI 1332.18, encl. 3, app’x 1 ¶ 4(a)(1).

Simply being transgender or receiving a diagnosis of gender dysphoria does not meet this new standard. As discussed below, being transgender or receiving a diagnosis of gender dysphoria does not, by itself, interfere with performance of duty; and in the majority of cases, medical treatments for gender dysphoria do not interfere with performance of duty either. Revising the regulations is therefore necessary to bring the Coast Guard’s retention standards in line with the new DoD Instruction and with today’s medical science. These revisions must do more than update medical terminology. They must reflect an understanding that transgender identity, even when accompanied by a diagnosis of gender dysphoria, does not automatically render a service member unfit.

B. The Categorical Exclusion of Transgender Service Members Has No Basis in Modern Medical Science and Standards of Care.

This is a particularly appropriate time to reconsider the policy of administrative separation for transgender service members. In March 2014, a nonpartisan commission chaired by Joycelyn Elders, MD, former Surgeon General of the United States, and Admiral Steinman, former Coast Guard Director of Health and Safety and former senior medical officer and flight surgeon at several USCG air stations, issued a comprehensive report addressing the military’s policies

³ Arguably a transgender Coast Guardsman might be able to resist administrative separation by arguing that his/her condition does not “interfere[] with performance of duty” (COMDTINST M1000.4, ch. 1.B ¶ 12.1.12), but it is unclear whether a commander would consider such an argument under current regulations.

relating to transgender persons (*Elders-Steinman Report*). (Copy enclosed). This report concluded that there is no compelling medical rationale for banning military service by transgender persons and that eliminating the ban would advance a number of military interests. *Elders-Steinman Report* at 3.⁴

A follow-up report by a nonpartisan group (*Pollock Report*) discussed how open service by transgender service members could be effectively implemented, consistent with maintaining military readiness and adhering to core military values and principles. (Copy enclosed). The group that developed this report was co-chaired by Major General Gale S. Pollock, USA (Ret.), former acting Army Surgeon General.

Revising the regulations would align the Coast Guard with the militaries of the United States' closest allies in the treatment of transgender individuals. The United Kingdom, Canada, and Australia (as well as other nations) now permit transgender individuals to serve openly in their militaries. *Pollock Report* at 4. For example, a United Kingdom regulation states, "Transsexual applicants with no history of mental health problems or deliberate self-harm who meet other fitness standards should be passed as being fit to join the Armed Forces." Post-transition transgender service members from the United Kingdom and Canada have completed tours in Afghanistan. *Elders-Steinman Report* at 13-14.

Revising the regulations would also be timely in light of recent changes at the Veterans Health Administration ("VHA"), the Federal Aviation Administration ("FAA"), the United States Equal Employment Opportunity Commission ("EEOC"), and in the civilian federal civilian workforce. Since June 2011, the VHA has provided transgender-related health care, with the exception of gender-confirming surgery, for transgender veterans. *Elders-Steinman Report* at 20. VHA personnel have developed expertise in delivering such services. Among other things, VHA has established four Transgender E-Consultation teams to support health care providers throughout the VHA system. *Elders-Steinman Report* at 20. In 2012, the FAA eliminated onerous mental health testing requirements for transgender pilots, including those flying large commercial airlines. FAA, *Guide for Aviation Medical Examiners: Item 41. G-U System - Gender Identity Disorder*. In the same year, the EEOC found that employment discrimination against an individual because that person is transgender is covered under Title VII of the Civil Rights Act of 1964. *Macy v. Department of Justice*, EEOC Appeal No. 0120120821 (April 20, 2012). Finally, in July 2014, President Obama signed an Executive Order barring workplace discrimination against transgender federal employees and contractors, an Order that applies to the civilian units of the Coast Guard and other agencies of the Department of Homeland Security. Exec. Order No. 13,672, 79 Fed. Reg. 42,971 (July 24, 2014).

It is unclear why DoD issued regulations excluding transgender persons from service in the first place. It is possible that DoD officials conflated gender identity disorders with sexual paraphilias since gender identity disorders were grouped with paraphilias such as pedophilia and

⁴ A shorter version of this report was subsequently published in a peer-reviewed journal as M. Joycelyn Elders, et al., *Medical Aspects of Transgender Military Service*, *Armed Forces & Society*, 0095327X14545625, first published online on August 19, 2014.

voyeurism in Enclosure 5 of DoDI 1332.38. The Coast Guard Medical Manual groups these terms in a similar way. COMDTINST M6000.1F, ch. 5.A ¶ 14. However, this classification does not comport with current medical understanding.

Several decades ago, the American Psychiatric Association, in its Diagnostic and Statistical Manual (“DSM”) (excerpts enclosed), grouped “transsexualism” along with “psychosexual conditions” and “paraphilias,” such as exhibitionism or voyeurism. Paraphilias are conditions “involving distressing and repetitive sexual fantasies, urges, or behaviors” that “interfere with everyday functioning.” Modern medicine has squarely rejected the conflation of gender dysphoria with sexual paraphilias. In the current edition of the DSM (DSM-5), gender dysphoria and disorders related to sexuality are in completely separate sections, reflecting the modern medical understanding that gender identity and sexuality disorders are distinct. Even under the fourth edition (DSM-IV), Gender Identity Disorder was no longer grouped with paraphilias. *Elders-Steinman Report* at 9.⁵

Modern medicine also rejects the notion that transgender identity is inherently disordered. Rather, a disorder exists only in the subset of cases where clinically significant distress relating to gender identity is also present. Even then, psychologists recognize that treatment can alleviate symptoms among those who do experience distress. *Elders-Steinman Report* at 10.

The Coast Guard regulations have not been updated to reflect these developments in medical consensus. This update should take place now. As the *Elders-Steinman Report* concluded, there is no compelling medical rationale for administratively separating all transgender service members. *Elders-Steinman Report* at 3. The exclusion reflects past social judgments against transgender individuals, not contemporary medical science.

⁵ In addition, the medical community no longer considers transgender identity to be a mental illness or psychological disorder. This evolution is reflected in successive editions of the DSM. (Excerpts enclosed) DSM-III, issued in 1980, listed “Transsexualism” as a mental health diagnosis. The next edition (DSM-IV), issued in 1994, eliminated “Transsexualism” as a mental health diagnosis and replaced it with “Gender Identity Disorder.” The most recent edition (DSM-5), published in 2013, no longer describes transgender identity as a “disorder.” It replaced “Gender Identity Disorder” with “gender dysphoria,” a condition diagnosed by “clinically significant distress” that may follow from the incongruence between a person’s expressed or desired gender identity and the gender the person had been assigned at birth. The World Health Organization’s Working Group on the Classification of Sexual Disorders and Sexual Health has recommended that the 2015 version of the *International Statistical Classification of Diseases and Related Health Problems* (ICD-11) adopt a similar view of transgender identity. (Copy of recommendation enclosed). There are now standards of care for treating gender dysphoria, and medical professionals recognize that symptoms associated with this condition typically can be alleviated by treatments that have been found in numerous peer-reviewed studies to be safe, effective, and reliable. World Professional Association for Transgender Health, *Standards of Care (SOC) for the Health of Transsexual, Transgender, and Gender Nonconforming People* (SOC-VII). (Excerpt enclosed).

C. Concerns About Fitness to Serve, Including in Extended Deployments or in Austere Environments, Should Be Addressed Through the Normal Medical Review Process, Not by Automatically Deeming Transgender Coast Guardsmen Administratively Unfit.

Concerns about a transgender Coast Guardsman's ability to serve and deployability can and should be evaluated under the same standard that applies to virtually every other medical condition.

There is no good reason for treating Coast Guardsmen receiving treatment for gender dysphoria differently than those receiving treatment for any other medical diagnosis. Some transgender people have only mild symptoms (or no symptoms) of gender dysphoria. For transgender people who do experience gender dysphoria, that condition is amenable to safe and effective treatments, and those treatments do not usually pose any barrier to service for transgender individuals. There are accepted standards of care for treating gender dysphoria, and the medical treatments are no longer considered experimental. *Elders-Steinman Report* at 9-15.

In addition, the medical needs of most Coast Guardsmen receiving treatment for gender dysphoria are not materially different from needs the Coast Guard handles for other service members, including those deployed for long periods of time or to austere environments. For example, the Coast Guard provides psychological care. COMDTINST M6000.1F ch. 5.A ¶ 1(a) ("Conditions generally considered treatable and not grounds for immediate separation, mental health treatment may be authorized for members when medically necessary to relieve suffering and/or maintain fitness for unrestricted duty."); *id.* ch. 3.F ¶¶ 16(b), (c) (noting availability of treatment for affective and mood disorders). It also provides the same or similar formulary medications as DoD dispensaries, including medications to treat Coast Guardsmen with diabetes and other hormone disorders on a long-term basis. *Elders-Steinman Report* at 13; COMDTINST M6000.1F ch. 10.

The Coast Guard (like the other military branches) also provides leave for certain elective and reconstructive surgeries without discharging the service members who undergo those surgeries. *Elders-Steinman Report* at 14; COMDTINST M6000.1F, ch. 2.A ¶¶ 5, 7. However, many transgender people do not need or want surgery (particularly genital surgery). For those who have surgery, the rate of post-surgical complications is low. *Elders-Steinman Report* at 14-16 (and associated footnotes).

The Elders-Steinman Report explains that the military services already have the competency to provide care for most transgender service members. Moreover, the experience of the VHA, which has treated transgender veterans for several years, demonstrates that Coast Guard Medicine could adopt several simple tools for building knowledge in transgender care and providing resources for Coast Guard medical personnel (e.g., webinars, FAQ's and other online resources for health care providers). *Elders-Steinman Report* at 20-21. Indeed, Coast Guardsmen already have full access to DoD health facilities for active duty service members within the United States by statute and limited access to VHA facilities by agreement. 10 U.S.C. § 1074(a); COMDTINST M6000.1F, Coast Guard Medical Man., ch. 2.A ¶ 11. The Coast

Guard may draw on the competencies of these DoD and VHA facilities in caring for transgender Coast Guardsmen.

Given these competencies there is no reason why the vast majority of transgender Coast Guardsmen cannot serve successfully on deployments. Under the Coast Guard Medical Manual, “[d]eployment limiting conditions” comprise a relatively limited number of medical conditions. See COMDTINST M6000.1F ch. 6.A ¶ 5(f) (“Service members who are in the process of deploying (on an expeditionary deployment) must not have any deployment limiting conditions (DLC). DLC include: (1) Pregnancy and 6 weeks post-partum (6 months post-partum if breastfeeding), (2) Injuries or illnesses that require a 6 month or greater Temporary Limited Duty (TLD) assignment, and (3) Dental Class III or IV.”). Neither transgender identity nor the routine medical needs of transgender people compare to those limiting conditions. The Coast Guard and other military services permit deployment by many service members with serious medical conditions, like diabetes and other conditions that require hormone treatment, as well as mental health conditions such as many mood and anxiety disorders. *Elders-Steinman Report* at 13.

Even in extreme cases where a particular transgender Coast Guardsman’s medical care renders him or her ineligible for full deployment, there is no reason why he or she should be singled out for automatic discharge without an individualized inquiry into fitness. Many non-transgender service members are temporarily or permanently non-deployable, but they are not automatically discharged as a result, and military policies accommodate them within reason. *Elders-Steinman Report* at 17.

In short, transgender Coast Guardsmen who elect treatment for gender dysphoria are not inherently different from other members with treatable medical conditions.⁶ If any Coast Guardsman, transgender or not, has a condition requiring medication or surgery, Coast Guard leaders are capable of determining whether that condition interferes with the performance of duty. If grounds exist to refer the member to a medical review board, then transgender Coast Guardsmen should have the same opportunity afforded to every other service member to show they are, in fact, medically fit for service – along with the same procedural and substantive protections that regulations provide to all other personnel referred for medical evaluation.

D. Pending a Decision on Revision, the Coast Guard Should Permit Transgender Coast Guardsmen to Continue to Serve.

We understand that the revision process may take time. In addition to bringing the regulations in line with medical science, additional affirmative implementation strategies may be appropriate. See generally *Pollock Report*. But transgender Coast Guardsmen should not be penalized while the regulations are being updated. Instead, while decisions on changes to the regulations are pending, Coast Guard leaders should exercise their discretion to prevent administrative separation of transgender Coast Guardsmen, unless other circumstances independently warrant

⁶ An analysis by Professor Diane Mazur entitled “Arbitrary and Capricious: Six Inconsistencies Distinguishing Military Medical Policies for Transgender and Non-Transgender Personnel” (copy enclosed) contrasts the treatment by the military of transgender personnel and personnel with a sampling of other medical conditions.

Admiral Paul F. Zukunft
December 3, 2014

their separation. COMDTINST M6000.1F ch. 3.D ¶ 4(f) (delegating authority to the Personnel division to “implement waiver procedures that ensures the uniform application of appointment, enlistment, induction and retention standards”); *id.* ch. 3.F ¶ 2 (“If the member’s condition is disqualifying but he/she can perform his/her duty, a waiver request could be submitted in lieu of immediate referral to a Medical Evaluation Board.”). The Coast Guard should publicize this decision, so that all personnel, including transgender personnel, will be on notice of the interim policy and pending revisions.

Request for Response

We respectfully request that the regulations cited on page 1 above be revised to permit transgender Coast Guardsmen to continue to serve. The recent revision to DoD retention policies calls for reexamination of this issue. The medical evidence described above and in the Elders-Steinman Report shows that the ban on continued service by transgender personnel is outdated and counterproductive.

While the decision whether to revise is pending, the Coast Guard should impose a moratorium on administrative separations of transgender personnel by waiving the application of the regulations as applied to transgender Coast Guardsmen, and by stating explicitly that being transgender does not automatically render a Coast Guardsman administratively or physically unfit.

We request a formal response to this request within a reasonable period of time, at least by February 6, 2015, stating whether the Coast Guard will revise the Coast Guard Medical Manual and associated regulations and, if not, explaining the rationale. In addition, we respectfully request a meeting with you, the Coast Guard leaders responsible for changes to the applicable regulations, and Admiral Steinman, to discuss our request.

We thank you and your fellow Coast Guard leaders for your attention to this matter.

Very Respectfully,

/s/ (b)(6)

(b)(6)

American Civil Liberties Union LGBT Project
125 Broad St., New York, NY 10004

(b)(6)

Enclosures

Admiral Paul F. Zukunft
December 3, 2014

cc:

Rear Admiral Steven D. Poulin
Judge Advocate General & Chief Counsel
United States Coast Guard
Mail Stop 7213
2703 Martin Luther King Jr., Ave. SE
Washington, DC 20593-7213

Rear Admiral Marshall B. Lytle, III
Deputy Commandant for Mission Support
United States Coast Guard
Mail Stop 7714
2703 Martin Luther King Jr., Ave. SE
Washington, DC 20593-7714

Rear Admiral Maura Dollymore
Director of Health, Safety & Work-Life
United States Coast Guard
Mail Stop 7714
2703 Martin Luther King Jr., Ave. SE
Washington, DC 20593-7714

Rear Admiral James M. Heinz
Director, Reserve & Military Personnel
United States Coast Guard
Mail Stop 7907
2703 Martin Luther King Jr., Ave. SE
Washington, DC 20593-7907

(b)(6)

Chief, Office of Military Personnel
United States Coast Guard
Mail Stop 7907
2703 Martin Luther King Jr., Ave. SE
Washington, DC 20593-7907

November 19, 2014

The Honorable Juan M. Garcia, III
Assistant Secretary of the Navy
Manpower and Reserve Affairs
1000 Navy Pentagon
Washington, DC 20350

RE: Request for Revisions to Navy Department Regulations Regarding Transgender Sailors and Marines

Dear (b)(6):

We respectfully request that the Department of the Navy revise its regulations governing service by transgender Sailors and Marines.¹ Certain provisions of current regulations subject transgender Sailors and Marines to administrative separation solely on the basis of transgender status, without giving those individuals the opportunity to demonstrate their fitness to serve. Those provisions conflict with recent Department of Defense ("DoD") guidance, have no basis in current medical science, and create unjustified disparities in treatment between similarly situated Sailors and Marines.²

Specifically, we respectfully request the following revisions:

- SECNAVINST 1850.4E, *Department of the Navy Disability Evaluation Manual*: Delete "sexual gender and identity disorders and paraphilias" from the list of "mental disorders" in Enclosure 2, Definition 2016 ("Conditions Not Constituting a Physical Disability"), and from the list of disqualifying "developmental defects" in Attachment (b) to Enclosure 8, paragraph 3.
- NAVMED P-117, *Manual of the Medical Department*: Delete "sexual gender and identity disorders paraphilias" from the list of disqualifying "conditions and defects of a developmental nature" in Chapter 18, paragraph 18-5(3).
- MILPERSMAN 1910-120, *Separation by Reason of Convenience of the Government—Physical or Mental Conditions*: Delete "sexual gender and identity disorders paraphilias" from the list of administratively disqualifying conditions in paragraph 2.
- MCO 1900.16, *Marine Corps Separation and Retirement Manual* ("MARCORSEPMAN"): Delete "sexual gender and identity disorders and paraphilias" from the list of "conditions and defects of a developmental nature" in paragraph 6203(2)(b).

¹ "Transgender" is an umbrella term used to describe people with a gender identity that differs from the sex they were assigned at birth. Some transgender people have been diagnosed with gender dysphoria (formerly known as "Gender Identity Disorder"), and some have not. "Gender dysphoria" is clinically significant distress experienced by some individuals whose birth gender does not match the gender with which that person identifies.

² In September we submitted a similar request to the Surgeon General of the Army.

We have provided copies of this letter to Navy and Marine Corps leaders who are responsible for their respective regulations, and the officers who have been tasked with advising your office on revisions to the SECNAVINST 1850.4 series.

Introduction and Summary

The Navy regulations listed above require revisions in order to align Navy policy with DoD guidance and the modern understanding of transgender physiology and psychiatry. We explain below why these changes will not interfere with operational readiness, and how the Navy can implement the changes without straining its medical resources. Our discussion is organized as follows:

Section A explains that the Navy's existing retention standards implement a previous DoD Instruction (DoDI 1332.38), which instructed that transgender service members should be discharged through administrative separation. This DoD Instruction was recently cancelled. The DoD's new retention standards (found in DoDI 1332.18) no longer declare that transgender service members are deemed administratively unfit. (Copy enclosed). Instead, the regulation delegates to the individual service branches the authority to separate service members as administratively unfit for duty if, and only if, the service branch determines that the service member has a "condition, circumstance, or defect of a developmental nature" that "interfere[s] with assignment to or performance of duty." As discussed in the subsequent sections, there is no basis under current medical science to conclude that transgender service members have such a condition.

Section B explains that removing the blanket policy that transgender Sailors and Marines are automatically deemed administratively unfit would be consistent with the findings of a recent report by a nonpartisan commission, chaired by a former U.S. Surgeon General and a former Director of Health and Safety of the U.S. Coast Guard, which found no medical justification for such a blanket policy. It would also align the Navy's practice with the treatment of transgender individuals by the militaries of our closest allies and would be consistent with the current treatment of transgender persons by the Veterans Health Administration, the Federal Aviation Administration, and the United States Equal Employment Opportunity Commission. Section B further explains that a broad ban on transgender service rests on outdated medical assumptions about transgender people, which improperly associated gender dysphoria with sexual paraphilias, such as exhibitionism or voyeurism. Those past assumptions have no support in today's medical science.

Section C explains that concerns about fitness to serve, including in remote or austere environments, do not justify differentiating between Sailors and Marines receiving treatment for gender dysphoria and those receiving treatment for other medical conditions. Personnel receiving treatment for gender dysphoria should – like those with virtually every other medical condition – receive an individualized assessment of whether they are deployable. In the vast majority of cases, Sailors and Marines receiving treatment for gender dysphoria are fully deployable. In the unusual case in which a treatment for gender dysphoria interferes with the ability to perform the duties of office, grade, rank or rating, that Sailor or Marine should be

referred to the same medical review process that determines medical fitness for virtually every other medical condition. There is no reason to depart from these normal procedures and deem all personnel receiving treatment for gender dysphoria to be administratively unfit.

Finally, Section D explains how the Department of the Navy can and should use existing authority to permit transgender Sailors and Marines to serve while awaiting revisions to various regulations. We respectfully request that the Department of the Navy revise its regulations to afford all transgender service members the opportunity to continue to serve their country.

A. DoD Recently Cancelled Its Instruction Requiring Administrative Discharge of Transgender Service Members, and Delegated Responsibility to the Services to Determine When Conditions Render a Service Member Administratively Unfit.

On August 5, 2014, DoD changed its retention standards, cancelling DoDI 1332.38, *Physical Disability Evaluation*, and replacing it with DoDI 1332.18, *Disability Evaluation System (DES)*. The Navy regulations that implemented DoDI 1332.38 have not yet been updated to reflect the cancellation of that Instruction. Under the new DoD Instruction, the service branches may deem that a medical condition renders service members administratively unfit *only* if it is a “condition, circumstance, or defect of a developmental nature” that “interfere[s] with assignment to or performance of duty.” Because DoD regulations no longer provide that transgender service members should be automatically separated as administratively unfit – and because DoD regulations now provide that service branches may not use the specified medical conditions as bases for administrative separation unless the conditions interfere with assignment or performance of duty – the Department of the Navy must update the SECNAV Instruction and regulations as described above in order to eliminate the bar on continued service by transgender Sailors and Marines.

DoDI 1332.38 provided for categorical exclusion of transgender service members. The Instruction created a framework under which potentially disqualifying conditions were divided into two tracks. Service members with most medical conditions were able to continue serving without the need for a special medical review. If the service member had a medical condition that interfered with the performance of duty, that condition was treated or was referred to evaluation by a medical review board, which made an individualized determination of whether a service member was fit for duty despite that medical condition.

In contrast, DoDI 1332.38 provided that individuals with conditions defined as “not constituting a physical disability” should be separated administratively at the commander’s discretion and without the same opportunity to demonstrate fitness for duty. The list of conditions “not constituting a physical disability” (in Enclosure 5 of DoDI 1332.38) included “Certain Mental Disorders including . . . Sexual Gender and Identity Disorders, including Sexual Dysfunctions and Paraphilias.” Transgender service members were accordingly automatically referred for administrative separation and, as part of that separation, were denied the same protections afforded to service members who were referred to a medical board for other medical conditions.

Paragraph E4.1.2 of DoDI 1332.38 gave the individual services authority to “modify these guidelines to fit their particular needs” but only so long as modifications were consistent with

DoD guidance. The Department of the Navy (together with OPNAV and CMC) promulgated this policy through the directives summarized earlier in this letter. Under these implementing regulations, various conditions, including “sexual gender and identity disorders [and] paraphilias” render a Sailor or Marine unfit. Navy and Marine Corps personnel could read these provisions to require administrative separation of all transgender Sailors and Marines.

DoDI 1332.18, issued in August 2014, retains the distinction between medical conditions that are referred to a medical review board and medical conditions that are subject to administrative separation proceedings. But the new regulation no longer provides an enumerated list of conditions that automatically lead to administrative discharge. Instead, the regulation delegates to the services the authority to separate service members as administratively unfit if, and only if, the service branch determines that the service member has a “condition, circumstance, or defect of a developmental nature” that “interfere[s] with assignment to or performance of duty.” DoDI 1332.18.

Simply being transgender or receiving a diagnosis of gender dysphoria does not meet this new standard. As discussed below, being transgender or receiving a diagnosis of gender dysphoria does not, by itself, interfere with performance of duty; and in the majority of cases, medical treatments for gender dysphoria do not interfere with performance of duty either. In fact, Navy regulations applicable to accession and retention of personnel in submarine and nuclear field duty already recognize that transgender identity is not inherently inconsistent with military duty, even in some of the most challenging naval professions. For these career fields, “gender identity disorders” are disqualifying only if they “interfere with safety and reliability or foster a perception of impairment.” See NAVMED P-117, *Manual of the Medical Department*, Chapter 15, §§ 15-103(4)(d) and subsection (4) (Nuclear Field Duty); 15-106(4)(k) and subsection (4) (Submarine Duty). If transgender identity does not automatically “interfere with safety and reliability or foster a perception of impairment” for purposes of serving on a nuclear submarine, then it certainly does not automatically “interfere with assignment to or performance of duty” in a way that requires administrative separation. DoDI 1332.18.

Revising the regulations is therefore necessary to bring the Department’s retention standards in line with the new DoD Instruction, with other Navy regulations, and with today’s medical science. These revisions must do more than update medical terminology. They must reflect an understanding that transgender status, even when accompanied by a diagnosis of gender dysphoria, does not automatically render a service member unfit.

B. The Categorical Exclusion of Transgender Service Members Has No Basis in Modern Medical Science and Standards of Care.

This is a particularly appropriate time to reconsider the policy of administrative separation for transgender service members. In March 2014, a nonpartisan commission chaired by Joycelyn Elders, MD, former Surgeon General of the United States, and Rear Admiral Alan Steinman, MD, USPHS/USCG (Ret.), former U.S. Coast Guard Director of Health and Safety, issued a comprehensive report addressing the military’s policies relating to transgender persons (*Elders-Steinman Report*). (Copy enclosed). This report concluded that there is no compelling medical

rationale for banning military service by transgender persons and that eliminating the ban would advance a number of military interests. *Elders-Steinman Report* at 3.³

A follow-up report by a nonpartisan group (*Pollock Report*) discussed how open service by transgender service members could be effectively implemented, consistent with maintaining military readiness and adhering to core military values and principles. (Copy enclosed). The group that developed this report was co-chaired by Major General Gale S. Pollock, USA (Ret.), former acting Army Surgeon General, and included a former Navy Surface Warfare Officer and a former commander of the Naval Computer and Telecommunications Station, Diego Garcia (who also served as Deputy to the Assistant Chief of Naval Personnel for Personal Readiness and Family Support).

Revising the regulations would align the Department of the Navy with the militaries of the United States' closest allies in the treatment of transgender individuals. The United Kingdom, Canada, and Australia (as well as other nations) now permit transgender individuals to openly serve in their militaries. *Pollock Report* at 4. For example, a United Kingdom regulation states, "Transsexual applicants with no history of mental health problems or deliberate self-harm who meet other fitness standards should be passed as being fit to join the Armed Forces." Post-transition transgender service members from the United Kingdom and Canada have completed tours in Afghanistan. *Elders-Steinman Report* at 13-14.

Revising the regulations would also be timely in light of recent changes at the Veterans Health Administration ("VHA"), the Federal Aviation Administration ("FAA"), and the United States Equal Employment Opportunity Commission ("EEOC"). Since June 2011, the VHA has provided transgender-related health care, with the exception of gender-confirming surgery, for transgender veterans. *Elders-Steinman Report* at 20. VHA personnel have developed expertise in delivering such services. Among other things, VHA has established four Transgender E-Consultation teams to support health care providers throughout the VHA system. *Elders-Steinman Report* at 20. In 2012, the FAA eliminated onerous mental health testing requirements for transgender pilots, including those flying large commercial airlines. FAA, *Guide for Aviation Medical Examiners: Item 41. G-U System - Gender Identity Disorder*. In the same year, the EEOC found that employment discrimination against an individual because that person is transgender is covered under Title VII of the Civil Rights Act of 1964. *Macy v. Department of Justice*, EEOC Appeal No. 0120120821 (April 20, 2012).

It is unclear why the U.S. military issued regulations excluding transgender persons from service in the first place. One possible reason is that medical professionals had previously classified transgender identity as a personality disorder. For example, the Marine Corps Separation and Retirement Manual classifies "Sexual Gender and Identity Disorders and Paraphilias" as "Mental Disorders," along with "Mental Retardation" and substance abuse disorders. See MCO 1900.16, ¶ 6203(b)(9). This classification does not comport with current medical understanding.

³ A shorter version of this report was subsequently published in a peer-reviewed journal as M. Joycelyn Elders, et al., *Medical Aspects of Transgender Military Service*, Armed Forces & Society, 0095327X14545625, first published online on August 19, 2014.

Several decades ago, the American Psychiatric Association, in its *Diagnostic and Statistical Manual* ("DSM") (excerpts enclosed), also grouped "transsexualism" along with "psychosexual conditions" and "paraphilias," such as exhibitionism or voyeurism. Paraphilias are conditions "involving distressing and repetitive sexual fantasies, urges, or behaviors" that "interfere with everyday functioning." Modern medicine has squarely rejected the conflation of gender dysphoria with sexual paraphilias. Currently, in the fifth edition of the DSM (DSM-5), gender dysphoria and disorders related to sexuality are in completely separate sections, reflecting the modern medical understanding that gender identity and sexuality disorders are distinct. Even under the fourth edition (DSM-IV), Gender Identity Disorder was no longer grouped with paraphilias. *Elders-Steinman Report* at 9.⁴

The Navy and Marine Corps regulations have not been substantively updated to reflect these developments in medical consensus. This update should take place now. As the Elders-Steinman Report concluded, there is no compelling medical rationale for administratively separating all transgender service members. *Elders-Steinman Report* at 3. The exclusion reflects past social judgments against transgender individuals, not contemporary medical science.

C. Concerns About Fitness to Serve, Including in Remote or Austere Environments, Should Be Addressed Through the Normal Medical Review Process, Not By Automatically Deeming Transgender Sailors and Marines Administratively Unfit.

Concerns about transgender service members' deployability to remote or austere environments can and should be evaluated under the same standard that applies to virtually every other medical condition. "Deployment limiting conditions" comprise a relatively limited number of medical conditions. See SECNAVINST 6120.3 ch.1, Encl. (1) ¶ 2(j)(2) ("To be deployment ready, service members should not be on limited duty, undergoing a physical evaluation board, pregnant, or in the postpartum period."). Neither the status of being transgender nor the routine medical needs of transgender people compare to those limiting conditions. In the past, the military services have permitted continued service and deployment by many service members with serious medical conditions, like diabetes and other conditions that require hormone treatment, as well as mental health conditions. *Elders-Steinman Report* at 13. An analysis by

⁴ In addition, the modern medical community no longer considers transgender identity to be a mental illness or psychological disorder. This evolution is reflected in successive editions of the DSM. (Excerpts enclosed) DSM-III, issued in 1980, listed "Transsexualism" as a mental health diagnosis. The next edition (DSM-IV), issued in 1994, eliminated "Transsexualism" as a mental health diagnosis and replaced it with "Gender Identity Disorder." The most recent edition (DSM-5), published in 2013, no longer describes transgender identity as a "disorder." It replaced "Gender Identity Disorder" with "gender dysphoria," a condition diagnosed by "clinically significant distress" that may follow from the incongruence between a person's expressed or desired gender identity and the gender the person had been assigned at birth. The World Health Organization's Working Group on the Classification of Sexual Disorders and Sexual Health has recommended that the 2015 version of the *International Statistical Classification of Diseases and Related Health Problems* (ICD-11) adopt a similar view of transgender identity. (Copy of recommendation enclosed). There are now standards of care for treating gender dysphoria, and medical professionals recognize that symptoms associated with this condition typically can be alleviated by treatments that have been found in numerous peer-reviewed studies to be safe, effective, and reliable. World Professional Association for Transgender Health, *Standards of Care (SOC) for the Health of Transsexual, Transgender, and Gender Nonconforming People* (SOC-VII). (Excerpt enclosed).

Professor Diane Mazur entitled "Arbitrary and Capricious: Six Inconsistencies Distinguishing Military Medical Policies for Transgender and Non-Transgender Personnel" (copy enclosed) contrasts the treatment of transgender personnel and personnel with a sampling of other medical conditions.

There is no good reason for treating Sailors and Marines receiving treatment for gender dysphoria differently than those receiving treatment for any other medical diagnosis. Some transgender people have only mild symptoms (or no symptoms) of gender dysphoria. For transgender people who do experience gender dysphoria, that condition is amenable to safe and effective treatments, and those treatments do not usually pose any barrier to service for transgender individuals. There are accepted standards of care for treating gender dysphoria, and the medical treatments are no longer considered experimental. *Elders-Steinman Report* at 9-15. Many transgender people do not need or want surgery (particularly genital surgery). For those who have surgery, the rate of post-surgical complications is low. *Elders-Steinman Report* at 14-16 (and associated footnotes). The Elders-Steinman Report explains that the military already has the competency to provide care for most transgender service members; moreover, the experience of the VHA, which has treated transgender veterans for several years, demonstrates that Navy Medicine could adopt several simple tools for building knowledge in transgender care and providing resources for Navy medical personnel (e.g., webinars, FAQ's and other online resources for health care providers). *Elders-Steinman Report* at 20-21. Indeed, removing the military's blanket ban on transgender service members would improve health outcomes by enabling commanders to better care for their troops. *Elders-Steinman Report* at 5.

There is, similarly, no reason why the vast majority of transgender Sailors and Marines cannot serve successfully in various austere environments. The medical needs of most Sailors and Marines receiving treatment for gender dysphoria are not materially different from needs the military handles for other service members, including those deployed to distant or austere environments. For example, the military provides psychological care around the globe. It also provides medications for people with diabetes and other disorders on a long-term basis and stocks various hormones in its dispensaries in the United States and abroad. *Elders-Steinman Report* at 13. Marines and Sailors taking medication are not necessarily prevented from deploying; they are instructed to maintain at least a 90-day supply of all prescription medications to prepare for that contingency. SECNAVINST 6120.3, ch. 1, Encl. (1) ¶ 2(o)(3). The military branches (including the Navy and Marine Corps) also provide leave for certain elective and reconstructive surgeries without discharging the service members who undergo those surgeries while serving. *Elders-Steinman Report* at 14.

Even in extreme cases where a particular transgender Sailor's or Marine's medical care renders him or her ineligible for worldwide deployment, there is no reason why he or she should be singled out for automatic discharge without an individualized inquiry into fitness. Many non-transgender service members are temporarily or permanently non-deployable, but they are not automatically discharged as a result, and military policies accommodate them within reason. *Elders-Steinman Report* at 17.

In short, transgender Sailors and Marines who might elect treatment for gender dysphoria are not inherently different from other members with treatable medical conditions. If any Sailor or

Marine, transgender or not, has a condition requiring medication or surgery, Navy medical personnel are capable of determining whether that condition interferes with the performance of duty. If there are grounds to refer the member to a medical review board, then transgender Sailors and Marines should have the same opportunity afforded to every other service member to show they are, in fact, medically fit for service – along with the same procedural and substantive protections that regulations provide to all other personnel referred for medical evaluation.

D. Pending a Decision on Revision, the Navy Should Permit Transgender Sailors and Marines to Continue to Serve.

We understand that the revision process may take time. In addition to bringing the regulations in line with medical science, additional affirmative implementation strategies may be appropriate. *See generally Pollock Report.* But transgender Sailors and Marines should not be penalized while the regulations are being updated. Instead, while decisions on changes to the regulation are pending, Navy and Marine Corps leaders should exercise their discretion to prevent separation of transgender Sailors and Marines, unless other circumstances independently warrant their administrative separation. The services should publicize this decision, so that all personnel, including transgender personnel, will be on notice of the interim policy and pending revisions.

Request for Response

We respectfully request that the regulations be revised to permit transgender Sailors and Marines to continue to serve. The recent revision to DoD retention policies calls for reexamination of this issue. The medical evidence described above and in the Elders-Steinman Report shows that the ban on continued service by transgender personnel is outdated and counterproductive to mission accomplishment.

While the decision whether to revise is pending, the Department of the Navy should impose a moratorium on administrative separations of transgender personnel by waiving the application of the regulations as applied to transgender Sailors and Marines, and stating explicitly that being transgender does not automatically render a service member administratively or physically unfit.

We request a formal response to this request within a reasonable period of time, at least by January 16, 2015, stating whether the Department of the Navy will revise the SECNAV Instruction (and direct parallel revisions to the Navy and Marine Corps directives) and, if not, explaining the rationale.

We thank you and the Navy and Marine Corps leaders for your attention to this matter.

Very Respectfully,

/s/

(b)(6)

American Civil Liberties Union LGBT Project

125 Broad St., New York, NY 10004

(b)(6)



cc:

Director

Secretary of the Navy Council of Review Boards

720 Kennon Street SE, Suite 309

Washington, DC 20374-5023

Deputy Chief of Naval Operations (N-1)

Office of the Chief of Naval Operations

2000 Navy Pentagon

Washington, DC 20350-2000

Deputy Commandant of the Marine Corps (M&RA)

Headquarters Marine Corps

3280 Russell Road

Quantico, VA 22134-5103

Surgeon General of the Navy

Bureau of Medicine and Surgery

7700 Arlington Boulevard, Suite 5113

Falls Church, VA 22042-5113

Judge Advocate General of the Navy

1322 Patterson Avenue, Suite 3000

Washington Navy Yard, DC 20374-5066

From: Beyler, Juliet M SES OSD OUSD P-R (US)
Sent: Tuesday, October 07, 2014 11:18 AM
To: (b)(6) CIV DODHRA HQ (US); Schwenk, James R SES OSD OGC (US);
(b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) CIV DODHRA HQ (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV DODHRA HQ (US); (b)(6) CIV OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Subject: RE: DEERS info

Jim.
(b)(5)

Vr/J

-----Original Message-----

From: (b)(6) CIV DODHRA HQ (US)
Sent: Tuesday, October 07, 2014 8:58 AM
To: Schwenk, James R SES OSD OGC (US); Beyler, Juliet M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) CIV DODHRA HQ (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV DODHRA HQ (US); (b)(6) CIV OSD OGC (US)
Subject: RE: DEERS info

Sir,

(b)(5); (b)(6)

Respectfully,

(b)(6)

(b)(6)

DHRA | Policy Support
4800 Mark Center Drive
Alexandria, VA 22350-4000

(b)(6)

-----Original Message-----

From: Schwenk, James R SES OSD OGC (US)
Sent: Monday, October 06, 2014 5:02 PM

To: (b)(6) CIV DODHRA HQ (US); Beyler, Juliet M SES OSD OUSD P-R (US); (b)(6)
(b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) CIV DODHRA HQ (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) USAF OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: FW: DEERS info

(b)(5)

(b)(6) Thanks! Jim

-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Monday, October 06, 2014 3:56 PM
To: Schwenk, James R SES OSD OGC (US)
Cc: (b)(6)
Subject: Re: DEERS info

Jim,

I hope this finds you well. Wanted to follow up on this and ask if there is any update on either finalizing the DEERS changes (hopefully with our input, see below) or on the DD214 review? Any prospect of news by Veterans Day? :)

Cheers,

(b)(6), Esq.

(b)(6)
National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6)
Sent: Monday, July 28, 2014 1:28 PM
To: Schwenk, James R SES OSD OGC (US)
Cc: (b)(6); (b)(6)
Subject: RE: DEERS info

Jim,

Thanks for the update. We've been pleased to hear that the surgery requirement is gone. As this moves toward being codified, our experience with other federal and state is that it's very important to get the policy language right requiring the health care provider's letter, and for the written policy to make very clear to staff as well as health care providers that DoD is looking for standardized language that reflects the provider's judgment.

To that end, it's critical that (1) the language requested for the letters refer to "appropriate clinical treatment" as SSA, DOS, etc. do and not to transition being "completed," which providers will often misunderstand (given their long history with older government policies) as asking about surgery, (2) the policy explicitly state that specifics about surgery or other treatment should not be requested, (3) the policy allow for slightly differently worded letters for individuals with intersex conditions, and (4) that individuals who have already obtained updated federal or state documents such as a passport be able to provide this in lieu of a provider's letter.

These elements have been critical to the success of the SSA, DOS, USCIS, OPM, and VA policies (see our memo attached again here). Please let me know if you want me to walk you through these pieces.

Cheers,

(b)(6), Esq.

(b)(6)
National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: Schwenk, James R SES OSD OGC (US) (b)(6)

Sent: Monday, July 28, 2014 12:55 PM

To: (b)(6)

Subject: DEERS info

(b)(6): I heard back from our ID Cards/DEERS folks; below is their reply. I believe (b)(5)

(b)(5)

FROM ID CARD/DEERS: We only require the doctor's letter. This was communicated to NCTE in May (correspondence attached). We do not anticipate any other updates; so if there is anything else specifically DEERS related let me know. This requirement will be codified in DoD Manual 1000.13 volume 3 but is on-hold until we finish coordination of volumes 1 & 2.

Respectfully,

(b)(6)

(b)(6)
DHRA | Policy Support
4800 Mark Center Drive
Alexandria, VA 22350-4000

(b)(6)

-----Original Message-----

From: Schwenk, James R SES OSD OGC (US)

Sent: Monday, July 28, 2014 12:12 PM

To: Beyler, Juliet M SES OSD OUSD P-R (US); (b)(6) CIV DODHRA HQ (US)

Cc: (b)(6) CIV DODHRA HQ (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OUSD P-R (US)

Subject: FW: DoD EEO policy (UNCLASSIFIED)

Juliet (b)(6) happy Monday! (b)(6), of the National Transgender Equality Center, asks (in the below e-mail) for any updates on two of her organization's requests from the fall of 2013 re DEERS and DD214s. (b)(6), I seem to recall that you replaced the requirement for gender reassignment surgery with a requirement for a doctor letter stating the gender change (leaving it up to the doctor to decide what was necessary for such a letter)...but I could be mis-remembering!!! (b)(6) last I heard re 214s was that DoD was continuing to consider the issue but hadn't settled on any change that preserved the historical record while providing relief to the former service-member. But I could be wrong there too! Anyway, let me know how you'd like me to respond to (b)(6)...or let me know that you'll respond directly to her. Thanks! Jim

-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Monday, July 28, 2014 11:29 AM
To: Schwenk, James R SES OSD OGC (US)
Subject: RE: DoD EEO policy (UNCLASSIFIED)

Thanks, Jim. We're keeping very busy at NCTE engaging with other agencies. Any update on DEERS or DD214s?

Cheers,

(b)(6), Esq.

(b)(6)
National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: Schwenk, James R SES OSD OGC (US) (b)(6)

Sent: Thursday, July 24, 2014 4:59 PM

To: (b)(6) CIV USARMY HQDA SECARMY (US); (b)(6); (b)(6); (b)(6)

Subject: RE: DoD EEO policy (UNCLASSIFIED)

(b)(6): our civilian personnel lawyer is discussing with his client...you may hear directly from the client or, if you're really unlucky, from me as a relay! Hope all is well. Jim

-----Original Message-----

From: (b)(6) CIV USARMY HQDA SECARMY (US)

Sent: Thursday, July 24, 2014 4:57 PM

To: (b)(6); (b)(6); (b)(6); Schwenk, James R SES OSD OGC (US)

Subject: RE: DoD EEO policy (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

(b)(6),

Thanks for reaching out. I have recently transitioned from OSD to a position in the Army, and I am not in a position to speak to a formal EEO policy update.

My new contact info is below (and as you have noted, my email has stayed the same).

Please do stay in touch -

Best regards,

(b)(6)

(b)(6)

Special Assistant to the Under Secretary of the Army Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Thursday, July 24, 2014 1:05 PM
To: (b)(6) CIV USARMY HQDA SECARMY (US); (b)(6); (b)(6); Schwenk, James R
SES OSD OGC (US)
Subject: DoD EEO policy

Good afternoon,

Hope this finds you well. Any news on a formal EEO policy update? Of course there's no explicit coverage with the new executive order but we think it's still important to include GI under sex to ensure everyone is aware that the 1614 process applies.

As always, let us know if we can be of help (on this or the documents issues).

Cheers,

(b)(6), Esq.

(b)(6)

National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

<https://by2prdu411.outlook.com/owa/redir.aspx?C=7nBsbP4KD0OL5F2npoafa_PIAtdi6c8IQ1sU0Lo3VA9XdWxxQzTn2t-c1hZIE01UFI1WuxCLt2A.&URL=mailto%3ahjtobin%40transequality.org>

From: (b)(6)
Sent: Monday, June 16, 2014 1:53 PM
To: (b)(6) CIV OSD OGC (US); (b)(6); (b)(6); Schwenk, James R SES OSD OGC (US)
Subject: RE: Gender and DoD records

Jim and (b)(6)

Thought you'd be interested in this recent NYT editorial noting recent policy advances for transgender people - perhaps most notably for your purposes, New York joining other states in eliminating the surgical requirement for updating vital records. See <<http://www.nytimes.com/2014/06/10/opinion/progress-on-transgender-rights-and-health.html>> <http://www.nytimes.com/2014/06/10/opinion/progress-on-transgender-rights-and-health.html>.

Would love to hear any update, or any questions that have come up on EEO, DEERS, or DD-214.

Cheers,

(b)(6), Esq.

(b)(6)

National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

(b)(6)

From: (b)(6)

Sent: Monday, November 4, 2013 12:50 PM

To: (b)(6) CIV OSD OGC (US); (b)(6) (b)(6)

Cc: Schwenk, James R SES OSD OGC (US); Chelsea Whittier

Subject: RE: Gender and DoD records

(b)(6) and Jim,

Thank you for meeting with us, and for getting the right colleagues together for an initial conversation. Attached you'll find three memos covering the topics we discussed and outlining our recommendations.

On the related issue of gender coding and health coverage that came up, I am passing along as background a CMS transmittal that explains how Medicare deals with this issue. In essence, it explains that when it comes to transgender people as well as those with intersex conditions, Medicare has special additional codes that providers should use to avoid any gender-based claim denial that might otherwise occur automatically.

I hope this information is helpful and that the Department is able to move on these recommendations. Please feel free to follow up with me with any questions on these topics.

Cheers,

(b)(6) Esq.

(b)(6)
National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6) CIV OSD OGC (US) <(b)(6)>

Sent: Tuesday, October 29, 2013 1:46 PM

To: (b)(6) (b)(6) (b)(6)

Cc: Schwenk, James R SES OSD OGC (US)

Subject: RE: Gender and DoD records

(b)(6), (b)(6), (b)(6):

Thank you again for coming over today.

Jim Schwenk is cc'd above. I will share your email addresses with the other attendees, as promised.

Best

(b)(6)

V/r,

(b)(6)

Special Counselor to the General Counsel
Department of Defense

(b)(6)

(b)(6)

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-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Wednesday, October 23, 2013 11:43 AM
To: (b)(6) CIV OSD OGC (US)
Cc: (b)(6); (b)(6)
Subject: RE: Gender and DoD records

As between those times, we would prefer to come in anytime Tuesday morning.

Cheers,

(b)(6), Esq.

(b)(6)
National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6)
Sent: Wednesday, October 23, 2013 11:29 AM
To: (b)(6) CIV OSD OGC (US)
Cc: (b)(6); (b)(6)
Subject: RE: Gender and DoD records

(b)(6)

Those times work for all three of us. And yes, (b)(6) and I at least will be arriving by Metro. Thanks again.

Cheers,

(b)(6), Esq.

(b)(6)
National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6) CIV OSD OGC (US) (b)(6)

Sent: Tuesday, October 22, 2013 2:49 PM

To: (b)(6)

Cc: (b)(6)

Subject: RE: Gender and DoD records

(b)(6)

--

(b)(6)

wasn't on the email below, so I'm adding her.

Given 1500 or after won't work, it looks like the following are the best times:

Monday Oct 28 between 0900-1000

Tuesday Oct 29 between 0930-1230

Will you be arriving via Metro?

V/r,

(b)(6)

Special Counsel to the General Counsel
Department of Defense

(b)(6)

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-----Original Message-----

From: (b)(6)

[mailto:

(b)(6)

Sent: Tuesday, October 22, 2013 2:25 PM

To: (b)(6) CIV OSD OGC (US)

Subject: RE: Gender and DoD records

(b)(6)

Looks like Monday and Tuesday will work, except for 1500 or later on Tuesday Oct 29 - right?

Cheers,

(b)(6)

, Esq.

(b)(6)

National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6) CIV OSD OGC (US)

(b)(6)

Sent: Tuesday, October 22, 2013 2:22 PM

To: (b)(6)
Cc: (b)(6)
Subject: RE: Gender and DoD records

(b)(6),

Would any of the following windows work for you, (b)(6) and (b)(6)?
Monday Oct 28 between 0900-1000
Tuesday Oct 29 between 0930-1230 or 1400-1700
Wednesday Oct 30 between 1400-1500
Friday Nov 1 between 1430-1600

V/r,

(b)(6)
Special Counsel to the General Counsel
Department of Defense

(b)(6)

PLEASE NOTE MY NEW E-MAIL ADDRESS: (b)(6)

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-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Tuesday, October 22, 2013 1:32 PM
To: (b)(6) CIV OSD OGC (US)
Cc: (b)(6)
Subject: RE: Gender and DoD records

(And obviously by the 19th I meant the 29th.)

Cheers,

(b)(6), Esq.

(b)(6)
National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6)
Sent: Tuesday, October 22, 2013 1:31 PM
To: (b)(6) CIV OSD OGC (US)
Cc: (b)(6)
Subject: RE: Gender and DoD records

Yes, those dates still work (though (b)(6) has a 4pm on the 19th with the DC police chief). Thanks.

Cheers,

(b)(6), Esq.
(b)(6)

National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6) CIV OSD OGC (US) (b)(6)
Sent: Tuesday, October 22, 2013 1:07 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: Gender and DoD records

Great - I'm working to nail something down with our folks next week.

If there are any changes to your availability let us know. Otherwise I'll assume 28-31 Oct are still ok on your end.

V/r,

(b)(6)
Special Counsel to the General Counsel
Department of Defense
(b)(6)

PLEASE NOTE MY NEW E-MAIL ADDRESS: (b)(6)

~~CAUTION: This message may contain information protected by the attorney-client, attorney work-product, deliberative process, or other privilege. No dissemination of this email message is authorized without the prior written approval of the Office of the General Counsel, Department of Defense. The Office of the General Counsel provides no assurance as to the integrity of this message's content after it has been sent to and received by the intended mail recipient.~~

-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Monday, October 14, 2013 2:25 PM
To: (b)(6) CIV OSD OGC (US)
Cc: (b)(6)
Subject: RE: Gender and DoD records

(b)(6)

Those dates still work, except for the 21st, and the afternoon of the 25th; a couple of things have come up.

Cheers,

(b)(6), Esq.

(b)(6)

National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6) CIV OSD OGC (US) (b)(6)
Sent: Thursday, October 10, 2013 1:37 PM
To: (b)(6)
Cc: (b)(6)
Subject: RE: Gender and DoD records

(b)(6)

I wanted to double-check your availability for later this month. Originally you noted that Oct 21-25 or 28-31 would work. Are those dates still ok, on your end? If not, let me know which would be best and I'll get back to our folks.

Thanks!

V/r,

(b)(6)

Special Counsel to the General Counsel
Department of Defense

(b)(6)

PLEASE NOTE MY NEW E-MAIL ADDRESS: (b)(6)

~~CAUTION: This message may contain information protected by the attorney-client, attorney work-product, deliberative process, or other privilege. No dissemination of this email message is authorized without the prior written approval of the Office of the General Counsel, Department of Defense. The Office of the General Counsel provides no assurance as to the integrity of this message's content after it has been sent to and received by the intended mail recipient.~~

-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Monday, September 23, 2013 10:08 AM
To: (b)(6) CIV OSD OGC (US)
Cc: (b)(6) (b)(6)
Subject: RE: Gender and DoD records

(b)(6)

Thanks for your quick follow-up. Any of the following would work for us: Oct. 1-3, 7, 8, 21-25, and 28-31. If it is okay with you, (b)(6) and I would like to bring along (b)(6), formerly of the Human Rights Campaign and Outserve-SLDN.

Cheers,

(b)(6) Esq.

(b)(6)

National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

From: (b)(6) CIV OSD OGC (US) (b)(6)
Sent: Wednesday, September 18, 2013 2:30 PM
To: (b)(6)
Cc: (b)(6); (b)(6)
Subject: RE: Gender and DoD records

(b)(6)

We would welcome the opportunity to discuss your recommendations. I have coordinated with my colleagues in OGC and P&R - several folks will be on temporary duty assignments outside of DC area, returning after Sept 30. Are there any dates in October that would be particularly good on your end, for a phone call or meeting?

Thanks!

V/r,

(b)(6)

Special Counsel to the General Counsel
Department of Defense

(b)(6)

PLEASE NOTE MY NEW E-MAIL ADDRESS:

(b)(6)

~~CAUTION: This message may contain information protected by the attorney-client, attorney work-product, deliberative process, or other privilege. No dissemination of this email message is authorized without the prior written approval of the Office of the General Counsel, Department of Defense. The Office of the General Counsel provides no assurance as to the integrity of this message's content after it has been sent to and received by the intended mail recipient.~~

-----Original Message-----

From: (b)(6) mailto:(b)(6)
Sent: Tuesday, September 17, 2013 5:10 PM
To: (b)(6); CIV OSD OGC (US)
Cc: (b)(6); (b)(6)
Subject: Gender and DoD records

Dear (b)(6)

I am writing to follow up on (b)(6) kind introduction and our round of phone messages - thank you for so promptly returning my call.

We at NCTE would like to have the opportunity to engage with you and appropriate staff in P&R or elsewhere on two issues affecting transgender veterans, retirees, and family members. The first is the difficulty many

face in updating their gender designation in DEERS, and related issues around marriages involving a transgender spouse. The second is the difficulty many of these same individuals face in obtaining documentation of their service (i.e. DD 214) that does not 'out' them as transgender by virtue of listing the name under which they served.

Having worked with several other federal agencies on updating policies related to gender and records, we would welcome the opportunity to discuss these issues and provide recommendations for improving current policies and procedures in these areas. I hope you can assist us in identifying the right folks to talk to the best steps to open this conversation.

Cheers,

(b)(6), Esq.

(b)(6)

National Center for Transgender Equality
1325 Massachusetts Ave NW, Suite 701
Washington, DC 20005

(b)(6)

<https://by2prd0411.outlook.com/owa/redir.aspx?C=7nBsbP4KD0OL5F2npoafa_PIAtdi6c8IQ1sU0Lo3VA9XdWxxQzTn2t-c1hZIE01UFI1WuxCLt2A.&URL=mailto%3ahjtobin%40transequality.org>;

Classification: UNCLASSIFIED

Caveats: NONE

From:

(b)(6) CIV SD (b)(6)

Sent:

Thursday, August 21, 2014 5:15 PM

To:

Penrod, Virginia S SES OSD OUSD P-R (US); (b)(6) USN OSD PA (US); (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Boehmer, Matthew D (Matt) SES DODHRA FVAP (US); Brady, Thomas M SES (US); (b)(6) CIV, DHA; (b)(6) USARMY OSD OUSD (US); (b)(6) OASD(HA); (b)(6) ASD(HA); (b)(6) (b)(6) CIV OSD OUSD P-R (US); Smith, David, SES, OASD/HA; (b)(6) CTR DODHRA SAPRO (US); (b)(6) USARMY OSD OUSD P-R (US); Woodson, Jonathan HON (US); Dubois, Matthew P SES OSD OUSD P-R (US); (b)(6) CIV, DHA; FORRESTER, JASON W (Jason) SES OSD OUSD P-R (US); (b)(6) CIV DODHRA DSPO (US); Guice, Karen S SES (US); Hastings, John T SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OASD LA (US); Hinkle-Bowles, Stephanie P SES OSD OUSD P-R (US); (b)(6) USAF OSD (US); Jeu, Joseph H SES (US); Johnson, Clarence A SES OSD OUSD P-R (US); Junor, Laura J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Kelly, Susan S SES OSD (US); Klein, Margaret D (Peg) RADM USN OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Linnington, Michael S LTG USARMY (US); (b)(6) CIV OSD OUSD P-R (US); Lockette, Warren E SES (US); Robb, Douglas, Lt Gen, Director, DHA; (b)(6) (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USAF DODHRA SAPRO (US); Middleton, Allen W SES (US); Milam, Charles E SES (US); (b)(6) USAF OSD OASD LA (US); Mitchell, Pamela S (Pam) SES DODHRA HQ (US); (b)(6) USMC OSD OUSD P-R (US); (b)(6) CIV (US); Patrick, Paul D SES OSD OUSD P-R (US); (b)(6) (b)(6) USARMY OSD OUSD C (US); Register, Jeffrey R SES DODHRA HQ (US); (b)(6) CIV (US); Robbins, Richard A SES (US); (b)(6) CIV, DHA; Rodriguez, James D SES (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OASD LA (US); Sitrin, Joel B SES DODHRA OACT (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Snavely-Dixon, Mary M SES DODHRA DMDC (US); Snow, Jeffrey J MG USARMY DODHRA SAPRO (US); Talley, Adrian B SES DODEA (US); (b)(6) CIV OSD OUSD P-R (US); Weaver, Nancy E SES OSD OUSD P-R (US); Wightman, Richard O Jr SES OSD OUSD P-R (US); Williams, Rosemary J SES WHS ESD (US); Wilson, Elizabeth F SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Wright, Jessica L HON OSD OUSD P-R (US)

Subject: RE: OSD PA Daily Update for August 21

Vee -- I'm going to push to get it over the line with SD this evening. I told (b)(6) and (b)(6) that I would send an email after wrap up on whether to push or hold. We'll see how it goes.

Best regards,

(b)(6)

-----Original Message-----

From: Penrod, Virginia S SES OSD OUSD P-R (US)

(b)(6)

Sent: Thursday, August 21, 2014 5:09 PM

To: (b)(6) USN OSD PA (US); (b)(6) USARMY
OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6),
(b)(6) USN OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R
(US); Boehmer, Matthew D (Matt) SES DODHRA FVAP (US); Brady, Thomas M SES
(US); (b)(6) CIV, DHA; (b)(6) USARMY OSD OSD (US);
(b)(6), OASD(HA); (b)(6) ASD(HA); (b)(6)
C CIV OSD OUSD P-R (US); Smith, David, SES, OASD/HA; (b)(6) CTR
DODHRA SAPRO (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6), Assistant Secretary Of Defense, OASD(HA); Dubois, Matthew P
SES OSD OUSD P-R (US); (b)(6), CIV, DHA; FORRESTER, JASON W (Jason)
SES OSD OUSD P-R (US); (b)(6) CIV DODHRA DSPO (US); (b)(6)
(b)(6) CIV, Principal DASD, OASD(HA); Hastings, John T SES OSD OUSD P-R
(US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R
(US); (b)(6) CIV OSD OASD LA (US); Hinkle-Bowles, Stephanie P SES
OSD OUSD P-R (US); (b)(6) USAF OSD (US); Jeu, Joseph H SES
(US); Johnson, Clarence A SES OSD OUSD P-R (US); Junor, Laura J SES OSD OUSD
P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Kelly, Susan S SES
OSD (US); Klein, Margaret D (Peg) RADM USN OSD OUSD P-R (US); Koffsky, Paul
S SES OSD OGC (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) CIV
OSD OUSD P-R (US); Linnington, Michael S LTG USARMY (US); (b)(6)
(b)(6) CIV OSD OUSD P-R (US); Lockette, Warren, Dr., SES, OASD/HA; Robb,
Douglas, Lt Gen, Director, DHA; (b)(6) USARMY OSD OUSD P-R
(US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USAF
DODHRA SAPRO (US); Middleton, Allen W SES (US); Milam, Charles E SES (US);
(b)(6) USAF OSD OASD LA (US); Mitchell, Pamela S (Pam) SES
DODHRA HQ (US); (b)(6) USMC OSD OUSD P-R (US); (b)(6),
(b)(6) CIV (US); Patrick, Paul D SES OSD OUSD P-R (US); (b)(6),
(b)(6) USARMY OSD OUSD C (US); Register, Jeffrey R SES DODHRA HQ (US);
(b)(6) CIV (US); Robbins, Richard A SES (US); (b)(6) CIV,
DHA; Rodriguez, James D SES (US); (b)(6) USARMY OSD OUSD P-R
(US); (b)(6) USARMY (US); (b)(6) CIV OSD OUSD
P-R (US); (b)(6) USARMY OSD OASD LA (US); Sitrin, Joel B SES
DODHRA OACT (US); (b)(6) USN OSD OUSD P-R (US); (b)(6),
(b)(6) CIV OSD OUSD P-R (US); Snavelly-Dixon, Mary M SES DODHRA DMDC (US);
Snow, Jeffrey J MG USARMY DODHRA SAPRO (US); (b)(6) CIV SD;
Talley, Adrian B SES DODEA (US); (b)(6) CIV OSD OUSD P-R (US);
Weaver, Nancy E SES OSD OUSD P-R (US); Wightman, Richard O Jr SES OSD OUSD
P-R (US); Williams, Rosemary J SES WHS ESD (US); Wilson, Elizabeth F SES OSD
OSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Wright,
Jessica L HON OSD OUSD P-R (US)
Subject: RE: OSD PA Daily Update for August 21

(b)(6); (b)(6) should be sending you an email to hold on the PTSD
guidance memo until Monday

-----Original Message-----

From: (b)(6) USN OSD PA (US)

Sent: Thursday, August 21, 2014 4:47 PM

To: (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) (b)(6) CIV OSD OUSD P-R (US); Boehmer, Matthew D (Matt) SES DODHRA FVAP (US); Brady, Thomas M SES (US); (b)(6) CIV, OASD(HA)/TMA (b)(6) USARMY OSD OSD (US); (b)(6) USN OSD PA (US); (b)(6) (b)(6) (b)(6) (b)(6) CIV OSD OUSD P-R (US); (b)(6) (b)(6) CTR DODHRA SAPRO (US); (b)(6) USARMY OSD OUSD P-R (US); Woodson, Jonathan HON (US); Dubois, Matthew P SES OSD OUSD P-R (US); (b)(6) CIV, OASD(HA)/TMA (b)(6); FORRESTER, JASON W (Jason) SES OSD OUSD P-R (US); (b)(6) CIV DODHRA DSPO (US); Guice, Karen S SES (US); Hastings, John T SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OASD LA (US); Hinkle-Bowles, Stephanie P SES OSD OUSD P-R (US); (b)(6) (b)(6) USAF OSD (US); Jeu, Joseph H SES (US); Johnson, Clarence A SES OSD OUSD P-R (US); Junor, Laura J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Kelly, Susan S SES OSD (US); Klein, Margaret D (Peg) RADM USN OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) (b)(6) USN OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Linnington, Michael S LTG USARMY (US); (b)(6) CIV OSD OUSD P-R (US); Lockette, Warren E SES (US); LTG Robb; (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USAF DODHRA SAPRO (US); Middleton, Allen W SES (US); Milam, Charles E SES (US); (b)(6) USAF OSD OASD LA (US); Mitchell, Pamela S (Pam) SES DODHRA HQ (US); (b)(6) USMC OSD OUSD P-R (US); (b)(6) (b)(6) CIV (US); Patrick, Paul D SES OSD OUSD P-R (US); (b)(6) (b)(6) USARMY OSD OUSD C (US); Penrod, Virginia S SES OSD OUSD P-R (US); Register, Jeffrey R SES DODHRA HQ (US); (b)(6) CIV (US); Robbins, Richard A SES (US); (b)(6) CIV, OASD(HA)/TMA (b)(6); Rodriguez, James D SES (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY (US); (b)(6) (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OASD LA (US); Sitrin, Joel B SES DODHRA OACT (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Snively-Dixon, Mary M SES DODHRA DMDC (US); Snow, Jeffrey J MG USARMY DODHRA SAPRO (US); (b)(6) (b)(6); Talley, Adrian B SES DODEA (US); (b)(6) CIV OSD OUSD P-R (US); Weaver, Nancy E SES OSD OUSD P-R (US); Wightman, Richard O Jr SES OSD OUSD P-R (US); Williams, Rosemary J SES WHS ESD (US); Wilson, Elizabeth F SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Wright, Jessica L HON OSD OUSD P-R (US)

Subject: OSD PA Daily Update for August 21

Secretary Wright,

Today's PA Update:

- Vietnam PTSD Memo. Military Times, Andrew Tilghman, conduct a background EMBARGOED i/v w/ (b)(6) (Legal Policy) re: Vietnam PTSD memo and guidance to BCMRs. Expect embargo to be lifted tomorrow afternoon.

- Merit Systems Protection Board. Wash Post, Joe Davidson, is writing a

piece on the Merit Systems Protection Board's report which states that retiring military members are getting inappropriate preference for civilian jobs in the Defense Department. Provided coordinated response to reporter. Expect piece to run tomorrow.

- Sexual Assault Investigations. Politico. Austin Wright is looking into the potential mishandling of a sexual assault investigation by Joni Ernst, former IAARNG battalion commander and current Iowa Senate candidate. Referred reporter to National Guard Bureau and Iowa Army National Guard. Because Ernst was on Title 10 status at the time of the incident, the query has been pushed to OCPA. Expect piece to run tomorrow.

- Transgender. Wash Post, Dan Lamothe, heard that the Pentagon made a recent change to its regulations that explicitly ban individuals who are transgender to not serve in the military. Let reporter know that there has been no change to the Department's policy regarding transgender service -- and that the Department regulations don't allow transgender individuals to serve in the U.S. military, based upon medical standards for military service. Do not expect piece to run.

- Stats. Bloomberg, Maud Doyle, asked for a wide-range of stats -- service member personnel stats, those w/ honorable discharges, DOD Civilian stats, and Mil-Spouse Stats. Reporter is working on a piece re: AAFES potential customer base expansion to include veterans. Provided to reporter.

- Separations. New Haven Register, Mark Dipaola, asked for separation data for the past several years. Provided reporter info. Reporter is writing a piece on those that have been discharged w/ OTH characterized separations.

- SECO. Military Times, Karen Jowers, asked when the pilot program through the Council for Adult and Experiential Learning will be available for spouses. Let reporter know that the planning for this pilot program remains under way and that a firm date has not yet scheduled but is targeted for the end of September.

- Casualty. Issued OEF Casualty release for Army Sgt. 1st Class Matthew I. Leggett. Link to release:
<http://www.defense.gov/releases/release.aspx?releaseid=16898>

- "Ice Bucket Challenge". Military.com, Bryant Jordan, asked about restrictions on members of the military participating in challenges on-line that support non-profits. Coordinating response with OGC. Expect piece to run tomorrow.

V/r

(b)(6)

Very respectfully,

(b)(6)

DoD Spokesman, Defense Press Office, Personnel and Readiness
Office of the Assistant Secretary of Defense
Pentagon, Room (b)(6)

Office: (b)(6)

Mobile: (b)(6)

Email: (b)(6)

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Wednesday, April 02, 2014 3:44 PM
To: Schwenk, James R SES OSD OGC (US); Mayo, Jeffrey R SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: EX140915 SEC ARMY Direct Reply: Transsexual college student would like to be commissioned after graduating from the Reserve Officers Training Course (b)(6)
S: 04/14/2014 (UNCLASSIFIED)
Attachments: (b)(6) (Transgender (b)(6)).doc; Armed Forces Transgender Accession (DSM-V) 31 Jan 14.docx

Thanks Jim and John - (b)(5)

(b)(5)

(b)(5); (b)(6)

(b)(6)

(b)(6) Accession Policy
OUSD P&R/Military Personnel Policy

Pentagon (b)(6)

(b)(6)

-----Original Message-----

From: Schwenk, James R SES OSD OGC (US)
Sent: Wednesday, April 02, 2014 3:26 PM
To: Mayo, Jeffrey R SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US)
Subject: FW: EX140915 SEC ARMY Direct Reply: Transsexual college student would like to be commissioned after graduating from the Reserve Officers Training Course (b)(6) S: 04/14/2014 (UNCLASSIFIED)

Jeff/ (b)(5); (b)(6)

(b)(5)

(b)(5) Happy to discuss. Jim

-----Original Message-----

From: Casciotti, John A SES OSD OGC (US)
Sent: Wednesday, April 02, 2014 2:27 PM
To: Schwenk, James R SES OSD OGC (US)
Subject: FW: EX140915 SEC ARMY Direct Reply: Transsexual college student would like to be commissioned after graduating from the Reserve Officers Training Course (b)(6) S: 04/14/2014 (UNCLASSIFIED)

Jim --(b)(5)
(b)(5)
(b)(5) John

-----Original Message-----

From: (b)(6) OASD(HA) [mailto:(b)(6)]
Sent: Wednesday, April 02, 2014 12:14 PM
To: Casciotti, John A SES OSD OGC (US)
Cc: (b)(6) CIV (US); (b)(6) CIV (US)
Subject: FW: EX140915 SEC ARMY Direct Reply: Transsexual college student would like to be commissioned after graduating from the Reserve Officers Training Course (b)(6) S: 04/14/2014 (UNCLASSIFIED)

John, FYI.

-----Original Message-----

From: (b)(6) Civ DoDMERB [mailto:(b)(6)]
Sent: Tuesday, April 01, 2014 4:44 PM
To: (b)(6)
Cc: (b)(6) USARMY USACC (US); (b)(6) DoDMERB; (b)(6) DoDMERB;
(b)(6) DoDMERB; (b)(6) CIV USARMY USACC (US); (b)(6) CIV OSD OUSD
P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) OASD(HA); (b)(6)
USARMY OSD USMEPCOM (US)
Subject: FW: EX140915 SEC ARMY Direct Reply: Transsexual college student would like to be commissioned after graduating from the Reserve Officers Training Course (b)(6) S: 04/14/2014 (UNCLASSIFIED)

(b)(6)

(b)(5); (b)(6)

(b)(5); (b)(6)

(b)(6)

(b)(6), Department of Defense Medical Examination Review Board (DoDMERB)
8034 Edgerton Drive, Suite 132
USAFA, CO 80840-2200

EMAIL 24/7/365 = (b)(6)

Regular office hours 0430-1430 Mountain Time

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-----Original Message-----

From: (b)(6) CIV USARMY USACC (US) [mailto:(b)(6)]
Sent: Tuesday, April 01, 2014 1:56 PM
To: (b)(6) Civ DoDMERB
Subject: FW: EX140915 SEC ARMY Direct Reply: Transsexual college student would like to be commissioned after graduating from the Reserve Officers Training Course (b)(6) S: 04/14/2014 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: ~~FOUO~~

Per discussion

-----Original Message-----

From: (b)(6) CIV USARMY USACC (US)
Sent: Tuesday, April 01, 2014 2:47 PM
To: (b)(6) CIV USARMY USACC (US)
Subject: FW: EX140915 SEC ARMY Direct Reply: Transsexual college student would like to be commissioned after graduating from the Reserve Officers Training Course (b)(6) S: 04/14/2014 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: ~~FOUO~~

(b)(6)

Not sure who we assign to for an answer that (b)(6) will have to endorse as GS-15 (b)(6) is out this week and this is not a pure congressional.

(b)(5)

Please advise.

G1 response back NLT 14 APR.

Vr/ (b)(6)

-----Original Message-----

From: (b)(6) CIV USARMY USACC (US)
Sent: Tuesday, April 01, 2014 2:35 PM
To: (b)(6) CIV USARMY USACC (US)
Cc: (b)(6) CIV USARMY USACC (US); (b)(6) CIV USARMY USACC (US)
Subject: FW: EX140915 SEC ARMY Direct Reply: Transsexual college student would like to be commissioned after graduating from the Reserve Officers Training Course (b)(6) S: 04/14/2014 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: ~~FOUO~~

(b)(6)

See attached TRADOC Short suspense tasking to provide COL/GS-15 level response on behalf of SECARMY to this student's request.

Not going to generate a formal USACC tasking on this (unless you just want me to). Believe this is an action for Randy.

I will log it onto the task tracker...you can track it by the TRADOC tasking number. Let me know when it is complete and I will close it out.

V/R

(b)(6)

HQ USACC, G3 Current Operations

G3 Tasking Specialist

Office: (b)(6)

Cell: (b)(6)

Enterprise: (b)(6)

AKO: (b)(6)

-----Original Message-----

From: HQ TRADOC Command Action Tracking System

[mailto:(b)(6)]

Sent: Tuesday, April 01, 2014 1:59 PM

To: (b)(6) CIV USARMY USACC (US); (b)(6) CIV USARMY
USACC (US); (b)(6) CIV USARMY USACC (US); (b)(6) CIV
USARMY USACC (US); (b)(6) USARMY USACC (US); (b)(6)
(b)(6) USARMY USACC (US); USARMY Ft Knox USACC Mailbox HQ G3 Ops; (b)(6)
CIV USARMY USACC (US); (b)(6) CIV USARMY TRADOC (US); (b)(6)
(b)(6) USARMY USACC (US); (b)(6) CIV USARMY USACC (US);
(b)(6) CIV USARMY TRADOC (US); (b)(6)
(b)(6) CIV USARMY TRADOC (US); (b)(6) CIV USARMY TRADOC (US);
(b)(6) CIV USARMY TRADOC (US); (b)(6) CIV USARMY
TRADOC (US); USARMY JB L-E TRADOC Mailbox Eustis G33 Tasking; (b)(6)
CIV USARMY TRADOC (US); (b)(6) CIV USARMY TRADOC (US);
(b)(6) USARMY TRADOC (US); (b)(6) CIV USARMY TRADOC
(US); (b)(6) CIV (US); (b)(6);
(b)(6) (b)(6) CIV (US);
(b)(6); (b)(6) CIV USARMY TRADOC (US); (b)(6)
(b)(6) CIV USARMY TRADOC (US); (b)(6) CIV USARMY TRADOC (US)
Subject: EX140915 SEC ARMY Direct Reply: Transsexual college student would
like to be commissioned after graduating from the Reserve Officers Training
Course (b)(6) 04/14/2014

Lead and Assist organizations must take action NLT suspense date.

*THIS IS AN AUTOMATED MESSAGE. DO NOT REPLY DIRECTLY TO THIS EMAIL.

Please go to the Command Action Tracking System site and acknowledge receipt
of this task in the Lead/Assist Point of Contact block(Section 20).

<https://www.tkeportal.army.mil/sites/cats/lists/taskers/dispform.aspx?id=12434>

If accessing the site with your AKO Username, use this link.

<https://ako.tkeportal.army.mil/sites/cats/lists/taskers/dispform.aspx?id=12434>

Upon completion of action, also attach final response at the above link.

Control Number: (b)(6)

Subject: SEC ARMY Direct Reply: Transsexual college student would like to be
commissioned after graduating from the Reserve Officers Training Course

(b)(6)

Suspense Date: 04/14/2014

Lead: CC

Assist:

Info: G-33 SACO Team, OCS, SGS SACO Group

Action Required: Necessary Action w/Suspense

Deliverable:

1. Situation. HQDA Principal received letter of inquiry/concern from private citizen.
2. Mission. NLT 14 APR 14 CC will provide a reply to writer on behalf of the SA regarding the inquiry/concern.
3. Task. Prepare a reply and mail direct to writer, signed by COL/GS-15 or higher. CF: via encrypted e-mail to HQDA ECC POC, and HQ TRADOC G-33 to close tracking. Do not file documents in CATS Library.
 - a. When responding on behalf of the SA, the standard opening is, "This responds to your (date) letter to the Secretary of the Army concerning....".
 - b. If the date on the incoming letter is over 30 days old, consider using "recent" instead of the actual date.
 - c. Use the statement, "The Secretary of the Army (or Secretary _____) has asked me to respond to your letter (or memo)," only when specifically instructed to do so by the SA.

4. Contact. ECC POC: (b)(6) (b)(6).

Task Was Created By: NAE (b)(6)

For staff action procedures and policy references, refer to the top of the CATS Library page and click on the Staff Action Officer Resource Center. This link contains TRADOC Reg 1-11, POC rosters, and other helpful hints

Classification: UNCLASSIFIED

Caveats: ~~FOUO~~

Classification: UNCLASSIFIED

Caveats: ~~FOUO~~

From: Hebert, Lernes J SES OSD OUSD P-R (US)
Sent: Friday, June 17, 2016 10:47 AM
To: (b)(6) CIV OSD OGC (US); MILLER, Stephanie P SES OSD OUSD P-R (US);
(b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD
OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: RE: (b)(6) case

Thanks, just looking at it from through our TG policy development lens.

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Friday, June 17, 2016 10:46 AM
To: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: RE: (b)(6) case

Bear,
This is an issue in my colleague (b)(6) portfolio, and he has already been working on it for a while. I'm looping him into this e-mail group.

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)

Room

email:

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: Hebert, Lernes J SES OSD OUSD P-R (US)
Sent: Friday, June 17, 2016 10:42 AM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
P CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: (b)(6) case

From: Microsoft Outlook on behalf of (b)(6) CIV OSD PA (US)
Sent: Thursday, June 30, 2016 8:11 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USMC OSD PA (US); (b)(6) USAF OSD OSD (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) (b)(6) CIV OSD OASD LA (US); (b)(6) CIV OSD OUSD P-R (US); Carroll, Katherine SES SD; Koffsky, Paul S SES OSD OGC (US); Levine, Peter K HON (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Rychalski, Jon J SES (US); (b)(6) CIV SD; (b)(6) USARMY OSD OUSD C (US); OSD Pentagon PA Mailbox Duty Officer Press Operations; Gearhart, Lee P COL USARMY OSD OUSD P-R (US); (b)(6) CIV DODHRA SAPRO (US); Guice, Karen S SES (US)
Cc: (b)(6) USN OSD PA (US); Trowbridge, Gordon L SES (US); Cook, Peter C SES (US); Martin, Jeremy M SES (US)
Subject: Fw: Media Coverage | Announcement on Transgender Service Members | 30 June 2016
Attachments: Fw: Media Coverage | Announcement on Transgender Service Members | 30 June 2016

Sender: (b)(6)
Subject: Fw: Media Coverage | Announcement on Transgender Service Members | 30 June 2016
Message-Id: <(b)(6)>
Recipient: (b)(6)
Recipient: (b)(6)

From: (b)(6) CIV OSD PA (US)
Sent: Thursday, June 30, 2016 8:11 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USMC OSD PA (US); (b)(6) USAF OSD OSD (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OASD LA (US); (b)(6) CIV OSD OUSD P-R (US); Carroll, Katherine SES SD; Koffsky, Paul S SES OSD OGC (US); Levine, Peter K HON (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Rychalski, Jon J SES (US); (b)(6) CIV SD; (b)(6) USARMY OSD OUSD C (US); OSD Pentagon PA Mailbox Duty Officer Press Operations; (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV DODHRA SAPRO (US); Guice, Karen S SES (US)
Cc: (b)(6) USN OSD PA (US); Trowbridge, Gordon L SES (US); Cook, Peter C SES (US); Martin, Jeremy M SES (US)
Subject: Fw: Media Coverage | Announcement on Transgender Service Members | 30 June 2016
Attachments: Media Coverage Announcement on Transgender Service Members 30 June 2016.docx

Media coverage analysis. We did well. I'll update you on tomorrow's developments. There is rumor that some service members may be in the media tonight tearing up enlistment / re-enlistment contracts in protest. I expect tomorrow we'll be asked for reaction (if it's a slow news day only). Comments in response to articles written today have been generally self-regulating- there are many anti-TG comments, then many replies questioning and countering those comments. Very few inquiries post-announcement. They've generally been limited to requests for original comment (something in addition to the SecDef's brief) and from journalists who did not read (didn't want to read) the provided materials. I have generally referred journalists back to the SecDef's briefing, provided pre-cleared materials and provided background info describing how the military generally works and receives these types of announcements. Overall, positive response from journalists. - (b)(6)

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Assistant Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

Sent from my BlackBerry 10 smartphone.

Original Message

From: OSD Pentagon PA Mailbox Media Analysis <(b)(6)>
Sent: Thursday, June 30, 2016 7:35 PM
To: Cook, Peter C SES (US); Martin, Jeremy M SES (US); (b)(6); Rosenbach, Eric HON SD; (b)(6); Smith, Eric M BGen USMC OSD OSD (US); (b)(6); (b)(6) CIV OSD PA (US); (b)(6); (b)(6) CIV (US); (b)(6) USN OSD PA (US); (b)(6); (b)(6) CIV OSD PA (US); (b)(6) USARMY OSD PA (US); SWARTOUT, JAMES L (James) SES (US); (b)(6); (b)(6) CIV OSD PA (US); (b)(6) CIV JS OCJCS (US); (b)(6); Trowbridge, Gordon L SES (US); (b)(6) USARMY OSD PA (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD PA (US); Hedger, Stephen C HON OSD OASD LA (US); (b)(6) USAF OSD OASD LA (US); (b)(6) Guenov, Tressa S SES (US); (b)(6) USN OSD PA (US); O'Connor, Jennifer M HON OSD OGC (US);

(b)(6) (b)(6) CIV JS OCJCS (US); OSD Pentagon PA List Press Officers; OSD Pentagon RSRC MGMT List PA-SecDef Speechwriters MBX; JS Pentagon OCJCS List OCJCS DOM PA
Cc: OSD Pentagon PA Mailbox Media Analysis
Subject: Media Coverage | Announcement on Transgender Service Members | 30 June 2016

OVERVIEW: Coverage of the Pentagon's decision to end the ban on transgender troops in the U.S. military developed quickly, with most sources noting that Defense Secretary Ash Carter said lifting the ban is "another step in ensuring that we continue to recruit and retain the most qualified people." The press characterized the repeal as a "major milestone" and "historic," with outlets widely reporting that the decision ends one of the last bans on service in the armed forces. Several reports framed the announcement in the context of changes in the role of women in the military and the inclusion of gays, lesbians and bisexual service members in recent years. Commentary and reaction to the repeal was primarily limited to two themes: Republican criticism of the announcement for "prioritizing politics over policy" and details of the new transgender policy that "still need to be decided." Coverage of the decision has slowed considerably since initial reports emerged.

Reporting on the details of the repeal was mostly straightforward, with sources underlining that the new transgender policy will be phased in during a one-year period. Sources noted that effective immediately transgender service members currently on duty can now serve openly. The press also said that by October 1 transgender troops already serving should be able to receive medical care and begin formally changing their gender identifications in the Department of Defense's personnel system. By July 1 next year, outlets said, the military services will begin allowing transgender individuals to enlist, assuming they have met the requirements to do so. The Washington Post said that "many details still need to be decided" and noted that over the next 90 days the Pentagon will produce a commander's guidebook for leading current transgender service members and medical guidance to military doctors for providing gender transition care. Similarly, the Los Angeles Times noted the Secretary did not say whether there would be any restrictions on someone who plans on undergoing gender reassignment treatment from joining the military and having the DoD pay for it.

Coverage from the Associated Press, FoxNews.com, Los Angeles Times and Washington Post spotlighted concerns from senior military leaders that the DoD is moving too fast and that more time is needed to work through the changes. However, these outlets noted that the Secretary said he discussed the plans extensively with his military leaders and that, based on their recommendations, he made adjustments to the timeline. Details on those recommendations were not widely reported, but the Washington Post said that the Army wanted transgender people to wait 18 months after a doctor certifies that they are stable in their new gender before they can enlist. The outlet said other senior defense officials had pressed for it to be six or 12 months. Politico Pro and U.S. News & World Report pointed out that Gen. Joseph Dunford was not with the Secretary when he made the announcement, but the Associated Press reported that service chiefs asked the chairman to relay their concerns to the Secretary.

The press highlighted negative reaction to the new policy from Rep. Mac Thornberry (R-Tex.) and Sen. John McCain (R-Ariz.), with Agence France-Presse pointing out that the announcement "immediately attracted criticism." Rep. Thornberry said the move "is the latest example of the Pentagon and the president prioritizing politics over policy." He also expressed concern that the repeal could lead to troops not being ready to deploy for medical reasons. Several sources noted that Rep. Thornberry chastised the Pentagon for failing to respond to a list of questions about the implications of lifting the transgender ban and promised inquiries into the decision and possible legislation. The Hill observed that Sen. McCain went a step further than Rep. Thornberry by calling for hearings on the Pentagon's decision. "I will be calling up the chiefs of the services [...] and ask them their views, including the cost of implementing," Sen. McCain said in an interview on Fox News. The outlet also pointed out that the Republican senator "appeared frustrated" at the lack of notice before the announcement. Despite strong rhetoric from Rep. Thornberry and the promise of hearings from Sen. McCain, Politico Pro posited that "they're not expected to do anything to stop" the new policy from being implemented.

Coverage also noted positive reaction to the announcement from Democratic lawmakers and LGBT activists. Agence France-Presse said Sen. Dick Durbin (D-Ill.) praised the new policy for allowing transgender troops "to continue to serve

without living a lie." He also said it "provides much-needed clarity to commanders who for years have been stuck in the middle of a confusing policy." Politico Pro drew attention to praise from Sens. Claire McCaskill (D-Mo.) and Jack Reed (D-R.I.), assessing that Democrats appeared "in favor of the move." The Guardian noted that Matt Thorn, executive director of the LGBT military network OutServe-SLDN, applauded the decision in a statement released following the announcement.

(b)(6)

Office of the Assistant to the Secretary of Defense for Public Affairs
Media Analysis (OMNITEC Solutions, Inc.)

PHONE: (b)(6)

EMAIL: (b)(6)

MEDIA COVERAGE | ANNOUNCEMENT ON TRANSGENDER SERVICE MEMBERS JUNE 30, 2016, AS OF 1930

OVERVIEW: Coverage of the Pentagon's decision to end the ban on transgender troops in the U.S. military developed quickly, with most sources noting that Defense Secretary Ash Carter said lifting the ban is "another step in ensuring that we continue to recruit and retain the most qualified people." The press characterized the repeal as a "major milestone" and "historic," with outlets widely reporting that the decision ends one of the last bans on service in the armed forces. Several reports framed the announcement in the context of changes in the role of women in the military and the inclusion of gays, lesbians and bisexual service members in recent years. Commentary and reaction to the repeal was primarily limited to two themes: Republican criticism of the announcement for "prioritizing politics over policy" and details of the new transgender policy that "still need to be decided." Coverage of the decision has slowed considerably since initial reports emerged.

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The press highlighted negative reaction to the new policy from Rep. Mac Thornberry (R-Tex.) and Sen. John McCain (R-Ariz.), with *Agence France-Presse* pointing out that the announcement "immediately attracted criticism." Rep. Thornberry said the move "is the latest example of the Pentagon and the president prioritizing politics over policy." He also expressed concern that the repeal could lead to troops not being ready to deploy for medical reasons. Several sources noted that Rep. Thornberry chastised the Pentagon for failing to respond to a list of questions about the implications of lifting the transgender ban and promised inquiries into the decision and possible legislation. *The Hill* observed that Sen. McCain went a step further than Rep. Thornberry by calling for hearings on the Pentagon's decision. "I will be calling up the chiefs of the services [...] and ask them their views, including the cost of implementing," Sen. McCain said in an interview on *Fox News*. The outlet also pointed out that the Republican senator "appeared frustrated" at the lack of notice before the announcement. Despite strong rhetoric from Rep. Thornberry and the promise of hearings from Sen. McCain, *Politico Pro* posited that "they're not expected to do anything to stop" the new policy from being implemented.

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middle of a confusing policy.” *Politico Pro* drew attention to praise from Sens. Claire McCaskill (D-Mo.) and Jack Reed (D-R.I.), assessing that Democrats appeared “in favor of the move.” *The Guardian* noted that Matt Thorn, executive director of the LGBT military network OutServe-SLDN, applauded the decision in a statement released following the announcement.

SELECT CONGRESSIONAL AND ADVOCATE REACTION

Sen. John McCain: “Unlike any other administration that I have been associated with, we received no heads up,” he said. “I happen just to be the chairman of the Armed Services Committee, and it’s customary in all the years I’ve been on it to give members, particularly the chairman, a briefing ... Something like this will require some legislation,” McCain said. (*The Hill via Fox News*)

Sen. Jim Inhofe: “In the coming days, I will be asking Senate Armed Services Committee Chairman John McCain and Ranking Member Jack Reed to hold hearings on this matter ... I believe this policy should be put on hold until the DOD thoroughly answers questions from Congress on how such change will impact the readiness of our military ... Our military is facing historic readiness shortfalls, putting our service members’ lives at greater risk ... Addressing this crisis should be the sole focus of Obama administration, but instead they continue to be more interested in forcing their social agenda through the [Department of Defense].” (*Statement, quoted by The Hill*)

Rep. Mac Thornberry: “Republican Congressman Mac Thornberry, who chairs the House Armed Services Committee, said the move could lead to troops not being ready to deploy for medical reasons. ‘This is the latest example of the Pentagon and the president prioritizing politics over policy,’ Thornberry said. ‘Our military readiness—and hence, our national security—is dependent on our troops being medically ready and deployable.’” (*AFP*)

Rep. Duncan Hunter: “Rep. Duncan D. Hunter (R.-Calif.), a Marine Corps veteran who played a key role in a failed effort five years ago to slow the demise of the ‘don’t ask, don’t tell’ policy, discussed what to do with his staff and decided it was better to focus on other issues, according to his chief of staff, Joe Kasper. ‘He’s thought about it. We talked about it,’ Kasper said. ‘But he’d likely be alone in the effort. On these issues—most members won’t touch them with a 10-foot pole. Hunter will, but if he can’t get others on board—only because they’re willing to let it go quietly—even he’s better off staying focused on other things than going at it alone.’” (*Washington Post*)

Rep. Tammy Duckworth: “However, Rep. Tammy Duckworth (D.-Ill.), an Army veteran, said the move is long overdue. ‘When my Black Hawk helicopter was shot down in Iraq, I didn’t care if the people risking their lives to help save me were gay, straight, transgender or anything else,’ she said. ‘All that mattered was they didn’t leave me behind. If you can do the job and are willing to put your life on the line for others, then we shouldn’t stop you.’” (*Washington Post*)

Sen. Kirsten Gillibrand: “I congratulate Secretary Carter for making the decision today to lift the ban on transgender service in the military, ending this outdated and discriminatory policy ... Service members who are willing to die for our country deserve to be allowed to live and serve openly and the only thing that should matter is an individual’s ability to serve. I will do everything I can to support the Pentagon as it implements this new policy and I will work with Secretary Carter to ensure that the process is implemented effectively.” (*Statement*)

Matt Thorn, executive director of OutServe-SLDN: “I would hope that it showcases the fact that the sky will not fall, the world will not come apart, by us being a more inclusive and open society ... I don’t think anybody should be concerned or afraid about moving forward with this policy.” (*The Guardian*)

Aaron Belkin, director of the Palm Center: “In ending discrimination that had no basis in medical science or military necessity, Secretary Carter is enhancing readiness as well as core values of honesty and integrity, an enormous accomplishment with a durable impact on all service members.” (*Washington Blade*)

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1. US military lifts ban on transgender personnel

Agence France-Presse | Not Attributed

Transgender personnel will no longer be barred from serving openly in the US military, the Pentagon announced Thursday -- a major milestone that immediately attracted criticism.

Lifting the ban on transgender service members is "the right thing to do, and it's another step in ensuring that we continue to recruit and retain the most qualified people," Defense Secretary Ashton Carter told reporters.

"Good people are the key to the best military in the world."

Up until five years ago, the US military still banned gay troops from openly discussing their sexuality under a “Don’t Ask, Don’t Tell” policy.

The new transgender policy will be phased in during a one-year period, but effective immediately, the military can no longer discharge or deny reenlistment to troops based solely on their gender identity and transgender service members currently on duty can now serve openly.

By July 1 next year, the services will begin allowing transgender personnel to sign up, assuming they have met the necessary physical and mental standards to do so, the Pentagon said.

Under the new policy, the Pentagon will cover medical expenses related to being transgender, including gender reassignment surgeries when they are deemed “medically necessary.”

Republican Congressman Mac Thornberry, who chairs the House Armed Services Committee, said the move could lead to troops not being ready to deploy for medical reasons.

“This is the latest example of the Pentagon and the president prioritizing politics over policy,” Thornberry said.

“Our military readiness -- and hence, our national security -- is dependent on our troops being medically ready and deployable.”

Democratic Senator Dick Durbin said the new policy allows transgender troops “to continue to serve without living a lie, and provides much-needed clarity to commanders who for years have been stuck in the middle of a confusing policy.”

The US military has about 1.3 million service members. According to a RAND study, about 2,500 of these active-duty service members are transgender, as well as about 1,500 out of approximately 825,000 reserve troops.

The military will start paying for transgender-related medical treatment no later than October 1, Carter said.

At least 18 countries already allow transgender personnel to serve openly in their militaries, Carter said, including Britain, Israel and Australia.

He last year ordered all military roles -- including combat positions -- to be opened to women.

2. Pentagon Ends Ban on Transgender Troops in Military

Associated Press | Lolita Baldor

WASHINGTON (AP) - Transgender people will be allowed to serve openly in the U.S. military, the Pentagon announced Thursday, ending one of the last bans on service in the armed forces.

Saying it’s the right thing to do, Defense Secretary Ash Carter laid out a yearlong implementation plan declaring that “Americans who want to serve and can meet our standards should be afforded the opportunity to compete to do so.”

“Our mission is to defend this country, and we don’t want barriers unrelated to a person’s qualification to serve preventing us from recruiting or retaining the soldier, sailor, airman, or Marine who can best accomplish the mission,” Carter said at a Pentagon news conference.

Under the new policy, by Oct. 1, transgender troops already serving should be able to receive medical care and begin formally changing their gender identifications in the Pentagon’s personnel system.

A year from now, he said, the military services will begin allowing transgender individuals to enlist, as long as they meet required standards and have been stable in their identified genders for 18 months.

Carter's announcement comes despite concerns from senior military leaders that the department is moving too fast and that more time is needed to work through the changes. He said he discussed the plans extensively with his military leaders and that, based on their recommendations, he made adjustments to the timeline. He said he has been told that the services now support the timeline.

Under the new policy, transgender troops would receive any medically necessary care including surgery, Carter said.

The new rules also give military commanders flexibility, noting that not all transition cases are the same. Commanders will have the discretion to make decisions on a case-by-case basis, including on job placement, deployments, training delays and other accommodations, based on the needs of the military mission and whether the service members can perform their duties.

For people coming into the military, the plan says that those with gender dysphoria, a history of medical treatments associated with gender transition and those who have had reconstruction surgery may be disqualified as military recruits unless a medical provider certifies that they have been clinically stable in the preferred gender for 18 months, and are free of significant impairment. And transgender troops receiving hormone therapy must have been stable on their medications for 18 months.

The policy provides broad guidelines for transgender service members currently in the military. They will be able to use the bathrooms, housing, uniforms and fitness standards of their preferred gender only after they have legally transitioned to that identity, according to officials.

Over the next year, the military services will develop and distribute training guidelines, medical protocols and other guidance to help commanders deal with any issues or questions about transgender troops.

Last July, Carter said he intended to rescind the ban, calling it outdated. He has long argued that the military must be more inclusive to bring in the best and brightest.

At the time, he ordered a six-month study to include extensive medical and scientific research and discussions with other nations and companies with experience in the process. He extended the study because the military wanted more time. Officials said he wanted to insure there was no impact on military readiness, but over time, he became frustrated with the slow progress.

Rep. Mac Thornberry, R-Texas, the House Armed Services Committee chairman, called the announcement another example of the administration "prioritizing politics over policy." He questioned whether the change would affect military readiness and said the committee will push for answers.

Others praised the move as historic. The decision, said Aaron Belkin, director of the California-based Palm Center think tank, enhances "readiness as well as core values of honesty and integrity, an enormous accomplishment with a durable impact on all service members."

3. Secretary of Defense Ash Carter: Military repeals ban on transgender service

Baltimore Sun / Staff, Wire Reports

Transgender military members can now openly serve in the military, Secretary of Defense Ash Carter announced in the Pentagon Thursday afternoon.

"Americans who want to serve, and who can meet our standards, should be afforded the opportunity to..do so," Carter said.

Those service members were banned by the department's medical standards that prohibit a change of sex and "psychosexual conditions" including "transsexualism ... and other paraphilias," though separations had been halted while the department reviews the policy.

Carter said that the ban was “outdated, confusing, inconsistent approach that’s contrary to our value of service and individual merit” in his 2015 call for a review of the ban. A 2014 study by the Palm Center, a research institute that studies sexual minorities, found “no compelling medical rationale” for prohibiting transgender military service.

About 15,500 transgender military members could be affected by the repeal, according to estimates from the Williams Institute, a think tank at the UCLA School of Law.

The Associated Press reported Thursday that several senior U.S. officials said while the chiefs of the military services largely back the change, they sought more time to fully develop and implement the complex new rules.

According to officials, the service chiefs asked Gen. Joseph Dunford, chairman of the Joint Chiefs of Staff, to relay their concerns to Carter. A senior U.S. official told the AP that Carter met this week with his military leaders, heard their concerns, and has adjusted the timeline.

The officials spoke on condition of anonymity because they weren’t authorized to discuss policy decisions before they were made public.

Under the new policy, transgender individuals will be allowed to enlist in the military, and those already serving can no longer be forced to leave based on their gender identity.

Officials familiar with the new plan said people with gender dysphoria, a history of medical treatments associated with gender transition and those who have had reconstruction surgery may be disqualified as military recruits unless a medical provider certifies that they have been clinically stable in the preferred gender for 18 months, and are free of significant distress or impairment in social, occupational or other important areas. ‘Also, transgender troops receiving hormone therapy must have been stable on the medication for 18 months.

The new rules also give military commanders flexibility, noting that not all cases are the same, the officials said. According to estimates, there are likely several thousand transgender individuals serving in the military.

When the military service chiefs met this week, they said they were concerned that they would be given as little as 45 days to develop an implementation plan for those serving, and another 45 days to put it in place, officials said.

According to defense officials, the military leaders, including Gen. Mark Milley, the Army chief of staff, and Gen. Robert Neller, commandant of the Marine Corps, said that while they aren’t opposed to lifting the ban, they thought the new rules didn’t include enough specifics to guide commanders who will have to make decisions about people in their units.

The senior U.S. official said Carter met with military leaders several times over the past two months, and after discussions this week, agreed to give them an additional 45 days, and was told the military chiefs believe they can work within those guidelines.

The new policy provides broad guidelines for transgender service members. They will be able to use the bathrooms, housing, uniforms and fitness standards of their preferred gender only after they have legally transitioned to that identity, according to officials.

The new rules, however, give commanders the discretion to make decisions on a case-by-case basis, including for job placement, deployments and training delays, based on the needs of the military mission and whether the service member can perform their duty.

The policy also allows commanders to approve certain accommodations when possible, such as when troops are showering. That could include installing shower curtains, towel hooks or allowing transgender troops to shower at different times or wear minimal clothing.

The military policy differs from civilian gender transitions, where transgender individuals often dress, live socially and work fulltime in their preferred gender during the process. Under the new policy, service members would only be able to do that when off-duty and away from their duty station.

The Associated Press contributed to this story.

4. The Marines go gender neutral: Are the troops on board?

Christian Science Monitor | Christina Beck

As the United States armed forces begin to integrate women into combat roles, some of the historically masculine terminology used by various branches is becoming obsolete. On Monday, the Marine Corps announced the decision to rename 19 different military occupational specialties (MOS) to be more gender neutral.

Among the terms changed are occupational labels such as Basic Infantryman and Infantry Assaultman, which have been changed to Basic Infantry Marine and Infantry Assault Marine, respectively.

“Names that were not changed, like rifleman, are steeped in Marine Corps history and ethos,” one unnamed official told the Marine Corps Times. “Things that were changed needed to be updated to align with other MOS names.”

Terms such as manpower officer and mortarman appear to be two of those traditional terms, as they have remained unchanged despite MOS relabeling.

Already, there has been substantial backlash from the Marine community and others who feel that the name changes are negative representations of a larger cultural shift toward political correctness.

Most of the backlash has taken place online, in Facebook comments, tweets, and other comments.

The Washington Post aggregated several angsty comments from online forums, including comments expressing reluctant appreciation for the names and one written by a marine who is now apparently glad his term of service is expiring soon.

“Not really seeing why this matters,” wrote one unnamed poster. “A marine is a marine. If this triggers you well ... not really sure what to say honestly. You’d think someone who has seen combat would have more stones.”

Many commenters expressed distaste for “society’s political correctness,” seeing the move as a sign of societal weakness.

“On one hand, the name changes from ‘man’ to ‘person’ or whatever they want to call it doesn’t really matter. They could call mortarman bakers for all I care,” Sgt. Geoff Heath, a Marine rifleman, told The Washington Post. “But on the other, it’s a direct reflection on society’s crybaby political correctness.”

According to defense plans made public in March, the Marines could be recruiting women for combat positions by this fall, a move that was met with far from universal approval by top officials.

Women have served in support positions with the Marines for some time - as of May, 2015, about 7 percent of Marines were women. However, until recently, women have not been allowed to serve in combat. Critics (including high ranking marines) of the Marine Corps decision to integrate women into combat troops say that they simply don’t have the same stamina and cannot perform physical tasks at the level that men can.

Despite criticism, Defense Secretary Ash Carter opened all positions to women in December, and Navy Secretary Ray Mabus confronted doubters in the Corps with addresses to Marine leaders in April.

Enlisted women have indicated that they neither want nor expect relaxed physical standards from the Army or Marines, preferring to prove themselves through hard work.

Nevertheless, opponents of including women in Marine Corps combat forces, such as Gen. Robert Neller, say that physical testing has shown repeatedly that women struggle to make physical benchmarks, and that they could therefore be liabilities in combat.

Some also expressed concerns that female combat troops would be at odds with the culture of the infantry, saying that the integration of women into the Corps could create sexual tension and jealousy. Anna Mulrine reported on the longstanding association of the Marines as being ultra-masculine for *The Christian Science Monitor*:

The force has long been associated with hard-drinking, hard-fighting “Great Santini”-style warriors, whose chest-thumping does - and by necessity should, supporters add - trump any nod to what is widely seen by many Marines as political correctness. It’s a tough-guy culture cultivated by a force that prides itself on being the tip-of-the-spear - used by the US military to, say, take a beach from enemy forces by any means necessary. That attitude, critics say, has prevented the Marines from taking steps toward integrating women more seamlessly into the force - steps the Army took long ago, such as opening support jobs in combat units to women. The result is that the Marines largely remain where they were 20 years ago, while the rest of the military has shifted dramatically around them.

“We have a decision and we’re in the process of moving out,” General Neller told senators in February, according to CBS. “We will see where the chips fall. And, again, our hope is that everyone will be successful. But hope is not a course of action on the battlefield.”

5. Pentagon ends transgender ban

CNN.com | Jennifer Rizzo and Zachary Cohen

WASHINGTON (CNN) -- The Pentagon said Thursday it was ending the ban on transgender people being able to serve openly in the U.S. military.

The announcement -- which removes one of the last barriers to military service by any individual -- was made by Defense Secretary Ash Carter, who had been studying the issue for almost a year.

The decision comes as the military has witnessed major changes in the role of women and the inclusion of gays, lesbians and bisexual service members in recent years.

Carter said the ending of the ban takes effect immediately and that no longer could a transgender person be discharged on that basis.

Transgender service members will also receive the same medical coverage and protocols as any other military member -- receiving all medical care that their doctors deem necessary -- according to Carter.

For current members of the military, this coverage will include hormone therapy and gender reassignment surgery if doctors determine that such procedures are medically necessary.

Incoming service members must be “stable” in gender identity for 18 months before joining the military.

“The Defense Department and the military need to avail ourselves of all talent possible in order to remain what we are now -- the finest fighting force the world has ever known,” Carter said Thursday at the Pentagon.

“We don’t want barriers unrelated to a person’s qualification to serve preventing us from recruiting or retaining the soldier, sailor, airman or marine who can best accomplish the mission. We have to have access to 100% of America’s population,” he added.

“Although relatively few in number, we’re talking about talented and trained Americans who are serving their country with honor and distinction,” he said. “We want to take the opportunity to retain people whose talent we’ve invested in and who’ve proven themselves.”

Praising Thursday's announcement, Aaron Belkin, founder and executive director of the PALM Center, an organization that has advocated for lifting the ban for the past three years, called this a "historic day."

Now people "can serve without having to lie about who they are" and be "provided the medical care they need," he added.

Carter said the decision was "a matter of principle."

"Americans who want to serve and meet our standards should be afforded the opportunity to compete," he said.

Capt. Sage Fox, a U.S. Army Reserve officer who transitioned in 2012, voiced her support for lifting the ban.

"This is about equality, about civil rights ... about recognizing the decency of human beings, that we are all equal and that gender is not a barrier to service," she told CNN.

Fox was not discharged after her transition but was shifted to the Individual Ready Reserve, meaning she could be called back to duty but would not show up for training, draw a paycheck or have access to health benefits.

This decision will have an impact beyond those transgender people currently serving in the military or those who want to serve, according to Fox.

"It's going to go through and send a message to the rest of the world that the U.S. isn't behind everyone," she said, "that we do care about human rights, that we do care about equality, and we aren't just going to talk about it, we are actually going to do it."

The groundwork to lift the prohibition began last year when the secretary said he would study the "readiness implications of welcoming transgender persons to serve openly."

"This has been an educational process for a lot of people in the department, including me," Carter said, describing his meetings with transgender service members.

Fox, who has maintained an inactive status for the past several years, said she plans to go back into the service now that the ban is lifted and is already in negotiations about returning to the California National Guard.

"I'm excited for the opportunity to start leading troops again and setting an example for others the best I can on how to go through and be a trans woman in uniform and do it right," she said.

Implementation of the policies associated with lifting the ban will begin immediately, but Carter noted that the process would occur in stages over the next year, a timetable that is comparable to the timetable it took to train the force following the lifting of "don't ask, don't tell," which banned openly gay, lesbian and bisexual people from serving in the military until it was lifted.

"Simply declaring a change in policy is not effective implementation," Carter said. "That's why we have worked hard on the implementation plan and must continue to do so."

Still, several voices have been critical of the move, saying that it has come too quickly.

Rep. Mac Thornberry, Republican chairman of the House Armed Services Committee, said last week he had a number of longstanding questions for the Pentagon that remained unanswered.

"In particular, there are readiness challenges that first must be addressed, such as the extent to which such individuals would be medically non-deployable," Thornberry said in a statement. "Almost a year has passed with no answer to our questions from Secretary Carter. Our top priority must be warfighting effectiveness and individual readiness is an essential part of that."

And in January then-Republican presidential candidate Ben Carson, appearing at a veterans and military town hall, said, “I do not appreciate using our military as a laboratory for social experimentation. You know, we have too many important things to do. When our men and women are out there fighting the enemy, the last thing that we need to be doing is saying, ‘What would it be like if we introduced several transgender people into this platoon?’”

But Fox said she does not expect a lot of hostility to Thursday’s announcement from within the ranks.

“We are not a bunch of 18-year-old kids coming out of high school. We are professionals,” she said. “We do a job, we wear the same uniform, we manage to go through and take millions of dollars of equipment and millions of dollars of training and go overseas in different locations and do something that no one else can do.”

At the upper end of the estimates, there are as many as 11,000 transgender active duty service members and reservists who will be affected by the decision, according to a RAND Corporation study cited by the Pentagon.

Carter noted the Pentagon received input from transgender service members and experts and medical professionals outside the department. He also said at least 18 other countries allow transgender members to serve openly.

The move comes after the “don’t ask, don’t tell” policy was ended in 2011. In 2015, the Family Medical Leave Act was extended to cover all legally married same-sex couples and the Defense Department amended its equal opportunity program “to protect service members against discrimination because of sexual orientation.”

The Pentagon’s decision coincides with broader acceptance of transgendered individuals in the U.S., but also criticism from social conservatives.

Rachel Chason contributed to this report.

6. US military lifts ban on transgenders serving openly

FoxNews.com / Not Attributed

The Pentagon on Thursday lifted its ban on transgender service members serving openly in the U.S. military effective immediately, as Defense Secretary Ash Carter cited a need for clearer guidelines and the ability to maximize the military’s all-volunteer force.

Senior military leaders had sought more time to fully develop and implement the complex new rules, arguing that the department was moving too fast, U.S. officials told The Associated Press. The move ends one of the last bans on service in the military.

According to officials, the service chiefs asked Gen. Joseph Dunford, chairman of the Joint Chiefs of Staff, to relay their concerns to Carter. A senior U.S. official told the AP that Carter met this week with his military leaders and heard their concerns.

The officials spoke on condition of anonymity because they weren’t authorized to discuss policy decisions before they were made public.

Under the new policy, transgender individuals will be allowed to enlist in the military, and those already serving can no longer be forced to leave based on their gender identity.

Officials familiar with the new plan said people with gender dysphoria, a history of medical treatments associated with gender transition and those who have had reconstruction surgery may be disqualified as military recruits unless a medical provider certifies that they have been clinically stable in the preferred gender for 18 months, and are free of significant distress or impairment in social, occupational or other important areas. Also, transgender troops receiving hormone therapy must have been stable on the medication for 18 months.

The new rules also give military commanders flexibility, noting that not all cases are the same, the officials said. According to estimates, there are likely several thousand transgender individuals serving in the military.

When the military service chiefs met this week, they said they were concerned that they would be given as little as 45 days to develop an implementation plan for those serving, and another 45 days to put it in place, officials said.

According to defense officials, the military leaders, including Gen. Mark Milley, the Army chief of staff, and Gen. Robert Neller, commandant of the Marine Corps, said that while they weren't opposed to lifting the ban, they thought the new rules didn't include enough specifics to guide commanders who will have to make decisions about people in their units.

The senior U.S. official said Carter met with military leaders several times over the past two months, and after discussions this week, agreed to give them an additional 45 days, and was told the military chiefs believe they can work within those guidelines.

Last July, Carter said he intended to rescind the ban, calling it outdated. He has long argued that the military must be more inclusive to bring in the best and brightest.

At the time he ordered a six-month study to include extensive medical and scientific research and discussions with other nations and companies with experience in the process. He extended the study because the military wanted more time. Officials said he wanted to insure there was no impact on military readiness, but over time he became frustrated with the slow progress.

The new policy provides broad guidelines for transgender service members. They will be able to use the bathrooms, housing, uniforms and fitness standards of their preferred gender only after they have legally transitioned to that identity, according to officials.

The new rules, however, give commanders the discretion to make decisions on a case-by-case basis, including for job placement, deployments and training delays, based on the needs of the military mission and whether the service member can perform their duty.

The policy also allows commanders to approve certain accommodations when possible, such as when troops are showering. That could include installing shower curtains, towel hooks or allowing transgender troops to shower at different times or wear minimal clothing.

The military policy differs from civilian gender transitions, where transgender individuals often dress, live socially and work full time in their preferred gender during the process. Under the new policy, service members would only be able to do that when off-duty and away from their duty station.

The Associated Press contributed to this report.

7. US military ends ban on transgender service members

The Guardian | Amanda Holpuch

Defense secretary Ash Carter says rule that trans people could be involuntarily separated, discharged or denied reenlistment would be dropped immediately

Transgender people can now openly serve in the US military, defense secretary Ash Carter announced on Thursday.

Carter said the defense department was changing its policies for transgender service members in the next 12 months, starting with the landmark decision to get rid of the rule that said transgender people could be involuntarily separated, discharged, or denied reenlistment or continuation of service just for being transgender. That change is effective immediately.

"I'm also confident that we have reason to be proud today of what this will mean for our military - because it's the right thing to do, and it's another step in ensuring that we continue to recruit and retain the most qualified people - and good people are the key to the best military in the world," Carter said at a Pentagon press briefing. "Our military, and the nation it defends, will be stronger."

There is no official count of transgender service members, but Carter cited an estimate from the thinktank Rand, which said about 2,450 of the 1.3 million active duty service members are transgender.

Carter said there were three main reasons for the change: to maintain a strong military, to acknowledge transgender people currently serving and "as a matter of principle".

"Americans who want to serve and can meet our standards should be afforded the opportunity to compete to do so," Carter said. "After all, our all-volunteer force is built upon having the most qualified Americans. And the profession of arms is based on honor and trust."

"It's been an educational process for a lot of people here in the Department, including me," Carter said, explaining that the department reviewed medical, legal and policy considerations to reach this decision. "I have been guided throughout by one central question: is someone the best qualified servicemember to accomplish our mission?"

Matt Thorn, executive director of the LGBT military network OutServe-SLDN, said in a statement that the group applauds Carter's decision.

"Transgender service members have been awaiting this announcement for months and years: it has long been overdue," Thorn said. "Secretary Carter, with his statement, has given a breath of relief and overdue respect to transgender service members who have been and are currently serving our country with undeniable professionalism, the utmost respect and illustrious courage, with the caveat to do so silently."

8. GOP calls for hearings on end of military's transgender ban

The Hill / Rebecca Kheel

Top senators on the Armed Services Committee are calling for hearings on the Pentagon's decision to lift the ban on transgender troops serving openly.

"I will be calling up the chiefs of the services, those men and women in uniform who are the heads of the military, and ask them their views, including the cost of implementing, I'm talking about the fiscal costs, of implementing some of these changes, and we'll be having hearings," Sen. John McCain (R-Ariz.), chairman of the Senate Armed Services Committee, said in an interview on Fox News.

Defense Secretary Ash Carter made history Thursday by announcing the ban on transgender troops serving openly would be lifted, effective immediately.

McCain said he can't make a judgment on the decision to lift the ban until he hears from those military leaders.

But he appeared frustrated, particularly at the lack of notice before the announcement.

"Unlike any other administration that I have been associated with, we received no heads up," he said. "I happen just to be the chairman of the Armed Services Committee, and it's customary in all the years I've been on it to give members, particularly the chairman, a briefing."

He also raised the potential for legislation on the issue.

"Something like this will require some legislation," McCain said.

Separately, Sen. James Inhofe (R-Okla.), a longtime opponent of lifting the ban, said he would ask McCain and ranking member Sen. Jack Reed (D-R.I.) for hearings.

“In the coming days, I will be asking Senate Armed Services Committee Chairman John McCain and Ranking Member Jack Reed to hold hearings on this matter,” Inhofe said in a written statement “I believe this policy should be put on hold until the DOD thoroughly answers questions from Congress on how such change will impact the readiness of our military.”

Like other Republicans, Inhofe said he is concerned about readiness and accused the administration of putting social policy above readiness.

“Our military is facing historic readiness shortfalls, putting our service members’ lives at greater risk,” Inhofe said in a written statement. “Addressing this crisis should be the sole focus of Obama administration, but instead they continue to be more interested in forcing their social agenda through the DOD.”

On the House side, Rep. Mac Thornberry (R-Texas), chairman of that chamber’s Armed Services Committee, also pledged inquiries into the decision and legislation.

“Over the next few weeks, we are going to continue to push for actual answers to the readiness questions we’ve been asking for nearly a year to which we have still not received a response,” he said. “We will also be looking at legislative options to address the readiness issues associated with this new policy.”

9. Pentagon Lifts Ban On Transgender Troops

Huffington Post | Jennifer Bendery

Thousands of service members no longer have to hide their gender identity.

WASHINGTON - The Pentagon is lifting its ban on transgender people serving in the U.S. armed forces, effective immediately, Defense Secretary Ash Carter announced Thursday.

The new policy means transgender service members may no longer be involuntarily discharged or denied reenlistment based on their gender identity. Those currently on duty who have been keeping their gender identity hidden may now serve openly.

“This is the right thing to do for our people and for the force,” Carter said at a press conference at the Pentagon. “We’re talking about talented Americans who are serving with distinction or who want the opportunity to serve. We can’t allow barriers unrelated to a person’s qualifications prevent us from recruiting and retaining those who can best accomplish the mission.”

The historic policy change, seen by many as the last step of President Barack Obama’s 2011 repeal of the military’s “Don’t Ask, Don’t Tell” policy, is being phased in over the next year. The military is setting up a process for service members to transition genders while serving. The new policy also imposes standards for medical care, and outlines responsibilities for commanders to develop guidance, training and specific policies going forward.

An overview of the Pentagon’s implementation plan is available [here](#).

Carter said the nonprofit RAND Corporation estimates there are between 2,500 to 7,000 transgender people currently on active duty, and between 1,500 to 4,000 in the reserves. (A 2014 Williams report put the total number at 15,500.) Those numbers may seem relatively small compared to the 1 million-plus Americans serving, he said, but the military invests in all of its people.

“We’re talking about talented and trained Americans who are serving their country with honor and distinction,” said Carter.

The Defense Department has been moving toward this shift for years. The Army took steps in March 2015 to make it easier for transgender people to serve, and different branches later loosened their policies.

Sheri Swokowski, a retired U.S. Army infantry colonel, is among those who have been waiting for this day to come. She's the highest-ranking transgender veteran in the country, and when the Pentagon held its Pride Month event in June 2015, she made a bold statement by showing up presenting as female, while wearing a new dress uniform bearing the infantry brass and braid associated with her uniform as a male soldier.

Without saying a word, she sent the message to military leaders in the room that transgender service members do exist and should be allowed to serve openly.

"I just want to be a visible symbol for those out there that are forced to, I won't say lie, but not be authentic in order to serve the country that they love," Swokowski told The Huffington Post at the time. "They are very brave. I'm sure they're trying to do the best they can and keeping their fingers crossed that, sooner or later, the Defense Department is going to get on board and accept transgender people."

10. U.S. military to allow transgender men and women to serve openly

Los Angeles Times / W.J. Hennigan

In a historic move, the Pentagon on Thursday lifted its ban on allowing transgender men and women to serve openly in the military.

The announcement at the Pentagon by Defense Secretary Ashton Carter follows extensive study by the U.S. military to remove one of the last discriminatory hurdles for military service, treating gender identity on par with race, religion, color, sex or sexual orientation.

"Our mission is to defend this country, and we don't want barriers unrelated to a person's qualification to serve preventing us from recruiting or retaining the soldier, sailor, airman or Marine who can best accomplish the mission," Carter said. "We have to have access to 100% of America's population for our all-volunteer force to be able to recruit from among them the most highly qualified -- and to retain them."

The move came nearly five years after the formal end of "don't ask, don't tell," a 17-year-old policy that barred gays and lesbians from serving openly in the military.

The Pentagon does not have a precise count of how many transgender men and women are in the services now, because they face discharge if they reveal their identities.

The Palm Center, a research institute based in San Francisco, estimates that there are about 15,500 transgender members of the U.S. military, "making the Department of Defense the largest employer of transgender people in America."

Despite the policy change, there are many senior military leaders who believe the Pentagon is moving too fast and has not yet resolved issues related to the plan. In recent weeks, Carter has met with military chiefs to hear concerns and suggestions to ease the process.

But officials said the full policy must be completely implemented no later than July 1, 2017.

11. Pentagon Lifts Ban on Transgender Troops Openly Serving in Military

Military.com / Bryant Jordan and Amy Bushatz

Defense Secretary Ashton Carter on Thursday said the Pentagon was lifting its ban on transgender troops who wish to serve openly in the U.S. military.

"Starting today otherwise qualified service members can no longer be involuntarily separated, discharged, or denied reenlistment or continuation of service just for being transgender," Carter said during a press conference at the Pentagon.

The secretary said there were three main reasons for his decision, including ensuring that the military does not have unnecessary barriers that prevent it from recruiting and keeping qualified people; meeting a responsibility to transgender personnel already serving by issuing clear policy guidelines; and as “a matter of principle.”

“Americans who want to serve and can meet our standards should be afforded the opportunity to compete to do so,” he said. “After all, our all-volunteer force is built upon having the most qualified Americans. And the profession of arms is based on honor and trust.”

The Pentagon signaled it plans to pay for costs associated with transgender health care.

“Medically necessary” gender reassignment surgery and medications will also be covered beginning in about 90 days, Carter said.

“Our doctors will give them medically necessary procedures as determined by the medical professions,” he said. “In no later than 90 days, the DoD will issue a commanders’ guidebook for leading transgender troops, as well as medical guidance to military doctors for transgender-related care.”

12. Pentagon Lifts Ban on Transgender Service Members Serving Openly

NBCNews.com | Courtney Kube and Halimah Abdullah

Transgender men and women will be allowed to openly serve in the military, Secretary of Defense Ash Carter announced on Thursday - the latest move in a series of historic shifts on gender policy for the nation’s military.

“This is the right thing to do for our people and for the force,” Carter said. “We’re talking about talented Americans who are serving with distinction or who want the opportunity to serve. We can’t allow barriers unrelated to a person’s qualifications (to) prevent us from recruiting and retaining those who can best accomplish the mission.”

In a year, all the services will begin allowing transgender individuals to join the armed forces.

By October, the Department of Defense will craft and distribute a commanders’ training handbook, medical protocol and guidance for changing a service member’s gender in the Defense Eligibility Enrollment System. That is also the deadline that all the services will be required to provide medically appropriate care and treatment to transgender service members, according to Department of Defense protocols.

Current members of the armed forces with a diagnosis from a military physician that gender transition is medically needed will receive that care.

However, DoD “policy will require an individual to have completed any medical treatment that their doctor has determined is necessary in connection with their gender transition, and to have been stable in their preferred gender for 18 months, as certified by their doctor, before they can enter the military,” according to the Pentagon.

The shift is also a milestone for the administration, which under President Barack Obama, has worked to make LGBT rights and equality a cornerstone of legacy on social change including lifting the “don’t ask, don’t tell” policy in 2011.

Carter underscored that the military should respect “talented and trained” Americans who have served with distinction and he cited RAND Corporation figures which estimated that out of 1.3 million active duty troops, 2,500 are transgender.

Eighteen countries already allow transgender men and women to serve in the military including the U.K. and Israel, Carter said.

Carter signaled the upcoming policy change last summer when he stressed that the ban on transgender members of the military was “outdated, confusing, inconsistent”. He also ordered the military to come up with a new policy within six months.

“We have transgender soldiers, sailors, airmen, and Marines - real, patriotic Americans - who I know are being hurt by an outdated, confusing, inconsistent approach that’s contrary to our value of service and individual merit,” Carter said at the time.

Since then, the military has implemented a series of changes.

Last month, the Senate confirmed Eric Fanning as Army secretary. He is the first openly gay leader of any U.S. military service to serve in that role.

In April, it was announced that 22 women are part of the first class of female members of the Army to be commissioned as infantry and armor officers - leadership roles that were previously open only to men. Later that month, Capt. Kristen Griest became the nation’s first female Army infantry officer.

In December, the Pentagon announced it was opening all combat jobs to women.

13. Transgender People Will Be Allowed to Serve Openly in Military

New York Times / *Matthew Rosenberg*

WASHINGTON — Defense Secretary Ashton B. Carter on Thursday removed one of the final barriers to military service by lifting the Pentagon’s ban on transgender people serving openly in the armed forces.

“Effective immediately, transgender Americans may serve openly,” Mr. Carter said. “They can no longer be discharged or otherwise separated from the military just for being transgender.”

The decision pushes forward a transformation of the military that Mr. Carter has accelerated in the last year with the opening of all combat roles to women and the appointment of the first openly gay Army secretary. He made his feelings on ending the transgender ban clear last year, when he called it outdated and ordered officials across the military to begin examining what would need to be done to lift it.

When Mr. Carter ordered that assessment, there were already thousands of transgender people in the military. But until Thursday, most had been forced into an existence shrouded in secrets to avoid being discharged, a situation much like that faced by gay men, lesbians and bisexuals before the lifting of the “don’t ask, don’t tell” policy in 2011.

Transgender people have “deployed all over the world, serving on aircraft, submarines, forward operating bases and right here in the Pentagon,” Mr. Carter told reporters. “The lack of clear guidelines for how to handle this issue puts the commanders and the service members in a difficult and unfair position.”

Mr. Carter said the Pentagon would cover the medical costs of those in uniform who are seeking to undergo a gender transition, though it would expect new recruits who are transgender to spend at least 18 months in their transitioned gender identity before joining.

The Pentagon also plans to begin a broad, yearlong training program about the changes for service members up and down the ranks.

The military’s top leaders, including Gen. Joseph F. Dunford Jr., the chairman of the Joint Chiefs of Staff, were on board with ending the prohibition, Mr. Carter said, although none of the military’s top brass appeared with him for the announcement.

And concerns were heard immediately from one senior member of Congress.

Representative Mac Thornberry of Texas, the Republican chairman of the House Armed Services Committee, released a statement saying he would examine “legislative options to address the readiness issues associated with this new policy.”

“Our military readiness — and, hence, our national security — is dependent on our troops’ being medically ready and deployable,” Mr. Thornberry said. “The administration seems unwilling or unable to assure the Congress and the American people that transgender individuals will meet these individual readiness requirements at a time when our Armed Forces are deployed around the world.”

Lifting the ban on transgender people has faced resistance from some at the highest ranks of the military, who have expressed concerns over what they consider a social experiment that could potentially harm the military’s readiness and effectiveness in combat.

Several studies have reached the opposite conclusion, however, finding that lifting the ban is unlikely to have any appreciable effect on the readiness of the armed forces.

A study by the RAND Corporation, commissioned by Mr. Carter, found that out of the approximately 1.3 million active-duty service members, an estimated 2,450 were transgender, and that every year, about 65 service members would seek to make a gender transition.

Providing medical care to those seeking to transition would cost \$2.9 million to \$4.2 million a year for the Pentagon, which spends about \$6 billion of its \$610 billion annual budget on medical costs for active-duty service members, according to the report, which was completed in March.

The report also said that if the Pentagon did not cover medical procedures like hormone therapy and surgery, transgender service members would most likely not seek medical care and could have higher rates of substance abuse and suicide.

Making the announcement on Thursday, Mr. Carter said the Pentagon had studied the experience of allied countries that already allow transgender people to serve in their militaries, such as Britain, Australia and Israel. He also cited the experience of companies like Boeing and Ford, which offer health insurance policies that cover the costs of gender transitions.

“That’s up from zero companies in 2002,” Mr. Carter said. “Among doctors, employers and insurance companies, providing medical care for transgender individuals is becoming common and normalized in both public and private sectors alike.”

But as much as any practical concern played into the decision, Mr. Carter said it was also “a matter of principle.”

“Americans who want to serve and can meet our standards should be afforded the opportunity to compete to do so,” he said. “After all, our all-volunteer force is built upon having the most qualified Americans. And the profession of arms is based on honor and trust.”

14. Pentagon moves to allow transgender troops to serve openly

Politico Pro | Austin Wright and Jeremy Herb

Defense Secretary Ash Carter on Thursday declared an end to Pentagon restrictions on transgender troops, adding another milestone to President Barack Obama’s legacy of ushering in major social change in the military.

The move is expected to draw little opposition on Capitol Hill, where few lawmakers spoke out against Carter’s announcement a year ago that the Pentagon would study the issue with an eye toward ending its longstanding ban on transgender service members, who until now have had to live with the possibility of being medically discharged.

“Americans who want to serve and can meet our standards should be afforded the opportunity to compete to do so,” Carter said in prepared remarks at the Pentagon. “Effective immediately, transgender Americans may serve openly, and they can no longer be discharged or otherwise separated from the military just for being transgender.”

The Pentagon doesn't keep statistics on the number of transgender troops currently serving, but a 2014 study by the Williams Institute at UCLA estimated that "15,500 transgender individuals are serving on active duty or in the Guard or Reserve forces."

Carter, in his remarks, cited RAND Corporation research estimating that 2,500 of the military's approximately 1.3 million active-duty service members are transgender, plus about 1,500 of the 825,000 reservists. RAND, he said, concluded in its study of the issue there would be "minimal readiness impacts from allowing transgender service members to serve openly."

The repeal of the ban will require new policies to be put in place in stages over a year. In 90 days, Carter said, the Pentagon will issue a guidebook to military commanders on transgender issues, along with medical guidance to doctors for providing transition-related care if needed.

"Our military treatment facilities will begin providing transgender servicemembers with all medically necessary care based on that medical guidance," Carter said. In addition, he said, "Service members will be able to initiate the process to officially change their gender in our personnel management systems."

After that, over the next nine months, the military service branches will begin training service members on transgender issues.

"When the training is complete," Carter said, "no later than one year from today, the military services will begin accessing transgender individuals who meet all standards - holding them to the same physical and mental fitness standards as everyone else who wants to join the military."

He said his one-year timeline was adjusted after receiving feedback from top military commanders, including Joint Chiefs Chairman Gen. Joe Dunford.

Dunford was not with Carter on Thursday when he made the announcement, just as Dunford chose not to accompany Carter during his December announcement that all combat jobs would be opened to women.

The new policies were outlined in a fact sheet released Thursday.

The ending of the ban will cement Obama's legacy of putting a major progressive stamp on the Pentagon.

Since taking office, the president has also ended the ban on gays serving openly and opened all combat jobs to women. In addition, Congress is now giving serious consideration to a change Obama never asked for: requiring women to register for the draft.

"This will round out the president's legacy of historic change in terms of promoting military readiness," said Aaron Belkin, who directs the Palm Center and has written extensively on the issue.

In Congress, some Republicans said they're wary of Carter's decision, but they're not expected to do anything to stop it.

House Armed Services Chairman Mac Thornberry (R-Texas) has said Carter had "put the political agenda of a departing administration ahead of the military's readiness crisis," knocking the Pentagon for failing to respond to a list of questions about the implications of lifting the transgender ban.

And Senate Armed Services Chairman John McCain (R-Ariz.) said he was withholding judgment on the issue until the military service chiefs have a chance to testify before his panel.

"We're going to have to have hearings on it with their military leadership to get their views," McCain told POLITICO. "I've been told that there is concern on the part of our military leadership about implementation. But I don't know that for a fact. That's why we need to have hearings to determine."

Democrats, meanwhile, said they were in favor of the move.

“I think the goal should be to use every military member to the best of their capabilities, to contribute to the unit, and I presume that’s the objective or the criteria that the secretary is using,” said Sen. Jack Reed of Rhode Island, the top Democrat on the Senate Armed Services Committee.

Added Sen. Claire McCaskill (D-Mo.): “If someone is willing to serve, and they’re capable of serving and physically able to serve, we should welcome their service regardless of their orientation.”

15. U.S. military repeals ban on transgender service members

Reuters / Idrees Ali, Yeganeh Torbati, and Phil Stewart

WASHINGTON (Reuters) - The Pentagon on Thursday ended its ban on openly transgender people serving in the U.S. military, formally removing the risk to an estimated thousands of U.S. troops who once could have been kicked out of the armed forces due to gender identity.

The repeal, which ends one of the last barriers to serving in the military, comes after a 2011 decision to end the U.S. military’s ban on openly gay and lesbian people serving, despite concerns - which proved unfounded - that such a move could be too great a burden in wartime and would undermine battle readiness.

“We’re eliminating policies that can result in transgender members being treated differently from their peers based solely upon their gender identity rather than upon their ability to serve,” Defense Secretary Ash Carter told reporters.

Carter said that within 90 days, the Pentagon would create a guide book for commanders on how to lead transgender service members and medical guidance to doctors.

Within one year, transgender individuals would be allowed to join the armed forces, he said.

Carter said that based on a study carried out by the Rand Corporation, there were about 2,500 transgender active-duty servicemembers and 1,500 reserve transgender service members. Still, Rand’s figures were within a range, which at the upper end reached 7,000 active duty forces and 4,000 reserves.

“The reality is that we have transgender service members serving in uniform today,” Carter said, acknowledging the policy change will have implications for issues including deployment and medical treatment.

He added that at least 18 countries already allowed transgender personnel to serve openly in their militaries.

Carter announced in 2015 that he intended to lift the ban and laid out a series of steps, including a six-month study on the implications of lifting the restrictions. But advocates for the lesbian, gay, bisexual and transgender community said the process, which eventually stretched to nearly a year, has taken too long.

Advocates praised Carter’s announcement on Thursday and said it followed several moves by the military to be more inclusive in the last decade.

“I would hope that it showcases the fact that the sky will not fall, the world will not come apart, by us being a more inclusive and open society,” said Matt Thorn, executive director of OutServe-SLDN, an advocacy group for LGBT military personnel. “I don’t think anybody should be concerned or afraid about moving forward with this policy.”

But critics have argued that Carter is putting the political agenda of the Democratic administration of President Barack Obama ahead of military readiness.

“Over the next few weeks, we are going to continue to push for actual answers to the readiness questions we’ve been asking for nearly a year to which we have still not received a response,” Republican Representative Mac Thornberry, chairman of the House of Representatives Armed Services Committee, said in a statement.

16. Pentagon lifts ban on transgender troops

USA Today / Tom Vanden Brook

WASHINGTON — Defense Secretary Ash Carter announced Thursday that the military will no longer discriminate against transgender troops, knocking down one of the last barriers to service based on gender identity or sexual orientation.

The move, nearly a year in the making, came despite last-minute concerns were raised by top brass about how to deal with the medical, housing and uniform issues for troops who are transitioning to the other sex.

“This is the right thing to do for our people and for the force,” Carter said. “We’re talking about talented Americans who are serving with distinction or who want the opportunity to serve. We can’t allow barriers unrelated to a person’s qualifications prevent us from recruiting and retaining those who can best accomplish the mission.”

The Pentagon, Carter said, needs “access to 100%” of our population to develop the military force the nation needs.

Earlier this year, the Pentagon removed the last barriers to women serving in frontline combat roles provided they meet physical standards. And five years ago, the military repealed its Don’t Ask Don’t Tell policy, which required gay and lesbian troops to hide their sexual orientation or face discharge.

Last July, Carter announced that a study group had been chartered to examine the issues raised by lifting the ban. He also ordered that decisions on discharging troops with gender dysphoria had to be raised to senior Pentagon officials, essentially ending the practice of ending the careers of transgender troops from service for medical reasons.

There are between 1,320 and 6,630 transgender troops in the active-duty force of 1.3 million, according to Agnes Schaefer, the lead author of a RAND Corp. study commissioned by the Pentagon on the issue. Of those troops, RAND estimates that between 30 and 140 would seek hormone treatment, and 25 to 130 would seek surgery. The estimated annual price tag: \$2.4 million to \$8.4 million, per year.

Treatment costs per service member are estimated to cost as much as \$50,000, according to a senior Defense official who spoke on condition of anonymity because officials were not authorized to speak publicly. Treatment generally moves from counseling to hormone treatment, and in relatively rare cases, gender reassignment surgery. A military doctor must deem the treatment medically necessary.

The cost of accommodating transgender troops by, for example, altering shower facilities and barracks, is expected to cost about \$10 million but is difficult to project, the official said. Some commanders may incur no cost by simply scheduling shower times rather than building new facilities.

The effect of transgender troops on readiness to fight, or deploy, is anticipated to be small, Schaefer said.

By Oct. 1, the Pentagon will create training handbook, medical protocol and “guidance for changing a service member’s gender in the Defense Eligibility Enrollment System (DEERS),” Carter’s announcement said. “At this point, the services will be required to provide medically necessary care and treatment to transgender service members according to the medical protocol and guidance, and may begin changing gender markers in DEERS.”

The reality, Carter said, is that there are already transgender people serving in the military, and the Pentagon owes it to them to care for them and give commanders guidance.

Early this month, Air Force Secretary Deborah James said a key sticking point in crafting the policy was the point in a recruit’s transition that the military would accept them for service.

“I’m certain the transgenders will be allowed to serve in a more open way,” James said on C-SPAN. “We’re trying to get the specific policy matters underneath the umbrella policy so that we do it correctly, and roll it out correctly. So if there’s training required, we have that in place, so we explain to commanders and troops how we will proceed.”

The acceptance of transgender troops and the repeal of the ban has come with relatively speed compared with the integration of women and gays into the ranks. Discussions about prohibiting transgender troops from service began about two years ago, while debate about women and gays raged for decades before being resolved.

“This is an amazing, historic event,” said Aaron Belkin, director of the Palm Center, which researches issues regarding sexual orientation issues in the military.

The decision to lift the ban was not entirely welcome on Capitol Hill. Rep. Mac Thornberry, the chairman of the Armed Services Committee and a Texas Republican, asked Carter pointed, specific questions last year about how removing the ban would improve military readiness, including its cost and effect on morale. A letter in response to Thornberry from the Pentagon, obtained by USA TODAY, thanked him for his interest but provided no specific answers.

Carter called the decision to end the ban his own, which was why the military’s top uniformed officers, such as the chairman of the Joint Chiefs of Staff, Marine Gen. Joseph Dunford, was not appearing with him to announce the change.

A key architect of the plan, former Pentagon personnel chief Brad Carson, said the change was hard-fought and overdue.

“This is a historic day and for me satisfied a promise I made to a group of transgender soldiers I met two years ago,” Carson said. “I told them I would fight to repeal the outdated rules on transgender service. I’m proud to have pushed this reform and I salute the contributions transgender service members have made and will make in the future to our nation.”

17. Pentagon Overturns Military’s Ban on Transgender Troops

U.S. News & World Report | Paul D. Shinkman

Military to pay for transgender therapies when recommended by a doctor, Carter said, along with other reforms.

Defense Secretary Ash Carter announced Thursday that the military would no longer discriminate against transgender people, allowing them immediately to enlist openly, and for those already in service to reveal themselves as the gender with which they identify without facing punishment or dismissal.

“We don’t want barriers unrelated to a person’s qualifications to serve preventing us from recruiting or retaining the soldier, sailor, airman or Marine who can best accomplish the mission,” Carter said in remarks at the Pentagon on the last day of LGBT pride month. “We have to have access to 100 percent of America’s population for our all-volunteer force to be able to recruit from among them the most highly qualified and to retain them.”

The announcement lifts of one of the last bans on military service remaining during Carter’s tenure, which has also overseen the repeal of restrictions against women serving in combat roles and the implementation of the end of the so-called don’t-ask, don’t-tell policy. It comes almost a year after Carter first said he would review the Defense Department’s ban against allowing transgender service members, which considered them at the time to be suffering from a psychological condition. The secretary established a working group under the assumption that transgender people could serve openly - as they do in at least 18 other countries’ militaries - and pledged a decision six months from then.

The process flagged under questions from the working group about how to implement the policy and more recent concerns from the service chiefs that the time frame Carter initially considered for implementing the new rules was too short.

Joint Chiefs Chairman Marine Gen. Joseph Dunford did not attend the announcement. When asked about his absence, Carter said this decision was his own, but that the service chiefs agreed.

Mac Thornberry, chairman of the powerful House Armed Services Committee, issued a statement criticizing the policy change before Carter’s press conference had finished.

“This is the latest example of the Pentagon and the president prioritizing politics over policy,” the Texas Republican wrote. He chided the administration for not providing full transparency on how allowing transgender people to serve openly would not affect the military’s ability to wage war.

“Over the next few weeks, we are going to continue to push for actual answers to the readiness questions we’ve been asking for nearly a year to which we have still not received a response,” Thornberry wrote. “We will also be looking at legislative options to address the readiness issues associated with this new policy.”

On Thursday, Carter laid out an amended timeline with the chiefs’ concerns in mind for each of the service branches to develop policies and procedures for how they would incorporate openly transgender service members, starting a guidebook for commanders to be completed within 90 days. The military will also have to determine in that time new policies for how to provide transgender service members with doctor-recommended medical support related to a gender transition.

The cost of these new benefits represents “an exceedingly small proportion” of the department’s overall medical expenditures, Carter said, citing a report he commissioned from the RAND Corp. to study the integration of transgender service members. The study also said the shift would cause “minimal readiness impacts from allowing transgender servicemembers to serve openly.”

Within a year, the military must have completed preparations for allowing transgender troops to serve openly and will begin the process of assessing whether those who have been “stable in their identified gender” for at least 18 months can meet the standards required by their position in the military.

Carter did not say whether there would be any restrictions on someone who knows they will undergo gender reassignment treatments from joining the military and having the Defense Department pay for it.

“If any medical treatment in that instance is determined to be medically necessary by their doctors, they will be provided with that medical care,” Carter said.

As many as 7,000 transgender people serve as members of the military, with 4,000 in the reserves, according to the RAND study. Other estimates, which include members of the National Guard, have put that number above 15,000.

“Over the past year, [I] have met with some of these transgender servicemembers,” Carter said. “They’ve deployed all over the world, serving on aircraft, submarines, forward operating bases and right here in the Pentagon.”

“We have reason to be proud today of what this will mean for our military, because it’s the right thing to do and it’s another step in ensuring that we continue to recruit and retain the most qualified people, and good people are the key to the best military in the world. Our military, and the nation it defends, will be stronger.”

18. Pentagon lifts trans military ban ‘effective immediately’

Washington Blade | Chris Johnson

Defense Secretary Ashton Carter on Thursday has lifted “effectively immediately” the ban on openly transgender people from serving in the U.S. armed forces.

Carter announced the change today at a news briefing at the Pentagon in addition to a nine-month long implementation plan that includes providing transgender service members with all transition-related care, including gender reassignment surgery, and adding transgender status to the military’s non-discrimination policy.

The change comes after Carter initiated in July 2015 a review of the medical regulation, instituted before 1983, with the goal of changing the policy. Although “Don’t Ask, Don’t Tell” repeal in 2010 enabled openly gay people to serve in armed forces, trans people remained barred from the U.S. military.

“As a result of this year-long study, I’m announcing today that we are ending the ban on transgender Americans in the United States military,” Carter said. “Effective immediately, transgender Americans may serve openly, and they can no longer be discharged or otherwise separated from the military just for being transgender.”

Transgender activists who had called upon the Pentagon to lift its ban prohibiting openly transgender people from serving in the U.S. military hailed the changes as historic.

Aaron Belkin, director of the San Francisco-based Palm Center, said the U.S. military has “taken a sweeping step to advance readiness.”

“In ending discrimination that had no basis in medical science or military necessity, Secretary Carter is enhancing readiness as well as core values of honesty and integrity, an enormous accomplishment with a durable impact on all service members,” Belkin said.

Sue Fulton, president of the LGBT military group SPARTA, said the first day of openly transgender service fulfills a promise from Carter “that every American who is qualified to serve will be allowed to serve.”

“The thousands of transgender soldiers, sailors, airmen, Marines, and Coast Guardsmen - and their commanders - have one less burden on their shoulders today,” Fulton said. “We are grateful to the military and civilian leaders in the Department of Defense who worked so hard to get this right.”

19. The Pentagon’s ban on transgender service just fell - but the details are complicated

Washington Post / Dan Lamothe

Defense Secretary Ashton B. Carter repealed the Pentagon’s long-held ban on transgender people serving in the military Thursday, ending a year-long process that was bogged down by internal conflict and concerns among senior service officials about how the change could be made.

Carter said at a news conference that the policy change will take place over the next 12 months, beginning with guidance issued to current transgender service members and their commanders, followed by training for the entire military. Beginning Thursday, however, service members can no longer be involuntarily separated from the services solely on the basis of being transgender, he said.

“Our mission is to defend this country, and we don’t want barriers unrelated to a person’s qualification to serve preventing us from recruiting or retaining the soldier, sailor, airman or Marine who can best accomplish the mission,” Carter said. “We have to have access to 100 percent of America’s population for our all-volunteer forces to be able to recruit from among them the most highly qualified - and to retain them.”

The details of the policy change appeared to strike a compromise between some issues at play. For example, transgender people who want to join the military will be required to wait 18 months after a doctor certifies that they are stable in their new gender before they can enlist. That number was advocated for by the Army, but other senior defense officials had pressed for it to be six or 12 months.

Carter said the decision to make the change in policy was his, but he acknowledged that he tried to build consensus among service officials before forging ahead.

“I have a general principle around here, which is that it’s important that people who have to implement decisions be part of the decision making, and the armed services are the one who are going to have to implement that,” he said. “They’ve been a part of this study, but now they are a critical part of implementation.”

Many details still need to be decided, however. Over the next 90 days, the Pentagon will follow up by completing and issuing a commander’s guidebook for leading current transgender service members and medical guidance to military doctors for providing gender transition care if required for those already in uniform. The Defense Department also will immediately initiate changes so that transgender troops can alter their gender in personnel management systems.

Beginning in October, the services will begin training rank-and-file service members about the change. No later than a year from now, the military services will begin allowing transgender service members who meet all standards to openly join the military, provided that they are considered stable in their identified gender for 18 months, as certified by their doctor.

Carter said he has discussed the implementation plan with senior military leaders, including Marine Gen. Joseph F. Dunford, the chairman of the Joint Chiefs of Staff. The Pentagon chief made adjustments to his plan based on those recommendations, prompting the service chiefs to signal support for the change.

From: Martin, Jeremy M SES (US)
Sent: Thursday, June 30, 2016 3:33 PM
To: Levine, Peter K HON (US); Koffsky, Paul S SES OSD OGC (US); Mears, Zachary SES SD
Cc: O'Connor, Jennifer M HON OSD OGC (US)
Subject: FW: Initial Media Coverage | SecDef Announcement on Transgender Servicemembers | 30 June 2016

Sir,

The early media reports seem positive with straight-forward coverage.

Best,
Jeremy

Jeremy M. Martin
Chief of Staff
Office of the Assistant to the Secretary of Defense
for Public Affairs
1400 Defense Pentagon - Room (b)(6)
Office: (b)(6)
Cell: (b)(6)

-----Original Message-----

From: OSD Pentagon PA Mailbox Media Analysis

Sent: Thursday, June 30, 2016 2:21 PM

To: OSD Pentagon PA Mailbox Media Analysis; Cook, Peter C SES (US); Martin, Jeremy M SES (US); (b)(6);
Rosenbach, Eric HON SD; (b)(6); Smith, Eric M BGen USMC OSD OSD (US); (b)(6); (b)(6);
(b)(6) CIV OSD PA (US); (b)(6); (b)(6); (b)(6) CIV (US); (b)(6);
(b)(6) USN OSD PA (US); (b)(6) CIV OSD PA (US); (b)(6) USARMY OSD PA (US); SWARTOUT,
JAMES L (James) SES (US); (b)(6) CIV OSD PA (US); (b)(6) CIV JS OCJCS (US);
(b)(6) Trowbridge, Gordon L SES (US); (b)(6) USARMY OSD PA (US); (b)(6) CIV
OSD PA (US); (b)(6) CIV OSD PA (US); Hedger, Stephen C HON OSD OASD LA (US); (b)(6) USAF OSD
OASD LA (US); (b)(6); Guenov, Tressa S SES (US); (b)(6) USN OSD PA (US);
O'Connor, Jennifer M HON OSD OGC (US); (b)(6) OSD Pentagon PA List Press Officers; OSD
Pentagon RSRC MGMT List PA-SecDef Speechwriters MBX; JS Pentagon OCJCS List OCJCS DOM PA
Subject: Initial Media Coverage | SecDef Announcement on Transgender Servicemembers | 30 June 2016

PRINT/ONLINE COVERAGE (AFP, AP, Baltimore Sun, CNN, FoxNews.com, The Guardian, LAT, NYT, Politico Pro)

US military lifts ban on transgender personnel
Agence France-Presse | Not Attributed

The Pentagon said Thursday it will let transgender personnel serve openly, a major milestone for America's vast military, and said it would pay for related medical treatment.

Lifting the ban on transgender service members "is the right thing to do for our people and for the force," Defense Secretary Ashton Carter said in a statement.

"We're talking about talented Americans who are serving with distinction or who want the opportunity to serve. We can't allow barriers unrelated to a person's qualifications prevent us from recruiting and retaining those who can best accomplish the mission."

Up until five years ago, the US military still banned gay troops from openly discussing their sexuality under a "Don't Ask, Don't Tell" policy.

The new transgender policy will be phased in during a one-year period, but effective immediately, the military can no longer discharge or deny reenlistment to troops based solely on their gender identity.

Transgender service members currently on duty can now serve openly.

By July 1 next year, the services will begin allowing transgender personnel to sign up, assuming they have met the necessary physical and mental standards to do so, the Pentagon said.

The US military has about 1.3 million service members.

According to a RAND study, about 2,500 of these active-duty service members are transgender, as well as about 1,500 out of approximately 825,000 reserve troops.

The military will start paying for medical treatment related to being transgender no later than October 1, Carter said.

Carter last year ordered all military roles -- including combat positions -- to be opened to women.

Pentagon Ends Ban on Transgender Troops in Military
Associated Press | Lolita Baldor

Washington (AP) -- The Pentagon will let transgender individuals serve openly in the U.S. military, ending one of the last bans on service in the armed forces.

Defense Secretary Ash Carter announced the change Thursday. Carter says it's the right thing to do. He says only a person's qualifications should matter, and that there should be no other unrelated barriers to service.

Carter's announcement comes despite concerns from senior military leaders that the department is moving too fast and that more time is needed to work through the changes.

The changes will be phased in over a year. But by October 1, transgender troops should be able to receive medical care and begin formally changing their gender identification in the Pentagon's personnel system.

Secretary of Defense Ash Carter: Military repeals ban on transgender service
Baltimore Sun | Staff, Wire Reports

Transgender military members can now openly serve in the military, Secretary of Defense Ash Carter announced in the Pentagon Thursday afternoon.

"Americans who want to serve, and who can meet our standards, should be afforded the opportunity to..do so," Carter said.

Those service members were banned by the department's medical standards that prohibit a change of sex and "psychosexual conditions" including "transsexualism ... and other paraphilias," though separations had been halted while the department reviews the policy.

Carter said that the ban was "outdated, confusing, inconsistent approach that's contrary to our value of service and individual merit" in his 2015 call for a review of the ban. A 2014 study by the Palm Center, a research institute that studies sexual minorities, found "no compelling medical rationale" for prohibiting transgender military service.

About 15,500 transgender military members could be affected by the repeal, according to estimates from the Williams Institute, a think tank at the UCLA School of Law.

The Associated Press reported Thursday that several senior U.S. officials said while the chiefs of the military services largely back the change, they sought more time to fully develop and implement the complex new rules.

According to officials, the service chiefs asked Gen. Joseph Dunford, chairman of the Joint Chiefs of Staff, to relay their concerns to Carter. A senior U.S. official told the AP that Carter met this week with his military leaders, heard their concerns, and has adjusted the timeline.

The officials spoke on condition of anonymity because they weren't authorized to discuss policy decisions before they were made public.

Under the new policy, transgender individuals will be allowed to enlist in the military, and those already serving can no longer be forced to leave based on their gender identity.

Officials familiar with the new plan said people with gender dysphoria, a history of medical treatments associated with gender transition and those who have had reconstruction surgery may be disqualified as military recruits unless a medical provider certifies that they have been clinically stable in the preferred gender for 18 months, and are free of significant distress or impairment in social, occupational or other important areas. 'Also, transgender troops receiving hormone therapy must have been stable on the medication for 18 months.

The new rules also give military commanders flexibility, noting that not all cases are the same, the officials said. According to estimates, there are likely several thousand transgender individuals serving in the military.

When the military service chiefs met this week, they said they were concerned that they would be given as little as 45 days to develop an implementation plan for those serving, and another 45 days to put it in place, officials said.

According to defense officials, the military leaders, including Gen. Mark Milley, the Army chief of staff, and Gen. Robert Neller, commandant of the Marine Corps, said that while they aren't opposed to lifting the ban, they thought the new rules didn't include enough specifics to guide commanders who will have to make decisions about people in their units.

The senior U.S. official said Carter met with military leaders several times over the past two months, and after discussions this week, agreed to give them an additional 45 days, and was told the military chiefs believe they can work within those guidelines.

The new policy provides broad guidelines for transgender service members. They will be able to use the bathrooms, housing, uniforms and fitness standards of their preferred gender only after they have legally transitioned to that identity, according to officials.

The new rules, however, give commanders the discretion to make decisions on a case-by-case basis, including for job placement, deployments and training delays, based on the needs of the military mission and whether the service member can perform their duty.

The policy also allows commanders to approve certain accommodations when possible, such as when troops are showering. That could include installing shower curtains, towel hooks or allowing transgender troops to shower at different times or wear minimal clothing.

The military policy differs from civilian gender transitions, where transgender individuals often dress, live socially and work fulltime in their preferred gender during the process. Under the new policy, service members would only be able to do that when off-duty and away from their duty station.

The Associated Press contributed to this story.

Pentagon ends transgender ban
CNN.com | Jennifer Rizzo

The Pentagon said Thursday it was ending the ban on transgender people being able to serve openly in the U.S. military.

The announcement -- which removes one of the last barriers to military service by any individual -- was made by Defense Secretary Ash Carter, who had been studying the issue for almost a year. The decision comes as the military has witnessed major changes in the role of women and the inclusion of gays, lesbians and bisexual service members in recent years.

"The Defense Department and the military need to avail ourselves of all talent possible in order to remain what we are now -- the finest fighting force the world has ever known," Carter said Thursday at the Pentagon.

"We don't want barriers unrelated to a person's qualification to serve preventing us from recruiting or retaining the soldier, sailor, airman or marine who can best accomplish the mission. We have to have access to 100% of America's population." "

The ground work to lift the prohibition began last year when the defense secretary said he would study the "readiness implications of welcoming transgender persons to serve openly."

"This has been an educational process for a lot of people in the department, including me," Carter said Thursday. "We had to take into account the unique nature of military readiness."

Carter, who said he met with transgender service members, said the ending of the ban takes effect immediately and that no longer could a transgender person be discharged on that basis.

The move comes after gays, lesbians and bisexuals were allowed to serve openly in 2011 when the "don't ask, don't tell" policy was ended. In 2015, the Family Medical Leave Act was extended to cover all legally married same-sex couples and the Defense Department amended its equal opportunity program "to protect service members against discrimination because of sexual orientation."

Rep. Mac Thornberry, Republican chairman of the House Armed Services Committee, said Friday he had a number of longstanding questions for the Pentagon that remained unanswered.

"In particular, there are readiness challenges that first must be addressed, such as the extent to which such individuals would be medically non-deployable," Thornberry said in a statement. "Almost a year has passed with no answer to our

questions from Secretary Carter. Our top priority must be warfighting effectiveness and individual readiness is an essential part of that."

The Pentagon's decision coincides with broader acceptance of transgendered individuals in the U.S., but also criticism from social conservatives.

US military lifts ban on transgenders serving openly
FoxNews.com | Not Attributed

The Pentagon on Thursday lifted its ban on transgender service members serving openly in the U.S. military effective immediately, as Defense Secretary Ash Carter cited a need for clearer guidelines and the ability to maximize the military's all-volunteer force.

Senior military leaders had sought more time to fully develop and implement the complex new rules, arguing that the department was moving too fast, U.S. officials told The Associated Press. The move ends one of the last bans on service in the military.

According to officials, the service chiefs asked Gen. Joseph Dunford, chairman of the Joint Chiefs of Staff, to relay their concerns to Carter. A senior U.S. official told the AP that Carter met this week with his military leaders and heard their concerns.

The officials spoke on condition of anonymity because they weren't authorized to discuss policy decisions before they were made public.

Under the new policy, transgender individuals will be allowed to enlist in the military, and those already serving can no longer be forced to leave based on their gender identity.

Officials familiar with the new plan said people with gender dysphoria, a history of medical treatments associated with gender transition and those who have had reconstruction surgery may be disqualified as military recruits unless a medical provider certifies that they have been clinically stable in the preferred gender for 18 months, and are free of significant distress or impairment in social, occupational or other important areas. Also, transgender troops receiving hormone therapy must have been stable on the medication for 18 months.

The new rules also give military commanders flexibility, noting that not all cases are the same, the officials said. According to estimates, there are likely several thousand transgender individuals serving in the military.

When the military service chiefs met this week, they said they were concerned that they would be given as little as 45 days to develop an implementation plan for those serving, and another 45 days to put it in place, officials said.

According to defense officials, the military leaders, including Gen. Mark Milley, the Army chief of staff, and Gen. Robert Neller, commandant of the Marine Corps, said that while they weren't opposed to lifting the ban, they thought the new rules didn't include enough specifics to guide commanders who will have to make decisions about people in their units.

The senior U.S. official said Carter met with military leaders several times over the past two months, and after discussions this week, agreed to give them an additional 45 days, and was told the military chiefs believe they can work within those guidelines.

Last July, Carter said he intended to rescind the ban, calling it outdated. He has long argued that the military must be more inclusive to bring in the best and brightest.

At the time he ordered a six-month study to include extensive medical and scientific research and discussions with other nations and companies with experience in the process. He extended the study because the military wanted more time. Officials said he wanted to insure there was no impact on military readiness, but over time he became frustrated with the slow progress.

The new policy provides broad guidelines for transgender service members. They will be able to use the bathrooms, housing, uniforms and fitness standards of their preferred gender only after they have legally transitioned to that identity, according to officials.

The new rules, however, give commanders the discretion to make decisions on a case-by-case basis, including for job placement, deployments and training delays, based on the needs of the military mission and whether the service member can perform their duty.

The policy also allows commanders to approve certain accommodations when possible, such as when troops are showering. That could include installing shower curtains, towel hooks or allowing transgender troops to shower at different times or wear minimal clothing.

The military policy differs from civilian gender transitions, where transgender individuals often dress, live socially and work full time in their preferred gender during the process. Under the new policy, service members would only be able to do that when off-duty and away from their duty station.

The Associated Press contributed to this report.

US military ends ban on transgender service members
The Guardian | Amanda Holpuch

Defense secretary Ash Carter says rule that trans people could be involuntarily separated, discharged or denied reenlistment would be dropped immediately

Transgender people can now openly serve in the US military, defense secretary Ash Carter announced on Thursday.

Carter said the defense department was changing its policies for transgender service members in the next 12 months, starting with the landmark decision to get rid of the rule that said transgender people could be involuntarily separated, discharged, or denied reenlistment or continuation of service just for being transgender. That change is effective immediately.

"I'm also confident that we have reason to be proud today of what this will mean for our military - because it's the right thing to do, and it's another step in ensuring that we continue to recruit and retain the most qualified people - and good people are the key to the best military in the world," Carter said at a Pentagon press briefing. "Our military, and the nation it defends, will be stronger."

There is no official count of transgender service members, but Carter cited an estimate from the thinktank Rand, which said about 2,450 of the 1.3 million active duty service members are transgender.

Carter said there were three main reasons for the change: to maintain a strong military, to acknowledge transgender people currently serving and "as a matter of principle".

"Americans who want to serve and can meet our standards should be afforded the opportunity to compete to do so," Carter said. "After all, our all-volunteer force is built upon having the most qualified Americans. And the profession of arms is based on honor and trust."

"It's been an educational process for a lot of people here in the Department, including me," Carter said, explaining that the department reviewed medical, legal and policy considerations to reach this decision. "I have been guided throughout by one central question: is someone the best qualified servicemember to accomplish our mission?"

Matt Thorn, executive director of the LGBT military network OutServe-SLDN, said in a statement that the group applauds Carter's decision.

"Transgender service members have been awaiting this announcement for months and years: it has long been overdue," Thorn said. "Secretary Carter, with his statement, has given a breath of relief and overdue respect to transgender service members who have been and are currently serving our country with undeniable professionalism, the utmost respect and illustrious courage, with the caveat to do so silently."

U.S. military to allow transgender men and women to serve openly
L.A. Times | W.J. Hennigan

In a historic move, the Pentagon on Thursday lifted its ban on allowing transgender men and women to serve openly in the military.

The announcement at the Pentagon by Defense Secretary Ashton Carter follows extensive study by the U.S. military to remove one of the last discriminatory hurdles for military service, treating gender identity on par with race, religion, color, sex or sexual orientation.

"Our mission is to defend this country, and we don't want barriers unrelated to a person's qualification to serve preventing us from recruiting or retaining the soldier, sailor, airman or Marine who can best accomplish the mission," Carter said. "We have to have access to 100% of America's population for our all-volunteer force to be able to recruit from among them the most highly qualified -- and to retain them."

The move came nearly five years after the formal end of "don't ask, don't tell," a 17-year-old policy that barred gays and lesbians from serving openly in the military.

The Pentagon does not have a precise count of how many transgender men and women are in the services now, because they face discharge if they reveal their identities.

The Palm Center, a research institute based in San Francisco, estimates that there are about 15,500 transgender members of the U.S. military, "making the Department of Defense the largest employer of transgender people in America."

Despite the policy change, there are many senior military leaders who believe the Pentagon is moving too fast and has not yet resolved issues related to the plan. In recent weeks, Carter has met with military chiefs to hear concerns and suggestions to ease the process.

But officials said the full policy must be completely implemented no later than July 1, 2017.

Transgender People Will Be Allowed to Serve Openly in Military
New York Times | Matthew Rosenberg

WASHINGTON - Defense Secretary Ashton B. Carter on Thursday removed one of the final barriers to military service by lifting the Pentagon's ban on transgender people serving openly in the armed forces.

The decision pushes forward a transformation of the military that Mr. Carter has accelerated in the last year with the opening of all combat roles to women and the appointment of the first openly gay Army secretary. He made his feelings on ending the transgender ban clear last year, when he called it outdated and ordered officials across the military to begin examining what would need to be done to lift the prohibition.

When Mr. Carter ordered that assessment, there were already thousands of transgender people in the military. But until Thursday, most have been forced into an existence shrouded in secrets to avoid being discharged, a situation much like that faced by gay men, lesbians and bisexuals before the lifting of the "don't ask, don't tell" policy in 2011.

Lifting the ban on transgender people has faced resistance from some at the highest ranks of the military, who have expressed concerns over what they consider a social experiment that could potentially harm the military's readiness and effectiveness in combat.

Several studies have reached the opposite conclusion, however, finding that lifting the ban is unlikely to have any appreciable effect on the readiness of the armed forces.

A study by the RAND Corporation, commissioned by Mr. Carter, found that out of the approximately 1.3 million active-duty service members, an estimated 2,450 were transgender, and that every year about 65 service members would seek to make a gender transition.

Pentagon moves to allow transgender troops to serve openly
Politico Pro | Austin Wright and Jeremy Herb

Defense Secretary Ash Carter on Thursday declared an end to Pentagon restrictions on transgender troops, adding another milestone to President Barack Obama's legacy of ushering in major social change in the military.

The move is expected to draw little opposition on Capitol Hill, where few lawmakers spoke out against Carter's announcement a year ago that the Pentagon would study the issue with an eye toward ending its longstanding ban on transgender service members, who until now have had to live with the possibility of being medically discharged.

"Americans who want to serve and can meet our standards should be afforded the opportunity to compete to do so," Carter said in prepared remarks at the Pentagon. "Effective immediately, transgender Americans may serve openly, and they can no longer be discharged or otherwise separated from the military just for being transgender."

The Pentagon doesn't keep statistics on the number of transgender troops currently serving, but a 2014 study by the Williams Institute at UCLA estimated that "15,500 transgender individuals are serving on active duty or in the Guard or Reserve forces."

Carter, in his remarks, cited RAND Corporation research estimating that 2,500 of the military's approximately 1.3 million active-duty service members are transgender, plus about 1,500 of the 825,000 reservists. RAND, he said, concluded in its study of the issue there would be "minimal readiness impacts from allowing transgender service members to serve openly."

The repeal of the ban will require new policies to be put in place in stages over a year. In 90 days, Carter said, the Pentagon will issue a guidebook to military commanders on transgender issues, along with medical guidance to doctors for providing transition-related care if needed.

"Our military treatment facilities will begin providing transgender servicemembers with all medically necessary care based on that medical guidance," Carter said. In addition, he said, "Service members will be able to initiate the process to officially change their gender in our personnel management systems."

After that, over the next nine months, the military service branches will begin training service members on transgender issues.

"When the training is complete," Carter said, "no later than one year from today, the military services will begin accessing transgender individuals who meet all standards - holding them to the same physical and mental fitness standards as everyone else who wants to join the military."

He said his one-year timeline was adjusted after receiving feedback from top military commanders, including Joint Chiefs Chairman Gen. Joe Dunford.

Dunford was not with Carter on Thursday when he made the announcement, just as Dunford chose not to accompany Carter during his December announcement that all combat jobs would be opened to women.

The new policies were outlined in a fact sheet released Thursday.

The ending of the ban will cement Obama's legacy of putting a major progressive stamp on the Pentagon.

Since taking office, the president has also ended the ban on gays serving openly and opened all combat jobs to women. In addition, Congress is now giving serious consideration to a change Obama never asked for: requiring women to register for the draft.

"This will round out the president's legacy of historic change in terms of promoting military readiness," said Aaron Belkin, who directs the Palm Center and has written extensively on the issue.

In Congress, some Republicans said they're wary of Carter's decision, but they're not expected to do anything to stop it.

House Armed Services Chairman Mac Thornberry (R-Texas) has said Carter had "put the political agenda of a departing administration ahead of the military's readiness crisis," knocking the Pentagon for failing to respond to a list of questions about the implications of lifting the transgender ban.

And Senate Armed Services Chairman John McCain (R-Ariz.) said he was withholding judgment on the issue until the military service chiefs have a chance to testify before his panel.

"We're going to have to have hearings on it with their military leadership to get their views," McCain told POLITICO. "I've been told that there is concern on the part of our military leadership about implementation. But I don't know that for a fact. That's why we need to have hearings to determine."

Democrats, meanwhile, said they were in favor of the move.

"I think the goal should be to use every military member to the best of their capabilities, to contribute to the unit, and I presume that's the objective or the criteria that the secretary is using," said Sen. Jack Reed of Rhode Island, the top Democrat on the Senate Armed Services Committee.

Added Sen. Claire McCaskill (D-Mo.): "If someone is willing to serve, and they're capable of serving and physically able to serve, we should welcome their service regardless of their orientation."

SELECT LIVE TWITTER COVERAGE

The Boston Globe (@BostonGlobe)

- "Implementation will begin today," Ash Carter says of transgender policy

Meagan Fitzpatrick, CBC (@fitzpatrick_m)

- Last year I interviewed Canadian Forces Cpl. Natalie Murray, transgender air force member, here in DC
- Breaking: Defense Sec Ash Carter announcing now Pentagon is dropping ban on transgender troops. It's a "matter of principle," Carter said

Jacqueline Fell, COX Media (@jackiefell)

- Defense Secretary says this morning temporary lockdown due to a report of an active shooter at JBA was a "mistake." #dc
- The #SECDEF announced a year ago he intended to lift this ban. Today, he says this is a matter of "principle." #military #transgender
- This is one of the last remaining bans on service in the #military. Pentagon ends ban on #transgender people in armed forces.

Craig Caplan, CSPAN (@CraigCaplan)

- HASC Ranking Mbr @RepAdamSmith: "This (DOD transgender) policy is an important step toward ensuring that our military is strong & inclusive"

Kevin Baron, Defense One (@DefenseBaron)

- BLUF: Pentagon says military readiness not affected by lifting transgender ban. Anyone who wants to fight, is qualified, get in formation.
- JUST IN: @DeptofDefense lifts transgender ban. Active duty trans may serve openly. Medical trtmnt by Oct. Accept trans recruits by 7/1/2017.

Paul McLeary, Foreign Policy (@paulmcleary)

- Chairman of Joint Chiefs Gen. Dunford not on stage w/ SecDef Ash Carter to announce new transgender policy at the Pentagon. @ForeignPolicy

Charles Gasparino, Fox Business (@CGasparino)

- The country is under constant threat of a terrorist attack but the Obama administration needs to lift the transgender troop ban #priorities

Fox News (@FoxNews)

- Defense Secretary Carter announced that effective immediately transgender Americans may serve openly in US military.

W.J. Hennigan, L.A. Times (@wjhenn)

- That didn't take long... @MacTXPress: "This is the latest example of the Pentagon and the President prioritizing politics over policy."
- "Implementation will begin today."
- Sec Def announces @DeptofDefense lifts ban of transgender service members. Full policy must be implemented no later than July 1, 2017.

Leo Shane III, Military Times (@LeoShane)

- DOD lifts ban on transgender troops and the Capitol Hill response is ... silent. Usually something this big means tons of press releases.

Andrew Tilghman, Military Times (@andrewtilghman)

- DoD will allow -- and pay for -- transgender troops to undergo sex change while on active duty.

Jeremy Herb, Politico (@jeremyherb)

- But McCain has promised hearings w/ the service chiefs, whose concerns were raised in AP story today
- As Carter announces end to transgender troop ban, feeling on Capitol Hill is there won't be too much resistance

Ray Locker, USA Today (@rlocker12)

- People seeking to transition from one gender to another just can't join the military to get the govt to pay for it, Carter says.
- The decision to end the transgender ban is his, Carter says, answering question from @tvandenbrook on why Dunford, others aren't there.
- If a transgender individual wants to join the military, the person needs to have gone through the transition before joining, Carter says.
- Pentagon will pay for medical treatment for transgender troops, which means taxpayer money will be involved.
- Carter says ending transgender ban is "the right thing to do," and it helps military keep good people.
- Transgender people will be subject to the same fitness standards as anyone who wants to join the military, Carter said.
- Carter spells out implementation plan for transgender troops, saying they can't just say ban is over and forget about it.
- Pentagon change on transgender policy reflects change in overall society, Carter says. "All of this represents a sea change."
- Providing medical care for transgender people is becoming normalized, Carter says, as Pentagon ends ban on transgender troops.
- Pentagon looked to other militaries and private sector for guidance on how to end the ban on transgender troops.
- Carter: It's fair to say this has been an educational process for people in the Pentagon, including me.
- Carter directed study of issues on transgender service last July. Announcement of change comes almost a year later.
- Carter: Ending transgender ban is an issue of principle. "Americans who want to serve & who meet our standards" should have chance to do it

Bill Gertz, Washington Free Beacon (@BillGertz)

- Pentagon today will authorize cross-dressers in military. Liberal political correctness trumps warfighting priority

(b)(6)

Office of the Assistant to the Secretary of Defense for Public Affairs
Media Analysis (OMNITEC Solutions, Inc.)

PHONE: (b)(6)

EMAIL: (b)(6)

From: Carroll, Katherine SES SD
Sent: Thursday, June 30, 2016 7:46 AM
To: (b)(6) CIV OSD PA (US); O'Connor, Jennifer M HON OSD OGC (US);
Koffsky, Paul S SES OSD OGC (US)
Subject: TG Remarks Outline Draft 6.1.docx

(b)(5)



From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, June 30, 2016 7:33 AM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US)
Subject: RE: change of gender marker in first 90 days

(b)(5)



From: Carroll, Katherine SES SD
Sent: Thursday, June 30, 2016 7:26 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US)
Subject: change of gender marker in first 90 days

(b)(5)



From: Koffsky, Paul S SES OSD OGC (US)
Sent: Thursday, June 30, 2016 6:09 AM
To: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD
Cc: Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: Re: Products -- Group 2

(b)(5)

Sent from my BlackBerry 10 smartphone.

Original Message

From: O'Connor, Jennifer M HON OSD OGC (US)
Sent: Wednesday, June 29, 2016 10:56 PM
To: Carroll, Katherine SES SD
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: Re: Products -- Group 2

(b)(5)

Sent from my BlackBerry 10 smartphone.

Original Message

From: Carroll, Katherine SES SD
Sent: Wednesday, June 29, 2016 10:42 PM
To: O'Connor, Jennifer M HON OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: RE: Products -- Group 2

(b)(5)

-----Original Message-----

From: Carroll, Katherine SES SD
Sent: Wednesday, June 29, 2016 9:18 PM

To: O'Connor, Jennifer M HON OSD OGC (US)

Subject: RE: Products -- Group 2

(b)(5)

Happy to discuss live if easier...

-----Original Message-----

From: O'Connor, Jennifer M HON OSD OGC (US) [mailto: (b)(6)]

Sent: Wednesday, June 29, 2016 9:04 PM

To: Carroll, Katherine SES SD

Subject: FW: Products -- Group 2

(b)(5)

-----Original Message-----

From: Carroll, Katherine SES SD [mailto: (b)(6)]

Sent: Wednesday, June 29, 2016 5:45 PM

To: (b)(6) CIV SD; O'Connor, Jennifer M HON OSD OGC (US); (b)(6)

Subject: FW: Products -- Group 2

This is latest I have on fact sheet (may not be current)

Katherine Carroll

Counselor to the Secretary

(b)(6)

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US) [mailto: (b)(6)]

Sent: Wednesday, June 29, 2016 1:37 PM

To: Carroll, Katherine SES SD

Cc: Kurta, Anthony M SES OSD OUSD P-R (US); Penrod, Virginia S SES OSD OUSD P-R (US)

Subject: Products -- Group 2

Katherine -- (b)(5)

(b)(5)

Thanks, S

From: Carroll, Katherine SES SD
Sent: Thursday, June 30, 2016 5:43 AM
To: O'Connor, Jennifer M HON OSD OGC (US)
Cc: Koffsky, Paul S SES OSD OGC (US)
Subject: RE: Transgender Implementation Fact Sheet (29 July 2300).docx
Attachments: TG Remarks Outline Draft 6.0.docx

Here is current draft

You should probably come with me to discuss with sd sometime between when he gets in around 830 and maybe 10 am, so in advance of his meeting with chiefs. I'll look at what he has before 10 as soon as I get in, heading in now.

-----Original Message-----

From: O'Connor, Jennifer M HON OSD OGC (US) [mailto:(b)(6)]
Sent: Thursday, June 30, 2016 5:26 AM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US)
Subject: Re: Transgender Implementation Fact Sheet (29 July 2300).docx

I only had the speech in paper form and it isn't with me. Can you email the relevant sentence and I can look now? (or I can do so when I get in)

Sent from my BlackBerry 10 smartphone.

Original Message

From: Carroll, Katherine SES SD
Sent: Thursday, June 30, 2016 5:16 AM
To: O'Connor, Jennifer M HON OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US)
Subject: RE: Transgender Implementation Fact Sheet (29 July 2300).docx

11

Ok. You think the language in SD's speech on this is ok?

This is really the way we've been discussing the timeline, including to the SD. (b)(5)

(b)(5)

-----Original Message-----

From: O'Connor, Jennifer M HON OSD OGC (US) [mailto:(b)(6)]
Sent: Thursday, June 30, 2016 5:13 AM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US)
Subject: Re: Transgender Implementation Fact Sheet (29 July 2300).docx

(b)(6)

(b)(6)

Sent from my BlackBerry 10 smartphone.

From: Carroll, Katherine SES SD

Sent: Wednesday, June 29, 2016 11:26 PM

To: Barna, Stephanie A SES OSD OUSD P-R (US)

Cc: O'Connor, Jennifer M HON OSD OGC (US); Koffsky, Paul S SES OSD OGC (US)

Subject: Transgender Implementation Fact Sheet (29 July 2300).docx

a few minor comments from me. This looks good to me.

(b)(5)

(b)(5) But we can tweak on margins in morning if seems necessary. Adding Jen/Paul so they can give any legal comments first thing in am.

Thanks Stephanie.

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, June 30, 2016 5:03 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Carroll, Katherine SES SD; Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

concur

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 10:42 PM
To: Carroll, Katherine SES SD; Koffsky, Paul S SES OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]
Sent: Wednesday, June 29, 2016 10:38 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US) [mailto:(b)(6)]
Sent: Wednesday, June 29, 2016 10:35 PM
To: Koffsky, Paul S SES OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

(b)(5)

Tony?

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)

Sent: Wednesday, June 29, 2016 10:18 PM

To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)

Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)

Subject: Fw: Best I can do at the moment -- please, please keep incredibly close hold

Importance: High

All,

(b)(5)

Many thanks, Paul

Sent from my BlackBerry 10 smartphone.

Original Message

From: Koffsky, Paul S SES OSD OGC (US) <(b)(6)>

Sent: Wednesday, June 29, 2016 5:25 PM

To: (b)(6) CIV OSD OGC (US)

Cc: Casciotti, John A SES OSD OGC (US); Easton, Robert E SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USAF OSD OGC (US);

(b)(6) USARMY OSD OGC (US)

Subject: FW: Best I can do at the moment -- please, please keep incredibly close hold

(b)(6) My comments are attached.

Many thanks--Paul

Paul S. Koffsky

Deputy General Counsel

(Personnel & Health Policy)

Department of Defense

(b)(6)

~~Caution: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: Penrod, Virginia S SES OSD OUSD P-R (US)

Sent: Wednesday, June 29, 2016 4:17 PM

To: Koffsky, Paul S SES OSD OGC (US)

Subject: FW: Best I can do at the moment -- please, please keep incredibly close hold

Importance: High

Paul: I haven't opened yet, just got this since my email has been down. But wanted to get to you soonest

Vee Penrod

P&R Chief of Staff

(b)(6)

From: O'Connor, Jennifer M HON OSD OGC (US)
Sent: Wednesday, June 29, 2016 10:57 PM
To: Carroll, Katherine SES SD
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: Re: Products -- Group 2

(b)(5)

A large rectangular area of the document is redacted, indicated by a light gray background and the label (b)(5) in the top left corner.

Sent from my BlackBerry 10 smartphone.

Original Message

From: Carroll, Katherine SES SD
Sent: Wednesday, June 29, 2016 10:42 PM
To: O'Connor, Jennifer M HON OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: RE: Products -- Group 2

(b)(5)

A large rectangular area of the document is redacted, indicated by a light gray background and the label (b)(5) in the top left corner.

-----Original Message-----


From: Carroll, Katherine SES SD
Sent: Wednesday, June 29, 2016 9:18 PM
To: O'Connor, Jennifer M HON OSD OGC (US)
Subject: RE: Products -- Group 2

(b)(5)

A large rectangular area of the document is redacted, indicated by a light gray background and the label (b)(5) in the top left corner.

Happy to discuss live if easier...

-----Original Message-----

From: O'Connor, Jennifer M HON OSD OGC (US) [mailto:


Sent: Wednesday, June 29, 2016 9:04 PM

To: Carroll, Katherine SES SD

Subject: FW: Products -- Group 2

 (b)(5)

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:

Sent: Wednesday, June 29, 2016 5:45 PM

To:  CIV SD; O'Connor, Jennifer M HON OSD OGC (US);  CIV (US)

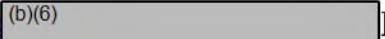
Subject: FW: Products -- Group 2

This is latest I have on fact sheet (may not be current)

Katherine Carroll
Counselor to the Secretary

 (b)(6)

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US) [mailto:

Sent: Wednesday, June 29, 2016 1:37 PM

To: Carroll, Katherine SES SD

Cc: Kurta, Anthony M SES OSD OUSD P-R (US); Penrod, Virginia S SES OSD OUSD P-R (US)

Subject: Products -- Group 2

Katherine --  (b)(5)

 (b)(5)

Thanks, S

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 7:09 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Carroll, Katherine SES SD; (b)(6) CIV OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: FW: Questions from SD: Examples of Challenging TG Scenarios
Attachments: Examples of Challenging Transgender Cases v2 (1800 28JUN2016).docx

Ms. Barna

Scenarios as requested by SD FO; great work by Stephanie and the team, to include the HA team!!
VR/Tony

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 6:04 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US); Taylor, Robert S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US); Guice, Karen S SES (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios

Tony -- Examples of challenging transgender scenarios attached to meet #11 of SD Q&A from this morning. Incorporates 3 accession scenarios and 2 in-service transition scenarios. Vetted through the AP team, (b)(6), (b)(6) and (b)(6).

Best regards,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)
(b)(6)
(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, June 28, 2016 5:01 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R

(US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US); Taylor, Robert S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios

Stephanie,

In light of your COB deadline I'm providing staff-level OGC comments from John and me. Additional input may also come from my senior leadership at a later time.

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)

Room (b)(6)

email (b)(6)

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 2:37 PM

To: (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US);

Casciotti, John A SES OSD OGC (US)

Cc: (b)(6) LTC USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)

(b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R

(US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: Questions from SD: Examples of Challenging TG Scenarios

(b)(6) -- Please find attached the "Examples of Challenging Transgender" Scenarios as requested by SD (#11 below). Would appreciate your review today if feasible given the COB suspense.

Thank you,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]
Sent: Tuesday, June 28, 2016 8:34 AM
To: Levine, Peter K HON (US); Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Guice, Karen S SES (US)
Cc: (b)(6) USARMY (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV SD; (b)(6) CIV (US); O'Connor, Jennifer M HON OSD OGC (US)
Subject: Questions from SD

All,

Below are questions that SD yesterday asked for answers on (in our meeting and in discussions before and after). Could you please send me answers as soon as you can today? I can take them in pieces. Peter if you noted other due-outs from the meeting, please chime in and add or revise what I have below.

Thanks very much.

(b)(5)



(b)(5)



Best regards,
Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)



From: (b)(6) CIV OSD PA (US)
Sent: Friday, June 24, 2016 5:13 PM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6)
(b)(6) CIV SD; Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US);
(b)(6) CIV OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US);
Rychalski, Jon J SES (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD
OUSD P-R (US); (b)(6) CIV OSD OASD LA (US); (b)(6)
(b)(6) USMC OSD PA (US); (b)(6) CIV OSD PA (US); (b)(6) CIV
OSD PA (US); Cook, Peter C SES (US); Trowbridge, Gordon L SES (US); (b)(6)
(b)(6) USN OSD PA (US); (b)(6) USN OSD PA (US)
Subject: Re: FYSA: "Ban on transgender troops to be lifted July 1" (USAT)

That's what I have been echoing.

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Assistant Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

Sent from my BlackBerry 10 smartphone.

Original Message

From: Carroll, Katherine SES SD
Sent: Friday, June 24, 2016 4:57 PM
To: (b)(6) CIV OSD PA (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) CIV (US); Koffsky, Paul
S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Kurta, Anthony M SES OSD
OUSD P-R (US); Rychalski, Jon J SES (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US);
(b)(6) CIV OSD OASD LA (US); (b)(6) USMC OSD PA (US); (b)(6) CIV OSD
PA (US); (b)(6) CIV OSD PA (US); Cook, Peter C SES (US); Trowbridge, Gordon L SES (US); (b)(6)
USN OSD PA (US); (b)(6) USN OSD PA (US)
Subject: RE: FYSA: "Ban on transgender troops to be lifted July 1" (USAT)

Policy has not been decided (including the suggestion in the article of a
one year implementation period), and no date has been set for an
announcement.

Katherine Carroll
Counselor to the Secretary

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD PA (US) [mailto:(b)(6)]
Sent: Friday, June 24, 2016 4:40 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) CIV SD;

Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US);
(b)(6) CIV OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US);
Rychalski, Jon J SES (US); (b)(6) CIV OSD HA (US); (b)(6)
CIV OSD OUSD P-R (US); (b)(6) CIV OSD OASD LA (US); (b)(6)
(b)(6) USMC OSD PA (US); (b)(6) CIV OSD PA (US); (b)(6)
(b)(6) CIV OSD PA (US); Carroll, Katherine SES SD; Cook, Peter C SES
(US); Trowbridge, Gordon L SES (US); (b)(6) USN OSD PA (US);
(b)(6) USN OSD PA (US)

Subject: FW: FYSA: "Ban on transgender troops to be lifted July 1" (USAT)

See below, please. This information did not come from this office. I have answered MANY reporters in the last 15 minutes asking if the rollout is for sure on July 1, to which I've been responding is not a for sure date.

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

Ban on transgender troops to be lifted July 1
USA Today | Tom Vanden Brook

WASHINGTON - The Pentagon plans to announce repeal of its ban on transgender service members July 1, a controversial decision that would end nearly a year of internal wrangling among the services on how to allow those troops to serve openly, according to Defense officials.

Top personnel officials plan to meet as early as Monday to finalize details of the plan, and Deputy Defense Secretary Bob Work could sign off on it by Wednesday, according to a Defense official familiar with the timetable but who spoke on condition of anonymity because officials were not authorized to speak publicly about it. Final approval would come from Defense Secretary Ash Carter, and the announcement will be on the eve of the Fourth of July weekend.

The plan would direct each branch of the armed services over a one-year period to implement new policies affecting recruiting, housing and uniforms for transgender troops, one official said.

Carter announced last year that the ban, which affects a fraction of the military's 1.3 million active duty members, would be lifted unless a review showed that doing so would have "adverse impact on military effectiveness and readiness."

That phrase raised concerns on Capitol Hill where a key lawmaker questioned whether an "honest and balanced assessment" could be made of the effects on "military readiness, morale and good order and discipline" under Carter's guidelines for the review.

Rep. Mac Thornberry, the Texas Republican who chairs the Armed Services Committee, called on the Pentagon in a letter last July to provide a range of information on the impacts of repealing the ban.

Among the questions Thornberry asked:

"What would be the projected cost of changing the transgender service policy? To what extent would military barracks, ship berths, gym shower facilities, latrines, and other facilities have to be modified to accommodate personnel in various stages of transition and what would be the projected cost of these modifications?" Thornberry wrote.

He also asked about how far the Pentagon would go to provide medical treatment for transgender troops, "including behavioral health treatment, cross-hormone therapy, voice therapy, cosmetic or gender reassignment surgery and other treatments?"

Pentagon officials responded to Thornberry in September, said Eric Pahon, a department spokesman. The main focus of the Pentagon's review of the policy has been on the effect of repeal on the military's readiness to fight, Pahon said. More details about the review's findings are expected to be released soon, he said.

Several issues relating to repeal of the ban have proven to be contentious, according to officials familiar with the review but not authorized to speak publicly about it. One sticking point has been how long transgender service members would have to serve before being eligible for medical treatment to transition to the other gender.

The Pentagon commissioned a RAND Corp. report on transgender troops but has not released it. It estimated that there are fewer than 2,500 transgender service members, 65 of whom would seek medical treatment each year, according to the New York Times.

The military disqualifies transgender troops for medical reasons. The Pentagon has not tracked the number of troops dismissed under the policy.

(b)(6)

Office of the Assistant to the Secretary of Defense for Public Affairs
Media Analysis (OMNITEC Solutions, Inc.)

(b)(6)

From: Carroll, Katherine SES SD
Sent: Friday, June 03, 2016 6:29 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Levine, Peter K HON (US); Koffsky, Paul S
SES OSD OGC (US)
Subject: question re 180 days

(b)(5)



Thank you!

Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)



From: Carroll, Katherine SES SD
Sent: Friday, June 03, 2016 3:40 PM
To: Koffsky, Paul S SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: O'Brien, Sean W SES (US)
Subject: FW: Updated LGBT remarks
Attachments: LGBT Pride Month Ceremony Draft 0.5.docx

(b)(6)

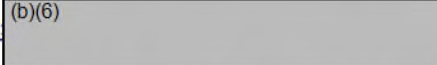
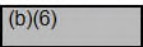


Katherine Carroll
Counselor to the Secretary

(b)(6)



-----Original Message-----

From: O'Brien, Sean W SES (US) [mailto:
Sent: Friday, June 03, 2016 12:27 PM
To: Carroll, Katherine SES SD;  CIV SD; Schweer, Adrienne SES SD
Subject: Updated LGBT remarks

Can you review? Glancing mention of TG review towards the end.

Thanks,
Sean

Sean O'Brien
Chief Speechwriter
Secretary of Defense Ashton Carter

NIPR:

(b)(6)

SIPR:

Desk:

(b)(6)

From: (b)(6) CIV OSD PA (US)
Sent: Thursday, June 30, 2016 8:11 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USMC OSD PA (US); (b)(6) USAF OSD (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OASD LA (US); (b)(6) CIV OSD OUSD P-R (US); Carroll, Katherine SES SD; Koffsky, Paul S SES OSD OGC (US); Levine, Peter K HON (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Rychalski, Jon J SES OSD HA (US); (b)(6) CIV SD; (b)(6) USARMY OSD OUSD C (US); OSD Pentagon PA Mailbox Duty Officer Press Operations; (b)(6) USARMY USARC HQ (US); (b)(6) CIV DODHRA SAPRO (US); Guice, Karen S SES (US)
Cc: (b)(6) USN OSD PA (US); Trowbridge, Gordon L SES (US); Cook, Peter C SES (US); Martin, Jeremy M SES (US)
Subject: Fw: Media Coverage | Announcement on Transgender Service Members | 30 June 2016
Attachments: Media Coverage Announcement on Transgender Service Members 30 June 2016.docx

Media coverage analysis. We did well. I'll update you on tomorrow's developments. There is rumor that some service members may be in the media tonight tearing up enlistment / re-enlistment contracts in protest. I expect tomorrow we'll be asked for reaction (if it's a slow news day only). Comments in response to articles written today have been generally self-regulating- there are many anti-TG comments, then many replies questioning and countering those comments. Very few inquiries post-announcement. They've generally been limited to requests for original comment (something in addition to the SecDef's brief) and from journalists who did not read (didn't want to read) the provided materials. I have generally referred journalists back to the SecDef's briefing, provided pre-cleared materials and provided background info describing how the military generally works and receives these types of announcements. Overall, positive response from journalists. - (b)(6)

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Assistant Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

Sent from my BlackBerry 10 smartphone.

Original Message

From: OSD Pentagon PA Mailbox Media Analysis (b)(6) >
Sent: Thursday, June 30, 2016 7:35 PM
To: Cook, Peter C SES (US); Martin, Jeremy M SES (US); (b)(6) Rosenbach, Eric HON SD; (b)(6); Smith, Eric M BGen USMC OSD (US); (b)(6); (b)(6) CIV OSD PA (US); (b)(6); (b)(6) CIV (US); (b)(6) USN OSD PA (US); (b)(6) CIV OSD PA (US); (b)(6) USARMY OSD PA (US); SWARTOUT, JAMES L (James) SES (US); (b)(6) CIV OSD PA (US); (b)(6) CIV JS OCJCS (US); (b)(6) Trowbridge, Gordon L SES (US); (b)(6) USARMY OSD PA (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD PA (US); Hedger, Stephen C HON OSD OASD LA (US); (b)(6) USAF OSD OASD LA (US); (b)(6); Guenov, Tressa S SES (US); (b)(6) USN OSD PA (US); O'Connor, Jennifer M HON OSD OGC (US);

(b)(6); (b)(6) CIV JS OCJCS (US); OSD Pentagon PA List Press Officers; OSD Pentagon RSRC MGMT List PA-SecDef Speechwriters MBX; JS Pentagon OCJCS List OCJCS DOM PA
Cc: OSD Pentagon PA Mailbox Media Analysis
Subject: Media Coverage | Announcement on Transgender Service Members | 30 June 2016

OVERVIEW: Coverage of the Pentagon's decision to end the ban on transgender troops in the U.S. military developed quickly, with most sources noting that Defense Secretary Ash Carter said lifting the ban is "another step in ensuring that we continue to recruit and retain the most qualified people." The press characterized the repeal as a "major milestone" and "historic," with outlets widely reporting that the decision ends one of the last bans on service in the armed forces. Several reports framed the announcement in the context of changes in the role of women in the military and the inclusion of gays, lesbians and bisexual service members in recent years. Commentary and reaction to the repeal was primarily limited to two themes: Republican criticism of the announcement for "prioritizing politics over policy" and details of the new transgender policy that "still need to be decided." Coverage of the decision has slowed considerably since initial reports emerged.

Reporting on the details of the repeal was mostly straightforward, with sources underlining that the new transgender policy will be phased in during a one-year period. Sources noted that effective immediately transgender service members currently on duty can now serve openly. The press also said that by October 1 transgender troops already serving should be able to receive medical care and begin formally changing their gender identifications in the Department of Defense's personnel system. By July 1 next year, outlets said, the military services will begin allowing transgender individuals to enlist, assuming they have met the requirements to do so. The Washington Post said that "many details still need to be decided" and noted that over the next 90 days the Pentagon will produce a commander's guidebook for leading current transgender service members and medical guidance to military doctors for providing gender transition care. Similarly, the Los Angeles Times noted the Secretary did not say whether there would be any restrictions on someone who plans on undergoing gender reassignment treatment from joining the military and having the DoD pay for it.

Coverage from the Associated Press, FoxNews.com, Los Angeles Times and Washington Post spotlighted concerns from senior military leaders that the DoD is moving too fast and that more time is needed to work through the changes. However, these outlets noted that the Secretary said he discussed the plans extensively with his military leaders and that, based on their recommendations, he made adjustments to the timeline. Details on those recommendations were not widely reported, but the Washington Post said that the Army wanted transgender people to wait 18 months after a doctor certifies that they are stable in their new gender before they can enlist. The outlet said other senior defense officials had pressed for it to be six or 12 months. Politico Pro and U.S. News & World Report pointed out that Gen. Joseph Dunford was not with the Secretary when he made the announcement, but the Associated Press reported that service chiefs asked the chairman to relay their concerns to the Secretary.

The press highlighted negative reaction to the new policy from Rep. Mac Thornberry (R-Tex.) and Sen. John McCain (R-Ariz.), with Agence France-Presse pointing out that the announcement "immediately attracted criticism." Rep. Thornberry said the move "is the latest example of the Pentagon and the president prioritizing politics over policy." He also expressed concern that the repeal could lead to troops not being ready to deploy for medical reasons. Several sources noted that Rep. Thornberry chastised the Pentagon for failing to respond to a list of questions about the implications of lifting the transgender ban and promised inquiries into the decision and possible legislation. The Hill observed that Sen. McCain went a step further than Rep. Thornberry by calling for hearings on the Pentagon's decision. "I will be calling up the chiefs of the services [...] and ask them their views, including the cost of implementing," Sen. McCain said in an interview on Fox News. The outlet also pointed out that the Republican senator "appeared frustrated" at the lack of notice before the announcement. Despite strong rhetoric from Rep. Thornberry and the promise of hearings from Sen. McCain, Politico Pro posited that "they're not expected to do anything to stop" the new policy from being implemented.

Coverage also noted positive reaction to the announcement from Democratic lawmakers and LGBT activists. Agence France-Presse said Sen. Dick Durbin (D-Ill.) praised the new policy for allowing transgender troops "to continue to serve

without living a lie." He also said it "provides much-needed clarity to commanders who for years have been stuck in the middle of a confusing policy." Politico Pro drew attention to praise from Sens. Claire McCaskill (D-Mo.) and Jack Reed (D-R.I.), assessing that Democrats appeared "in favor of the move." The Guardian noted that Matt Thorn, executive director of the LGBT military network OutServe-SLDN, applauded the decision in a statement released following the announcement.

(b)(6)

Office of the Assistant to the Secretary of Defense for Public Affairs
Media Analysis (OMNITEC Solutions, Inc.)

PHONE: (b)(6)

EMAIL: (b)(6)

From: (b)(6) CIV OSD OGC (US)
Sent: Thursday, June 30, 2016 1:24 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) JSARMY DOJ (US); (b)(6) USAF OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: FW: Estimate of U.S. Transgender Population Doubles to 1.4 Million Adults

All,
FYSA,

NYT article below (published today) reports on a recent study by Williams Institute that effectively doubles the institute's estimate of the size of the U.S. TG population. The previous Williams Institute Study was one of the population estimates used by RAND in their calculations - not the only estimate they used, but one that factored into their analysis.

v/r

(b)(6)

New York Times: Estimate of U.S. Transgender Population Doubles to 1.4 Million Adults
By JAN HOFFMAN, June 30, 2016

About 1.4 million adults in the United States identify as transgender, double a widely used previous estimate, according to an analysis based on new federal and state data.

As the national debate escalates over accommodations for transgender people, the new figure, though still just 0.6 percent of the adult population, is likely to raise questions about the sufficiency of services to support a population that may be larger than many policy makers assumed.

"There's a saying: 'You don't count in policy circles until someone counts you,'" said Gary J. Gates, a demographer and former research director of the group that did the analysis, the Williams Institute at the U.C.L.A. School of Law, which focuses on law and policy issues related to sexual orientation and gender identity.

The Williams Institute is the same research group that produced a widely-accepted estimate five years ago. Its new number was drawn from a much larger federal database than it used to reach the earlier projection of 0.3 percent, or 700,000 people.

Noting that younger adults, between the ages of 18 and 24, were more likely than older ones to say they were transgender, researchers said that the new estimates reflected in part a growing social awareness of transgender identity.

The analysis may also highlight the limits of self-reporting in obtaining definitive data. In some states seen as more accepting, more adults identified themselves as transgender. In states perceived as more resistant, fewer adults did so, even though the surveys were anonymous.

The new figures were drawn from a question that 19 states elected to pose in 2014 as part of the Centers for Disease Control and Prevention's Behavioral Risk Factor Surveillance System, a comprehensive telephone health survey. The researchers also used Census Bureau data to develop population estimates in the other 31 states.

Mara Keisling, the executive director of the National Center for Transgender Equality, an advocacy and education organization based in Washington, welcomed the new estimates and predicted that, in time, they would continue to rise. As she looked at the state figures, she pointed to North Carolina, currently ground zero for contested legislation about bathroom accessibility and antidiscrimination policies. Researchers estimated that state's population of transgender people to be 44,750.

"Even if it's 40,000 or 30,000, that's a lot more than they thought," Ms. Keisling said. "That helps us to say, 'Don't use us politically — you have to do something right by us. There are a lot of us living in your state.'"

Kerith Conron, a social epidemiologist at The Fenway Institute in Boston, which develops health programs for gay, lesbian, bisexual and transgender people, among others, said that the new numbers could have an effect on planning support services more effectively.

"This shows trans elders who need gender-affirming services in nursing homes," she said. "Trans adults will need good health care. And, looking ahead, there will be more trans youth who are economically vulnerable and required to be at school."

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone:

(b)(6)

Room
email

(b)(6)

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

From: Carroll, Katherine SES SD <(b)(6)>
Sent: Wednesday, June 29, 2016 11:26 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Koffsky, Paul S SES OSD OGC (US)
Subject: Transgender Implementation Fact Sheet (29 July 2300).docx



Transgender
Implementation...

a few minor comments from me. This looks good to me. Frankly my only concern is does it track TOO closely SD's speech text! But we can tweak on margins in morning if seems necessary. Adding Jen/Paul so they can give any legal comments first thing in am.

Thanks Stephanie.

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 5:22 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USARMY (US);
Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Penrod, Virginia S SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US);
(b)(6) CIV OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US);
(b)(6) CIV (US); (b)(6) USARMY OSD OUSD P-R (US);
(b)(6) CIV OSD PA (US); (b)(6) USARMY OSD OUSD P-R (US);
(b)(6) USARMY OSD OUSD P-R (US)
Subject: RE: THUR MORNING 30JUNE P&R VIDEO TAPING (TG Rollout)

No, not specifically -- just the messaging wave tops and narrative Q&As in the RAH.

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 5:19 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Penrod, Virginia S SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US);
Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) USARMY OSD OUSD P-R (US);
(b)(6) CIV OSD PA (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: RE: THUR MORNING 30JUNE P&R VIDEO TAPING (TG Rollout)

Thank you -- is there a particular script? I had not picked up on that? Thanks, S

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(b)(6) CIV OSD PA (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: RE: THUR MORNING 30JUNE P&R VIDEO TAPING (TG Rollout)

Ms. Barna -- Just received word, OSD PA's Gordon Trowbridge (b)(5)

(b)(5)

(b)(5)

As such, no need to hold the time slot on Mr. Levine's calendar tomorrow morning.

Best regards,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy

OUUSD P&R/MPP

Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: Barna, Stephanie A SES OSD OUUSD P-R (US)

Sent: Wednesday, June 29, 2016 4:47 PM

To: (b)(6) USARMY (US); MILLER, Stephanie P SES OSD OUUSD P-R (US); Kurta, Anthony M SES OSD OUUSD P-R (US)

Cc: Penrod, Virginia S SES OSD OUUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US);

Hebert, Lernes J SES OSD OUUSD P-R (US); (b)(6) CIV (US); (b)(6) USARMY OSD OUUSD P-R (US);

(b)(6) CIV OSD PA (US); (b)(6) USARMY OSD OUUSD P-R (US); (b)(6) USARMY OSD OUUSD P-R (US)

Subject: RE: THUR MORNING 30JUNE P&R VIDEO TAPING (TG Rollout)

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Subject: RE: THUR MORNING 30JUNE P&R VIDEO TAPING (TG Rollout)

We have not scheduled the interview....awaiting approval from the SD FO. Please inform me once it has been approved because Mr. Levine's schedule is extremely tight all day tomorrow.

Respectfully,

(b)(6)

(b)(6)

(b)(6) U.S. Army

Senior Military Assistant

Office of the Under Secretary for Personnel and Readiness

Room (b)(6)

Office (b)(6)

DSN: (b)(6)

Cell: (b)(6)

NIPR: (b)(6)

SIPR: (b)(6)

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From: Barna, Stephanie A SES OSD OUUSD P-R (US)

Sent: Wednesday, June 29, 2016 4:43 PM

To: MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Penrod, Virginia S SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US);
Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) USARMY OSD OUSD P-R (US);
(b)(6) CIV OSD PA (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD
OUSD P-R (US); (b)(6) USARMY (US)
Subject: RE: THUR MORNING 30JUNE P&R VIDEO TAPING (TG Rollout)

So -- have spoken to Peter about this and he is willing to make this video, but . . . he is very mindful of the need not to get ahead of SD in any way. The last that (b)(6) and I spoke, we were not going to schedule the interview until such time as this proposal was expressly approved by the SD FO for inclusion in the rollout and the timing of the video interview was separately approved. Does anyone know whether that has occurred? Peter and I last spoke several hours ago and certainly much could have happened in that period, but I do not know whether the requisite FO approvals have been obtained. Thanks, S

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OUSD P-R (US)
Subject: THUR MORNING 30JUNE P&R VIDEO TAPING (TG Rollout)

Ms. Barna, Mr. Kurta -- As you will recall, the PA rollout includes a short (1-2 min) video of Mr. Levine speaking to the policy change which will be included on the public facing website. Mr. Levine is tentatively scheduled to record the interview tomorrow morning from 0800-0900, details below and RAH attached using Q&As (as we were tracking at 1500). We recognize the 0800-0900 timing is not ideal, but given Mr. Levine's schedule tomorrow and DMA's need for some time to edit the video, it was the best opportunity.

1. Location/Time: Pentagon Small Studio (b)(6) 0800-0900hrs.
2. Name of broadcaster (b)(6) - Cameraman (b)(6) - Reporter, Videographer: (b)(6)
3. Staging : Sitting in chair next to U.S. flag
4. Length of taping- 30min
5. Length of final product: 59 sec - 2:00min range
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(a) [1] Print story with embedded video soundbites (30sec-1:30min)
(b) [1] video product, called a DoD News Now; consisting of two 4-5 soundbites with overlays of photos, possibly the timeline graphic "fact sheet" and some video of his face.

Both (a) and (b) will be embargoed until announcement and we can provide Mr. Levine an opportunity to review before it's uploaded to the site. If there are no questions/concerns (b)(6) will escort Mr. Levine to the studio (in OSD PA area) from the P&R FO tomorrow morning. Many thanks to COL Dixon for spearheading this effort.

Best regards,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)
(b)(6)

(b)(6)

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 4:57 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USARMY (US);
Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Penrod, Virginia S SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US);
(b)(6) CIV OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US);
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(b)(6) CIV OSD PA (US); (b)(6) USARMY OSD OUSD P-R (US);
(b)(6) USARMY OSD OUSD P-R (US)
Subject: RE: THUR MORNING 30JUNE P&R VIDEO TAPING (TG Rollout)

Rgr, holding for now.

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)
(b)(6)
(b)(6)

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(b)(6)

(b)(6)

(b)(6), U.S. Army

Senior Military Assistant

Office of the Under Secretary for Personnel and Readiness

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Best regards,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)

(b)(6)

(b)(6)

DMA Interview
29 June 2016
USD-P&R
“Transgender”

Scope: Embargoed Q/A interview taped on 29 June; Q/A asked by DMA reporter with P&R SME on various transgender topics. Interview released during Press Conference.

Intent: (a) ensure correct message is heard, (b) first.

Messages:

Historic Step. Today the Department of Defense is taking a historic step to end unnecessary, unfair discrimination toward a valuable contingent of Americans ready, willing and able to selflessly serve their Nation.

Consistent Effort. From desegregation in 1948 through the repeal of “Don’t Ask, Don’t Tell” in 2011, the Department of Defense has demonstrated a consistently increasing strategic advantage through successive steps to ensure diversity and inclusion in our forces.

Commitment. Our strength lies in the commitment, professionalism and exceedingly high standards for our men and women in uniform, regardless of gender, race or religion. Transgender service members are subject to the same standards and procedures as other members with regard to their medical fitness for duty, physical fitness, uniform and grooming, deployability and retention.

Serve without fear. Transgender service members serve today in our Armed Forces with honor and distinction and should be free to do so proudly and without fear, just like every one of their fellow service men and women.

Recruit from All of America’s Talent. We have to continue to recruit, retain, and develop a force from all of America’s talent. We need a force representative and reflective of the nation it defends.

Balancing Needs of Individuals and Mission. The Department of Defense has carefully considered the needs of transgender service members, the men and women with which they serve, and the needs of the individual services to adopt guidance which gives the necessary protections and flexibility to best balance the needs of individuals and mission readiness.

GENERAL

Q1: Why did this plan take more than six extra months past the Secretary's six-month timeline?

A1: From the outset, the Department stated we would take however long is necessary to ensure we get the policy right; we were never on a strict timeline. The amount of time senior leadership spent on this policy is indicative of the care and concern we have for all our men and women in uniform. We recognize this policy may need refining in the future when we have more data, but we are confident we arrived at a decision that offers the right amount of protection for our Service members while allowing Services the freedom to make decisions based on their unique operational needs.

Q2: What topics did DoD consider when formulating this policy?

A2: The Working Group, consulting with experts inside and outside of DoD, studied all applicable aspects of transgender military service, including medical accession standards, medical treatment, deployability considerations, retention standards, grooming standards and facility use, military readiness implications, health care costs, and in-Service gender transition.

Gender transition while serving in the military presents unique challenges associated with addressing the needs of the Service member in a manner consistent with military mission and readiness requirements. Recognizing that every transition is unique, the policies and procedures set forth herein provide flexibility to the military departments, Services, and commanders.

Q3: How many TG Service members are you aware of who are currently serving across the services?

A3: We have no certain statistics on the number of transgender Service members currently serving. At present our current best estimate is from the RAND Corporation, which the Department contracted to study available literature and population estimates. RAND's data indicates that the estimated population of transgender Service members is between 1,300 and 6,600 in the Active Component, and between 800 and 4,000 in the Selected Reserve. RAND did not estimate the number of family members and retirees who might identify as transgender individuals.

Q4: How does the position we are taking compare to rest of USG, corporate America, Insurance companies, and the medical community?

A4: DoD provides medically necessary care for Service members. Our medical policy with respect to medical care for transgender Service members is fully in line with accepted medical standards and practices. Care is individualized and may include

mental health care, hormonal therapy, and gender reassignment surgery if considered medically necessary, with the exception of cosmetic procedures like tracheal shaving or chin implants, for example. Counselling, hormone treatment, and gender reassignment surgery are recommended in accepted medical Standards of Care, including those of The Endocrine Society, World Professional Association for Transgender Health (WPATH), and the American Psychiatric Association, and are endorsed by many specialty societies, including the American College of Obstetrics and Gynecology, the American College of Physicians, and the American Academy of Family Practice.

- o Many commercial insurance plans, including at least one Federal Employee Health Benefit Plan in every state, provide coverage for gender transition.
- o 34% of Fortune 500 companies provide medical coverage for transgender patients, to include behavioral health, hormone, and surgical care. That number is steadily increasing.

Q5: There is a lot of discussion of the potential “readiness” issues related to accepting transgender people into the force. But we’re talking about a very small number of people, and the RAND study found there would be no readiness impact. What exactly are the “readiness” issues that are causing concern?

A5: Transgender individuals are, and have been for many years, serving successfully in the military. As part of a study conducted for DoD, RAND estimated the readiness impacts associated with open military service by transgender individuals.

RAND reviewed data on potential medical treatment that might cause time lost from work or make an individual non-deployable for some period of time (primary readiness considerations), collected data from several state studies, and examined the lessons learned from allied militaries who allow open service of transgender individuals. RAND’s data indicates that the overall readiness impacts of open service by transgender individuals would be very small because of:

- o the relatively small number of transgender individuals estimated to be serving today; and
- o the desire of most serving transgender persons to adjust their medical needs where possible in order to deploy with their units.

Our policy provides the Services with options to preserve unit readiness, after considering the individual facts and circumstances of each case, including:

- o modifying the timing of medical care to accommodate unit readiness needs;
- o temporary or permanent transfer of the Service member; or

- a period of extended leave; or
- referral of the Service member to the Disability Evaluation System (DES).

Q6: When will the Service Central Coordination Cell be stood up and ready? Who will staff that? Where will those personnel come from? Is this in each Service, not in DoD? Is this like a hotline or something for Transgender individuals? Will these people be dedicated to TG individuals?

A6: Each Service will create a Central Coordination Cell - comprised of medical, legal, and policy experts – primarily to advise field commanders and medical service providers. Services will provide contact information and guidance on their Cells as soon as they are functioning.

Until such time as the Services are able to form their cells, DoD will set up a coordination cell of personnel, medical, and legal experts to advise the Services on policy matters or answer questions from the field.

RECRUITING /ACCESSIONS

Q7: What effect would change in policies have on the propensity of prospective recruits to enlist and on the propensity of influencers (parents, coaches, teachers, religious leaders, for example) to recommend military service?

A7: The Department of Defense is a values and standards based organization. Those who uphold our values and meet our standards, should have the opportunity to serve their country in uniform. The more the DoD lives up to our stated values of treating everyone equally, with dignity and respect, the more likely influencers are to recommend military service. Being true to our values can only enhance the attractiveness of military service to those who influence our nation's potential military recruits.

Q8: Is paying for sex reassignment surgery going to make military service a magnet for transgender individuals?

A8: We do not believe that will be the case. The Affordable Care Act requires all Americans to have health care insurance coverage. Best estimates show that nearly 34% of Fortune 500 companies offer gender transition inclusive medical coverage in one or more of the health insurance plans offered their employees, as does the federal government in the plans it offers to civilian employees. This continues to be a rapidly changing environment and we anticipate that even more health plans will cover transition-related medical care in the near future.

We believe that the driving force behind most transgender person's desire to join the military has been, is, and will continue to be, to serve their country, not to obtain the type of medical care that they could receive today under private health insurance coverage.

Our accessions standard will focus on ensuring that transgender people entering the military do not have physical or mental conditions that would take excessive time from duty or prevent them from being able to complete basic training. Just as we have standards that provide for a minimum recovery or stability period in connection with other medical treatments—whether something physical (like back surgery) or mental health-related (such as treatment for depression)—the policy we have issued today provides for a period of 18 months recovery and stability following surgery or other treatment related to gender transition before that person can join the military.

Further, special considerations continue to apply to all Service members in the first period of service. In the first 180 days of service in the military, all personnel must continue to meet the medical standards associated with accession (which are more stringent than for retention in the military after a period of service). If a Service member is found in the first 180 days to have a medical condition that does not meet the standards for accession into the military (for example, an under-active thyroid), that individual could be separated from service. These requirements apply to ALL Service members, including transgender Service members.

MEDICAL

Q9: What criteria or standard would a military medical provider use to determine whether a transition is “medically necessary,” (or what would the SM need to meet?)

A9: Military providers would use the same standard for medical necessity for transgender related interventions as for any other medical condition. Department regulations at part, 32 CFR section 199.2 characterizes medical necessity as “Services performed in connection with the diagnosis or treatment of disease or injury, pregnancy, mental disorder, or well-baby care which are in keeping with the generally accepted norms for medical practice in the United States.” Surgical procedures that are entirely cosmetic in nature are generally not “medically necessary” and thus are typically not provided.

Q10: Will Reserve members receive any kind of medical care / financial assistance to pay for transition-related treatment? Can they be treated in an MTF throughout their transition?

A10: Reserve Component members enrolled in TRICARE Reserve Select will be able to access mental health and hormone treatment through TRICARE in the very near future, and are eligible for care in MTFs on a space-available basis.

Q11: What criteria or standard would a military medical provider use to determine whether a transition is “medically necessary,” (or what would the Service member need to meet?)

A11: Military providers would use the same standard for medical necessity for transgender related interventions as for any other medical condition. In part, 32 CFR 199.2 characterizes medical necessity as “Services performed in connection with the diagnosis or treatment of disease or injury, pregnancy, mental disorder, or well-baby care which are in keeping with the generally accepted norms for medical practice in the United States’. Surgical procedures that are entirely cosmetic in nature are generally not “medically necessary” and thus are typically not provided.

Q12: Commanders “will assess expected impacts on mission and readiness after consideration of the advice of military medical providers and will address such impacts in accordance with this Instruction.” Does that mean a commander can go against the diagnosis / advice of a medical professional if it impacts readiness? Aren’t you afraid commanders will exploit that very broad instruction to deny treatment to Service members? It seems like you could make the case for any Service member who is undergoing treatment as impacting readiness.

A12: Commanders are in a unique position to consider the individual facts and circumstances presented by the Service Member. All Commanders are required to consider the health and well-being of the Service member under their command as well as the readiness of their unit. We are confident Commanders will exercise sound judgement when evaluating a request to transition in consultation with military medical providers. A Service member may request a review by a senior officer in the chain of command.

INTEGRATION

Q13: How do you see this being received at the base level in the Services? Will this affect unit cohesion and morale?

A13: DoD is a values and standards based organization. If you meet the standards and uphold our values, to include treating everyone with dignity and respect, there is an

opportunity to serve your country. We continually train and educate the force on our values and standards. Transgender Service members can and will continue to serve honorably. The process of transitioning genders is complex and presents many policy considerations. To ensure we get it right, the Services will train and educate their forces over the next year on this policy before full implementation. We have every confidence that all our Service members will continue to treat each other with dignity and respect, which only strengthens unit cohesion and morale.

Q14: Why should we go to extremes and up-end entire units to accommodate the needs of a very small number of transgender service members? Given their small numbers, their higher propensity for problems like depression and suicide, and the fact that their ability to serve is going to be impaired by the need for surgery, wouldn't it make more sense to separate them than to make special accommodations for them?

A14: We have transgender Service members who serve proudly and honorably, successfully deploy, and have done so for many years. We have learned over the last decade and a half of conflict how important it is for us to address problems like depression and suicidal tendencies across the entire force and not to stigmatize those who suffer from these problems. The bottom line is that we have a stronger force when we recognize our obligation to treat these problems where ever they appear in the force, without stigmatizing them and driving the problems underground. While many studies point to higher propensity for problems like depression or suicidal ideation in the transgender population, more recent studies conclude that, when proper medical care is available, the co-morbidity rate for transgender patients is on par with the general population.

We do not believe that there is any need to up-end entire units to accommodate the needs of transgender service members, and our new policies are written to ensure that we do not do so.

Under these policies, transgender service members will be required to meet the same standards for uniforms and grooming, body composition, and physical readiness as other Service members. Transgender Service members will use the same berthing, bathroom, and shower facilities as other members of their gender. When exceptions to policy are requested in connection with gender transition, in order to meet Service grooming or uniform standards for example, they will be considered in the same manner as other requests for exceptions to policy (e.g., requests for religious accommodations and exceptions to address Service member medical conditions). The policy recognizes certain privacy concerns in connection with the use of shower and changing facilities, but we believe that these can be addressed with minimal actions that will in no way “up-end” the unit.

Similarly, absences for medically necessary care for transgender Service members will be managed in the same way as for other medical conditions: by establishing medical treatment plans that take into account both the severity and urgency of the condition, and periods of limited duty or convalescent leave appropriate to the medical care and treatment provided.

Q15. Thank you Mr. Secretary, do you have anything else you would like to add?

A15. The entire Department is thankful for the collective united efforts of all who have been part of this effort in shaping our military into an organization which clearly prizes diversity, respects differences, safeguards human rights and protects America's values codified since our Nation's birth.

In the past five years the Department of Defense has taken historic steps to end unnecessary, unfair discrimination; and this one is no less momentous. Today, we welcome openly a valuable contingent of Americans ready, willing and able to selflessly serve their Nation; many who have served silently for a long time.

The strength of our United States military lies in the commitment, professionalism and exceedingly high standards for our men and women in uniform, regardless of gender, race or religion.

We have to continue to recruit, retain, and develop a force from all of America's talent. We need a force representative and reflective of the Nation it defends.

From: (b)(6) CIV OSD PA (US)
Sent: Wednesday, June 29, 2016 2:27 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Koffsky, Paul S SES OSD OGC (US)
Cc: Trowbridge, Gordon L SES (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: RE: TG Docs

Thank you. I'll cut those q's from the bottom of the briefing card until they're finalized. We can clear at least the TPs at the top and keep all 3 PA documents together to avoid confusion. Did you have any comments for the TPs at the top of the card?

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 1:56 PM
To: (b)(6) CIV OSD PA (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Koffsky, Paul S SES OSD OGC (US)
Cc: Trowbridge, Gordon L SES (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: RE: TG Docs

(b)(6)
I have made some edits to the above two documents. I strongly recommend Ms Barna see ASAP since the timeline verbiage has changed. I tried to align, but am not sure I captured everything she knows.
I sent the third document, the briefing card, down to Stephanie Miller to ensure the Q&A matches changes we made at the 1030 meeting this morning. We'll get that back to you ASAP.
Tony

-----Original Message-----

From: (b)(6) CIV OSD PA (US)
Sent: Wednesday, June 29, 2016 1:12 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Trowbridge, Gordon L SES (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: TG Docs

Sir- these documents have been reviewed and cleared by Gordon Trowbridge (acting press secretary). Can you please review/clear for MPP and return? I know you've seen some of these before- there have been a few changes, so thought

I should get your final sign off. Once your review is complete, please update the clearance trail at the bottom of each page. I will pass to OGC for their final review once you send your corrections back to me.

((SecDef's office was given the early version of these to meet their noon deadline. I will send them updated docs when we're done clearing w/in P&R.))

Thanks!

(b)(6)

DoD Spokesman, Defense Press Office

Office of the Secretary of Defense

Pentagon, Room (b)(6)

Office: (b)(6)

BlackBerry: (b)(6)

Email: (b)(6)

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 1:45 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV (US)
Subject: RE: Timeline for TG fact sheet

Ma'am -- Rgr, I only coupled them because they are operationally two parts of one whole -- USMEPCOM for enlistment and a fraction of officer accessions, DoDMERB for the majority of all officer accession processing. We are certainly planning on working training/education for both.

V/R
Stephanie

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 1:40 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV (US)
Subject: RE: Timeline for TG fact sheet

Stephanie -- thanks. (b)(5)

(b)(5)
(b)(5) Thanks, S

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 12:46 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV (US)
Subject: RE: Timeline for TG fact sheet

Ms. Barna -- Please find attached the recommended edits to the timeline incorporating accession equities.

For the record, USMEPCOM stands for United States Military Entrance Processing Command. DoDMERB stands for DoD Military Medical Examination Review Board.

Use as needed.

V/R
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy

OUUSD P&R/MPP

Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: (b)(6) CIV SD [mailto:(b)(6)]

Sent: Wednesday, June 29, 2016 8:42 AM

To: Kurta, Anthony M SES OSD OUUSD P-R (US); Barna, Stephanie A SES OSD OUUSD P-R (US)

Cc: Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); MILLER, Stephanie P SES OSD OUUSD P-R (US); Hebert, Lernes J SES OSD OUUSD P-R (US)

Subject: RE: Timeline for TG fact sheet

I agree with you on providing a more granular timeline.

-----Original Message-----

From: Kurta, Anthony M SES OSD OUUSD P-R (US) [mailto:(b)(6)]

Sent: Tuesday, June 28, 2016 5:55 PM

To: Barna, Stephanie A SES OSD OUUSD P-R (US); (b)(6) CIV SD

Cc: Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); MILLER, Stephanie P SES OSD OUUSD P-R (US); Hebert, Lernes J SES OSD OUUSD P-R (US)

Subject: RE: Timeline for TG fact sheet

Yes, that and training of MEPS docs, but we have a year for all of that.

-----Original Message-----

From: Barna, Stephanie A SES OSD OUUSD P-R (US)

Sent: Tuesday, June 28, 2016 5:47 PM

To: Kurta, Anthony M SES OSD OUUSD P-R (US); (b)(6) CIV (US)

Cc: Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)

Subject: RE: Timeline for TG fact sheet

Made "Training Handbook" change. (b)(5)

(b)(5)

Agree we need to discuss AK2 and AK3. Good points both . . .

Also, if we are interested in fleshing out timeline, (b)(5)

(b)(5)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUUSD P-R (US)

Sent: Tuesday, June 28, 2016 5:28 PM

To: Barna, Stephanie A SES OSD OUUSD P-R (US); (b)(6) CIV (US)

Cc: Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)

Subject: RE: Timeline for TG fact sheet

Comments attached.....not sure we yet have it right....

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 5:21 PM

To: (b)(6) CIV (US); Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: Kurta, Anthony M SES OSD OUSD P-R (US); Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)

Subject: RE: Timeline for TG fact sheet

Colleagues -- please take a look. Peter has approved. Important to note that neither DTM or DoDI take "full effect" until announcement + 365. "Spirit" of DoDI to apply to in-service transitions between announcement + 60 and announcement + 365.

Please let me know what you think before we turn over to PA team to work as part of the document group to be released to public coincident with any announcement.

Thanks, S

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 4:57 PM

To: (b)(6) CIV (US); Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: Kurta, Anthony M SES OSD OUSD P-R (US); Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)

Subject: RE: Timeline for TG fact sheet

Tony -- do you have a moment to discuss? Thanks, S

-----Original Message-----

From: (b)(6) CIV SD [mailto:(b)(6)]

Sent: Tuesday, June 28, 2016 12:08 PM

To: Levine, Peter K HON (US); Barna, Stephanie A SES OSD OUSD P-R (US)

Cc: Kurta, Anthony M SES OSD OUSD P-R (US); Carroll, Katherine SES SD; (b)(6) CIV SD; Penrod, Virginia S SES OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)

Subject: Timeline for TG fact sheet

Peter/Stephanie,

I've played with some of the wording on this matrix for public consumption. Please review/edit as you see fit before PA and media take it over.

Best,

(b)(6)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 9:15 PM
To: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) LCDR USN OSD OUSD P-R (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: RE: TG Q&A updated
Attachments: TG Policy Q&A amk edits.docx

All, please use the attached version. I deleted some of the Q&A with the long tables and re-formatted from bullet format to prose for some of the Q&A. While we still have some "binning" to do, I think these represent more than enough to get us through roll out. Thanks for everyone's efforts to get these to this point.

-----Original Message-----

From: (b)(6) USARMY OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 8:04 PM
To: (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Cc: Kurta, Anthony M SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: FW: TG Q&A updated

Gentlemen,

Please review attached TG Q&A document that incorporates Dr. Guice's comments along with other Q&A's you may/may not have seen. Thanks!

Very respectfully,

(b)(6)
(b)(6), USA
(b)(6), Reserve Accessions
Office of The Under Secretary of Defense for Personnel and Readiness
Military Personnel Policy - Accession Policy Office
Pentagon, Rm (b)(6)
(b)(6) Commercial
DSN
Email: (b)(6)
Group Mailbox: (b)(6)

-----Original Message-----

From: (b)(6) USARMY OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 6:01 PM
To: (b)(6) USARMY OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US)

Subject: FW: TG Q&A

(b)(6)

Just talked with Ms. Miller. These changes need to be added to the last master version of this document you have. I am uncertain what time that was. Please incorporate and send to (b)(6) and John Casciotti (copy myself, Mr. Kurta, and Ms. Miller).

Standing by to assist if needed.

v/r,

(b)(6)

(b)(6), AG (USA)

(b)(6), Reserve Accessions

OASD (R&FM) (MPP/Accession Policy)

Pentagon (b)(6)

Comm: (b)(6)

Mobile:

Email: (b)(6)

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 5:51 PM

To: Guice, Karen S SES (US); Casciotti, John A SES OSD OGC (US); (b)(6) CIV OSD HA (US); Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: RE: TG Q&A

Dr. Guice -- Thank you, tracking your latest.

Stephanie P. Miller, SES

Director, Military Accession Policy

OSD P&R/MPP

Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: Guice, Karen S SES (US)

Sent: Tuesday, June 28, 2016 5:50 PM

To: Casciotti, John A SES OSD OGC (US); (b)(6) CIV OSD HA (US); Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: (b)(6) CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)

Subject: RE: TG Q&A

My edits

-----Original Message-----

From: Casciotti, John A SES OSD OGC (US)

Sent: Tuesday, June 28, 2016 5:26 PM

To: (b)(6) CIV OSD HA (US)

Cc: (b)(6) CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Guice, Karen S SES (US); (b)(6) USARMY OSD OUSD P-R

(US); (b)(6) CIV OSD OGC (US)

Subject: RE: TG Q&A

(b)(6) -- I made a few edits to the medical paragraphs. -- John

-----Original Message-----

From: (b)(6) CIV OSD HA (US)

Sent: Tuesday, June 28, 2016 4:48 PM

To: Casciotti, John A SES OSD OGC (US); Guice, Karen S SES (US)

Cc: (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US);

MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: FW: TG Q&A

Dr. Guice, Mr. Casciotti, I intended to copy you on our suggested edits to the briefing card. VR, (b)(6)

-----Original Message-----

From: (b)(6) CIV OSD HA (US)

Sent: Tuesday, June 28, 2016 4:44 PM

To: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: RE: TG Q&A

(b)(6), please see suggested edits from (b)(6) and me. I have copied both Mr. Casciotti and Dr. Guice, neither of whom have reviewed these (so subject to their edits). R, (b)(6)

-----Original Message-----

From: (b)(6) USARMY OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 9:47 AM

To: (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: TG Q&A

Gentlemen,

Attached are the Q&A's for the Transgender rollout. Please review and provide feedback. Thanks!

Very respectfully,

(b)(6)
(b)(6) USA

(b)(6)

Reserve Accessions

Office of The Under Secretary of Defense for Personnel and Readiness

Military Personnel Policy - Accession Policy Office

Pentagon, Rm

(b)(6)

(b)(6)

Commercial

DSN

Email: (b)(6)

Group Mailbox:

(b)(6)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

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(b)(5)

(b)(5)

(b)(5)

(b)(5)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 7:09 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Carroll, Katherine SES SD; (b)(6) CIV OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: FW: Questions from SD: Examples of Challenging TG Scenarios
Attachments: Examples of Challenging Transgender Cases v2 (1800 28JUN2016).docx

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Barna

Scenarios as requested by SD FO; great work by Stephanie and the team, to include the HA team!!
VR/Tony

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 6:04 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US); Taylor, Robert S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US); Guice, Karen S SES (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios

Tony -- Examples of challenging transgender scenarios attached to meet #11 of SD Q&A from this morning. Incorporates 3 accession scenarios and 2 in-service transition scenarios. Vetted through the AP team, (b)(6), (b)(6), (b)(6) and (b)(6).

Best regards,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)
(b)(6)
(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, June 28, 2016 5:01 PM

To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US); Taylor, Robert S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios

Stephanie,

In light of your COB deadline I'm providing staff-level OGC comments from John and me. Additional input may also come from my senior leadership at a later time.

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone
Room
email

(b)(6)

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 2:37 PM

To: (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US)

Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: Questions from SD: Examples of Challenging TG Scenarios

(b)(6) -- Please find attached the "Examples of Challenging Transgender" Scenarios as requested by SD (#11 below). Would appreciate your review today if feasible given the COB suspense.

Thank you,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]

Sent: Tuesday, June 28, 2016 8:34 AM

To: Levine, Peter K HON (US); Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Guice, Karen S SES (US)

Cc: (b)(6) USARMY (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV SD;

(b)(6) CIV (US); O'Connor, Jennifer M HON OSD OGC (US)

Subject: Questions from SD

All,

Below are questions that SD yesterday asked for answers on (in our meeting and in discussions before and after). Could you please send me answers as soon as you can today? I can take them in pieces. Peter if you noted other due-outs from the meeting, please chime in and add or revise what I have below.

Thanks very much.

(b)(5)

(b)(6)



Best regards,
Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)



From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 5:06 PM
To: (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Cc: (b)(6) CIV OSD PA (US); Hebert, Lernes J SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USN OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: FW: DRAFT Fact Sheet
Attachments: Transgender Implementation Fact Sheet (b)(6) EDITS.docx
Follow Up Flag: Follow up
Flag Status: Flagged

(b)(6) John

Draft of fact sheet. Good by me and PA.
Tony

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 4:36 PM
To: (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Trowbridge, Gordon L SES (US); (b)(6) CIV OSD PA (US); Koffsky, Paul S SES OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US)
Subject: RE: DRAFT Fact Sheet

With attachment

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 4:35 PM
To: (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Trowbridge, Gordon L SES (US); (b)(6) CIV OSD PA (US); Koffsky, Paul S SES OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: RE: DRAFT Fact Sheet

Eric

Good by me. Made your edits and put date/time stamp on this.
I think we call this a good to go draft.
Tony

-----Original Message-----

From: (b)(6) CIV OSD PA (US)
Sent: Tuesday, June 28, 2016 3:03 PM

To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6)
USARMY OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R
(US); Trowbridge, Gordon L SES (US); (b)(6) CIV OSD PA (US)
Subject: RE: DRAFT Fact Sheet

Mr. Kurda- per our earlier meeting, here are my recommended edits to the fact sheet. I think everyone felt a short highlights page would be best to accompany the graphic.

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

-----Original Message-----

From: (b)(6) CIV OSD PA (US)
Sent: Tuesday, June 28, 2016 11:42 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6)
USARMY OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R
(US)
Subject: RE: DRAFT Fact Sheet

Hey Tony- I looked over what you sent- thanks. I think to keep this simple and most useful, the fact sheet should just be a graphic timeline of the year-long implementation period. We'll use it to explain what's going to happen over the next year, which is what I believe will be the focus of most questions. DMA is working on that for us. We'll shoot you a copy of the graphic when it's ready. I think a traditional bulleted fact sheet isn't necessary here because the policy is really pretty well explained- it's just that timeline that's going to confuse people.

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 7:02 AM
To: (b)(6) CIV OSD PA (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6)
USARMY OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R
(US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: DRAFT Fact Sheet

(b)(6)

Not sure the format or depth required for the fact sheet. Attached is a draft. It describes in more detail the DTM, light on the intricacies of the DoDI since that is a detailed instruction on one aspect of overall TG policy. First draft, so let me know how we need to amend. Thanks.

Tony

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room

(b)(6)

Office)

Cell)

(b)(6)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 8:52 AM
To: (b)(6) CIV OSD OUSD P-R (US); Guice, Karen S SES (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)
Subject: RE: Thornberry Response Letter

Thx (b)(6)
tony

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 8:32 AM
To: Guice, Karen S SES (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)
Subject: RE: Thornberry Response Letter

Mr Kurta,

1. (b)(5)
2. Below language will be vetted by DHA lawyers this am and we will get back to you.
3. Will forward Dr Guice a paragraph on VA as soon as I write it.

-----Original Message-----

From: Guice, Karen S SES (US)
Sent: Tuesday, June 28, 2016 6:50 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)
Subject: RE: Thornberry Response Letter

Tony - use the following as a placeholder on the FR notice - will get the

attorneys to vet it.

(b)(5)

Regarding data availability - would take time to run the data and then verify it. Probably not in the timing window for a Congressional response.

(b)(6) and (b)(6) have been working with VA, but so have our mental health guys under the Interagency Task Force. We have a chapter on LGBT in the current annual report draft showing collaboration with VHA and HHS. Can craft something for you.....

k

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 6:30 AM

To: Guice, Karen S SES (US); (b)(6) CIV OSD OUSD P-R (US);

Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R

(US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC (US)

Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC

(US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA

(US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY

OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)

(b)(6) CIV OSD PA (US)

Subject: RE: Thornberry Response Letter

Thanks Karen. I'm not sure I'd try to go back 10 years unless it is data readily available.

Can I get some verbiage re the TRICARE Federal Register regulation?

Any verbiage about ongoing collaboration with the VA will be helpful (I know

(b)(6) has discussed that somewhat in the roll out meetings).

Thank you!!

Tony

-----Original Message-----

From: Guice, Karen S SES (US)

Sent: Tuesday, June 28, 2016 6:26 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD

P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD

OUUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC (US)

Cc: Barna, Stephanie A SES OSD OUUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUUSD P-R (US); (b)(6) USARMY OSD OUUSD P-R (US); (b)(6) USARMY OSD OUUSD P-R (US); (b)(6) CIV OSD PA (US)

Subject: RE: Thornberry Response Letter

Tony -

(b)(5)



k

-----Original Message-----

From: Kurta, Anthony M SES OSD OUUSD P-R (US)

Sent: Tuesday, June 28, 2016 6:01 AM

To: (b)(6) CIV OSD OUUSD P-R (US); Hebert, Lernes J SES OSD OUUSD P-R (US); (b)(6) CIV OSD OUUSD P-R (US); (b)(6) CIV OSD HA (US); Guice, Karen S SES (US); (b)(6) CIV OSD OGC (US)

Cc: Barna, Stephanie A SES OSD OUUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUUSD P-R (US); (b)(6) USARMY

OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD PA (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: Thornberry Response Letter

Team, we owe - coincident with roll-out - a formal response to the Thornberry letter. There are 3 questions I need help on early today.

For first question, (b)(5); (b)(6)

(b)(5); (b)(6)

For second question, HA please help.

For the third; (b)(5)

(b)(5)

Trying to wrap up this draft today.

Q: How many service members have been separated for being transgender or for a diagnosis of gender dysphoria in the last ten years?

Q: Other than changes to the military department's policies, what changes to federal statutes (including those regulating the Department of Veteran's Affairs), Federal Regulations, and Department of Defense and Department of Veterans Affairs policies would be required for the new transgender service policy to be effective in promoting readiness, morale, and cohesion?

Q: What would be the projected costs of changing the transgender service policy? To what extent would military barracks, ship berths, gym shower facilities, latrines, and other facilities have to be modified to accommodate personnel in various stages of transition and what would be the projected cost of these modifications?

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)

(b)(6) (Office)
(b)(6) (Cell)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 7:13 AM
To: Guice, Karen S SES (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)
Subject: RE: Thornberry Response Letter

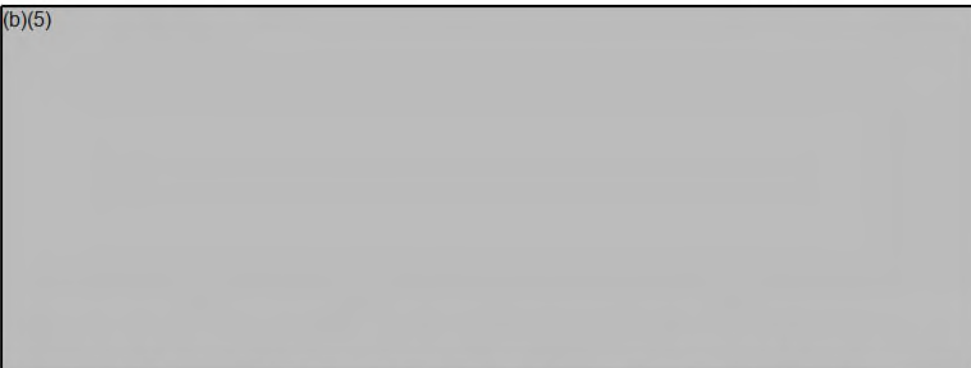
Thx Karen. A very short para on the VA collaboration will help. Much appreciated!!
Tony

-----Original Message-----

From: Guice, Karen S SES (US)
Sent: Tuesday, June 28, 2016 6:50 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)
Subject: RE: Thornberry Response Letter

Tony - use the following as a placeholder on the FR notice - will get the attorneys to vet it.

(b)(5)



Regarding data availability - would take time to run the data and then verify it. Probably not in the timing window for a Congressional response.

(b)(6) and (b)(6) have been working with VA, but so have our mental health guys under the Interagency Task Force. We have a chapter on LGBT in the current annual report draft showing collaboration with VHA and HHS. Can craft something for you.....

k

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 6:30 AM

To: Guice, Karen S SES (US); (b)(6) CIV OSD OUSD P-R (US);
Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R
(US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC
(US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA
(US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD PA (US)

Subject: RE: Thornberry Response Letter

Thanks Karen. I'm not sure I'd try to go back 10 years unless it is data readily available.

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Thank you!!

Tony

-----Original Message-----

From: Guice, Karen S SES (US)

Sent: Tuesday, June 28, 2016 6:26 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD
P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD
OSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OGC
(US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC
(US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA
(US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD PA (US)

Subject: RE: Thornberry Response Letter

Tony -

(b)(5)

(b)(5)

k

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 6:01 AM

To: (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); Guice, Karen S SES (US); (b)(6) CIV OSD OGC (US)

Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)

(b)(6) CIV OSD PA (US); Kurta, Anthony M SES OSD OUSD P-R (US)

Subject: Thornberry Response Letter

Team, we owe - coincident with roll-out - a formal response to the Thornberry letter. There are 3 questions I need help on early today.

For first question (b)(5); (b)(6)

(b)(5); (b)(6)

For second question, HA please help.

For the third; (b)(5)

(b)(5)

Trying to wrap up this draft today.

Q: How many service members have been separated for being transgender or

for a diagnosis of gender dysphoria in the last ten years?

Q: Other than changes to the military department's policies, what changes to federal statutes (including those regulating the Department of Veteran's Affairs), Federal Regulations, and Department of Defense and Department of Veterans Affairs policies would be required for the new transgender service policy to be effective in promoting readiness, morale, and cohesion?

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Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room

(b)(6)

(b)(6)

(Office)

(Cell)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 7:12 AM
To: (b)(6) CIV OSD OUSD P-R (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); Guice, Karen S SES (US); (b)(6) CIV OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: RE: Thornberry Response Letter

(b)(6)
Thanks. Your findings are in line with what I thought. No need to pulse the Services. (b)(5)
(b)(5)
Tony

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 7:05 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); Guice, Karen S SES (US); (b)(6) CIV OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: RE: Thornberry Response Letter

Mr. Kurta,

(b)(5); (b)(6)

We can pulse the Services, but I doubt they'll be able to provide much more (especially by this AM). Please let me know and Kent will follow through with his separations POCs.

V/R,

(b)(6)

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 6:01 AM

To: (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); Guice, Karen S SES (US) (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: Thornberry Response Letter

Team, we owe - coincident with roll-out - a formal response to the Thornberry letter. There are 3 questions I need help on early today.

For first question, (b)(5); (b)(6)

(b)(5); (b)(6)

For second question, HA please help.

For the third; (b)(5)any thoughts appreciated.

Trying to wrap up this draft today.

Q: How many service members have been separated for being transgender or for a diagnosis of gender dysphoria in the last ten years?

Q: Other than changes to the military department's policies, what changes to federal statutes (including those regulating the Department of Veteran's Affairs), Federal Regulations, and Department of Defense and Department of Veterans Affairs policies would be required for the new transgender service policy to be effective in promoting readiness, morale, and cohesion?

Q: What would be the projected costs of changing the transgender service policy? To what extent would military barracks, ship berths, gym shower facilities, latrines, and other facilities have to be modified to accommodate personnel in various stages of transition and what would be the projected cost of these modifications?

Tony Kurta

OUUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)

(b)(6) (Office)
(b)(6) (Cell)

From: (b)(6) CIV OSD PA (US)
Sent: Monday, June 27, 2016 3:07 PM
To: Trowbridge, Gordon L SES (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD PA (US); Koffsky, Paul S SES OSD OGC (US);
(b)(6) CIV OSD OASD LA (US)
Subject: TG PR / QA / comms plan
Attachments: PRESS RELEASE_Transgender Service Members 6_27_16.docx; TG COMMUNICATIONS PLAN DRAFT 6_27_GLT.docx

Gordon / Ms. Barna- here's the draft PR (I attached the comms plan as well just so we have all docs in one place.) P&R (MPP) is working on the QA- I gave them about 30 questions- they have an extensive doc in the works so that's on track and I don't think we need to worry about that right now.

Ms. Barna- who do we need to hack off on this in P&R? I know we need to keep the distro as limited as possible. We're going to need SD front office to sign off as well, especially since we have a quote from him.

CC'ing OGC as well- we'll certainly need their input!

Thanks, all-

(b)(6)
DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry (b)(6)
Email: (b)(6)

(b)(5)

(b)(5)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Sunday, June 26, 2016 8:18 PM
To: (b)(6) CIV OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); Guice, Karen S SES (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: Re: Military Academy/ROTC/Prep school Guidance

Thx (b)(6) Let me check with Stephanie. I understood it differently.
Tony

Sent from my BlackBerry 10 smartphone.

From: (b)(6) CIV OSD OGC (US)
Sent: Sunday, June 26, 2016 7:58 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); Guice, Karen S SES (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: Re: Military Academy/ROTC/Prep school Guidance

Tony,

(b)(5)

V/R

(b)(6)

Sent from my BlackBerry 10 smartphone.

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Sunday, June 26, 2016 7:21 PM
To: (b)(6) CIV OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); Guice, Karen S SES (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: Re: Military Academy/ROTC/Prep school Guidance

Hmmm, I took as tasking from DHRB that OGC would produce guidance/opinion on the MSA/ROTC/Prep School issue. Was that not your understanding?

Tony

Sent from my BlackBerry 10 smartphone.

From: (b)(6) CIV OSD OGC (US)
Sent: Sunday, June 26, 2016 7:07 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN
OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US);
Guice, Karen S SES (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: Re: Military Academy/ROTC/Prep school Guidance

Tony,

We will need to discuss with John Casciotti tomorrow morning. To my knowledge we haven't issued any formal guidance. I was waiting on a paper from AP.

V/R

(b)(6)

Sent from my BlackBerry 10 smartphone.

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Sunday, June 26, 2016 5:12 PM
To: (b)(6) CIV OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN
OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US);
Guice, Karen S SES (US); Koffsky, Paul S SES OSD OGC (US)
Subject: Military Academy/ROTC/Prep school Guidance

(b)(6)

Based on service feedback, seems we may need to put the essence of OGC guidance re above in the DTM.

Agree?

Tony

Sent from my BlackBerry 10 smartphone.

From: Rychalski, Jon J SES (US)
Sent: Tuesday, June 21, 2016 1:34 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US)
Subject: Info Paper on Medical Guidance for transgender care
Attachments: Information Paper on Initial Medical Guidance for Transgender Care.docx

In response to Mr. Levine's request this morning.

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Sunday, June 12, 2016 3:41 PM
To: Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES
OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) USARMY OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US);
(b)(6) CIV OSD OGC (US)
Cc: (b)(6) USN OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R
(US); Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: FW: Hard transgender Q&A.docx
Attachments: Hard transgender Q&A.docx

Team

Attached are "Hard TG Q&A", similar to those just concluded for FotF. I took an initial stab at answers, but several are too medically specific for me to answer, despite my honorary "degree" from Dr Guice!! Our aim is to have these answers by COB tomorrow, discuss them with USD and Ms Barna on Tuesday, then on to SD FO on Wednesday for his weekend read. A very real option is for SD to announce his intentions prior to 4 July weekend - much to finish between now and then.

Please let me know if you have any questions.

Tony

-----Original Message-----

From: Tony Kurta [mailto:(b)(6)]
Sent: Sunday, June 12, 2016 3:05 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: [Non-DoD Source] Re: Hard transgender Q&A.docx

On 6/11/16, 10:36 AM, "Kurta, Anthony M SES OSD OUSD P-R (US)"

<(b)(6)> wrote:

>
>

>-----Original Message-----

>From: Barna, Stephanie A SES OSD OUSD P-R (US)
>Sent: Friday, June 10, 2016 5:43 PM
>To: Kurta, Anthony M SES OSD OUSD P-R (US)
>Subject: FW: Hard transgender Q&A.docx

>

>Tony -- as promised. Peter has asked if we could we have draft
>responses by COB Monday?

>

>-----Original Message-----

>From: Carroll, Katherine SES SD [mailto:(b)(6)]
>Sent: Friday, June 10, 2016 4:07 PM
>To: Barna, Stephanie A SES OSD OUSD P-R (US); Levine, Peter K HON (US)
>Cc: (b)(6) CIV (US); (b)(6) CIV SD
>Subject: Hard transgender Q&A.docx

>
>
>Dear Peter and Stephanie,
>
>As previously discussed, see attached proposed "hard Q&A". I think our
>tentative plan had been to try to get answers to these for SD to review
>next weekend. Do you think it would be possible for your team to
>provide proposed answers by mid-day Wednesday? I'd like to build in
>some time for one turn so I can look at them and give back any requests
>for additions or clarifications. I'll be TDY with SD on Friday
>starting early morning, returning late afternoon on Friday, so Friday
>is kind of shot and it would be great to wrap this up Thursday night if possible.
>Does that seem reasonable/feasible?
>
>Early next week I'll also do a turn of the rollout document,
>incorporating SD's comments and the additional info your team provided.
>
>Thanks! I hope you both have a great weekend.
>
>Katherine
>
>
>

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Friday, June 03, 2016 6:59 PM
To: Wada, Debra S HON USARMY HQDA ASA MRA (US); Schneider, Karl F SES (US); Parker, Franklin R HON (US); Lutterloh, Scott W SES (US); Camarillo, Gabriel O (Gabe) HON USAF SAF-MR (US); Sitterly, Daniel R SES USAF SAF-MR (US); McConville, James C LTG USARMY HQDA DCS G-1 (US); Wallace, Roy A SES USARMY HQDA DCS G-1 (US); Burke, Robert P VADM USN CNO (US); Davis, Anne R SES USN DCNO N1 (US); McCabe, Katherine A RDML USN DCNO N1 (US); Brilakis, Mark A LtGen USMC MANDR AFFAIRS (US); Murray, Sheryl E SES USMC HQMC (US); Grosso, Gina M Lt Gen USAF AF-A1 (US); Corsi, Robert E (Bob) SES USAF AF-A1 (US); Burcham, Margaret W BG USARMY JS J1 (US); Wark, Lawrence J SES JS J1 (US); Denton, Ivan E BG USARMY NG NGB (US); Kelly, William G RDML USCG (US); Dahlgren, Judy P SES OSD OUSD ATL (US); Taylor, Clothilda Y SES OSD OUSD ATL (US); Schleien, Steven L SES OSD OUSD POLICY (US); Conger, John C HON OSD OUSD C (US); Constable, Thomas A SES OSD OUSD C (US); Lowery, Todd R SES OSD OUSD INTEL (US); Ratcliff, Sara B SES OSD OUSD INTEL (US); Tillotson, David III SES (US); Pannullo, Jerome E SES OSD CAPE (US); Nogueira, Joseph R SES OSD CAPE (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Ruark, Robert R LtGen USMC OSD OUSD P-R (US); Penrod, Virginia S SES OSD OUSD P-R (US); Weiler, Todd A HON (US); Guice, Karen S SES (US); Feehan, Daniel P SES OSD OUSD P-R (US); Harrell, Margaret C SES (US); Kurta, Anthony M SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV (US); Katherine.carroll (b)(6) (b)(6) USMC OSD PA (US); (b)(6) CIV OSD OASD LA (US); (b)(6) (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Robbins, Richard A SES (US); (b)(6) (b)(6) USN OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) USARMY (US); (b)(6) CIV (US)
Subject: DHRB, 3 June: Transgender Service -- Due Outs
Attachments: DRAFT DTM (DHRB 3 June).doc; DRAFT DoDI (DHRB 3 June).docx; OGC Opinion, UCMJ Implications.pdf

Sent on behalf of Mr. Levine

Dear Colleagues:

Thank you again for your participation in today's DHRB. I greatly appreciate you having taken the time to meet and share your thoughts and ideas as we navigate this important issue.

Attached are the DRAFT DTM and DoDI on which our current effort is focused. The documents are "date stamped" to allow for version control. Also attached is the legal opinion of the DoD General Counsel (b)(5)

(b)(5)

As discussed during the meeting, I request that you:

1. Provide your written feedback on the DRAFT DTM and DoDI no later than June 10, 2016, to Mr. Tony Kurta, DASD, Military Personnel Policy, at (b)(6)

(b)(5)

3. Provide your views as to whether, after the adjudication of next week's comments, a follow-on DHRB or Transgender Service Working Group is required, or whether we should proceed to address any remaining issues at a meeting of the Senior Implementation Group.

As I mentioned, I would welcome the opportunity to meet one-on-one with you or your senior leaders, to address any question or concern.

Best--

Peter

(b)(5)

(b)(5)

(b)(5)

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(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

From: Carroll, Katherine SES SD <(b)(6)>
Sent: Friday, June 03, 2016 4:54 PM
To: O'Brien, Sean W SES (US); Koffsky, Paul S SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OGC (US)
Subject: RE: Updated LGBT remarks

Looks good to me. Do you want to shoot a pdf to (b)(6) to pair with the RAH he has from Adrienne?

Katherine Carroll
Counselor to the Secretary
(b)(6)

-----Original Message-----

From: O'Brien, Sean W SES (US) [mailto:(b)(6)]
Sent: Friday, June 03, 2016 4:44 PM
To: Koffsky, Paul S SES OSD OGC (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OGC (US)
Subject: RE: Updated LGBT remarks

Hi All -

Updated draft attached, keeping it brief without the subpoints on TG, but flagging them as possibilities in a footnote for SD consideration.

Thanks,
Sean

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, June 03, 2016 4:08 PM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: O'Brien, Sean W SES (US); (b)(6) CIV OSD OGC (US)
Subject: RE: Updated LGBT remarks

Katherine--

(b)(5)

Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense

(b)(6)

~~Caution: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]
Sent: Friday, June 03, 2016 3:40 PM
To: Koffsky, Paul S SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: O'Brien, Sean W SES (US)
Subject: FW: Updated LGBT remarks

Hi. Per our conversations earlier re legal status of transgender persons, attached is the current draft of SD remarks for pride day next week (he has not yet reviewed). SD has previously made public statements re TG persons serving with distinction, so I don't think this can present any issues, but Stephanie mentioned sending it over to Paul to make sure all seems ok.

Sean, what do you think of expanding what is proposed on TG in there slightly to say:

(b)(5)

(b)(5)

. Stephanie, what do you think? Peter Cook will probably have a view too.

Stephanie, on the other issue, I gather that Dr Herrell is working on some other kind of communication we could send out in advance of pride day?

Thanks!

Katherine Carroll
Counselor to the Secretary

(b)(6)

-----Original Message-----

From: O'Brien, Sean W SES (US) [mailto:(b)(6)]
Sent: Friday, June 03, 2016 12:27 PM
To: Carroll, Katherine SES SD; (b)(6) CIV SD; Schweer, Adrienne SES SD
Subject: Updated LGBT remarks

Can you review? Glancing mention of TG review towards the end.

Thanks,
Sean

Sean O'Brien
Chief Speechwriter
Secretary of Defense Ashton Carter

NIPR (b)(6)

SIPR

Des

BB:

From: O'Brien, Sean W SES (US)
Sent: Friday, June 03, 2016 4:44 PM
To: Koffsky, Paul S SES OSD OGC (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OGC (US)
Subject: RE: Updated LGBT remarks
Attachments: LGBT Pride Month Ceremony Draft 0.7.docx

Hi All -

Updated draft attached, keeping it brief without the subpoints on TG, but flagging them as possibilities in a footnote for SD consideration.

Thanks,
Sean

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, June 03, 2016 4:08 PM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: O'Brien, Sean W SES (US); (b)(6) CIV OSD OGC (US)
Subject: RE: Updated LGBT remarks

Katherine--

(b)(6)

Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense

(b)(6)

~~Caution: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: Carroll, Katherine SES SD [\(b\)\(6\)](mailto:(b)(6))
Sent: Friday, June 03, 2016 3:40 PM
To: Koffsky, Paul S SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)

Cc: O'Brien, Sean W SES (US)
Subject: FW: Updated LGBT remarks

Hi. Per our conversations earlier re legal status of transgender persons, attached is the current draft of SD remarks for pride day next week (he has not yet reviewed). SD has previously made public statements re TG persons serving with distinction, so I don't think this can present any issues, but Stephanie mentioned sending it over to Paul to make sure all seems ok.

Sean, what do you think of expanding what is proposed on TG in there slightly to say:

(b)(5)

The second sentence comes from his statement when he created the group, so is not new. Stephanie, what do you think? Peter Cook will probably have a view too.

Stephanie, on the other issue, I gather that (b)(6) is working on some other kind of communication we could send out in advance of pride day?

Thanks!

Katherine Carroll
Counselor to the Secretary

(b)(6)

-----Original Message-----

From: O'Brien, Sean W SES (US) [mailto:(b)(6)]
Sent: Friday, June 03, 2016 12:27 PM
To: Carroll, Katherine SES SD; (b)(6) CIV SD; Schweer, Adrienne SES SD
Subject: Updated LGBT remarks

Can you review? Glancing mention of TG review towards the end.

Thanks,
Sean

Sean O'Brien
Chief Speechwriter
Secretary of Defense Ashton Carter

NIP (b)(6)

SIP

Des

BB:

From: O'Brien, Sean W SES (US)
Sent: Friday, June 03, 2016 3:45 PM
To: Carroll, Katherine SES SD; Koffsky, Paul S SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: RE: Updated LGBT remarks

That language looks good to me - thanks Katherine.

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]
Sent: Friday, June 03, 2016 3:40 PM
To: Koffsky, Paul S SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: O'Brien, Sean W SES (US)
Subject: FW: Updated LGBT remarks

Hi. Per our conversations earlier re legal status of transgender persons, attached is the current draft of SD remarks for pride day next week (he has not yet reviewed). SD has previously made public statements re TG persons serving with distinction, so I don't think this can present any issues, but Stephanie mentioned sending it over to Paul to make sure all seems ok.

Sean, what do you think of expanding what is proposed on TG in there slightly to say:

(b)(5)

The second sentence comes from his statement when he created the group, so is not new. Stephanie, what do you think? Peter Cook will probably have a view too.

Stephanie, on the other issue, I gather that (b)(6) is working on some other kind of communication we could send out in advance of pride day?

Thanks!

Katherine Carroll
Counselor to the Secretary

(b)(6)

-----Original Message-----

From: O'Brien, Sean W SES (US) [mailto:(b)(6)]
Sent: Friday, June 03, 2016 12:27 PM
To: Carroll, Katherine SES SD; (b)(6) CIV SD; Schweer, Adrienne SES SD
Subject: Updated LGBT remarks

Can you review? Glancing mention of TG review towards the end.

Thanks,
Sean

Sean O'Brien
Chief Speechwriter
Secretary of Defense Ashton Carter

NIPR (b)(6)

SIPR

Desk

BB: (

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Friday, June 03, 2016 10:50 AM
To: Koffsky, Paul S SES OSD OGC (US)
Subject: FW: Confrimed Attendees - Pride Event

Dr. K -- might you have a moment to discuss? Also, met with both Special Assistants and would want to provide you some feedback. S

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]
Sent: Friday, June 03, 2016 10:01 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: (b)(6) CIV SD; (b)(6) CIV (US)
Subject: FW: Confrimed Attendees - Pride Event

(b)(5)

Thanks!
Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)

-----Original Message-----

From: Schweer, Adrienne SES SD
Sent: Friday, June 03, 2016 9:42 AM
To: (b)(6) SD; Carroll, Katherine SES SD
Subject: Re: Confrimed Attendees - Pride Event

Thank you for flagging. +Katherine to decide.

Sent from my BlackBerry 10 smartphone.

Original Message

From: (b)(6) SD

Sent: Friday, June 3, 2016 8:52 AM
To: Schweer, Adrienne SES SD
Subject: FW: Confirmed Attendees - Pride Event

Ma'am,

(b)(5)

v/r,
(b)(6)

-----Original Message-----

From: (b)(6) CIV USAF SAF-SP (US) [mailto:(b)(6)]
Sent: Friday, June 03, 2016 8:25 AM
To: (b)(6) SD
Subject: RE: Confirmed Attendees - Pride Event

Excellent!

Please remember to discuss the Transgendered military member that we have currently scheduled to read/present the award at the event. We can also move him to proffer, but (b)(6) is wanting to have him upfront and definitely participating in a visible manner. I just need to make sure that the SD is not going to be caught off guard by the press. If the Washington Examiner is actually going to be present, they will very definitely be asking questions about this with all the press about Transgender issues.

Thank you!

(b)(6)

-----Original Message-----

From: (b)(6) MSgt SD [mailto:(b)(6)]
Sent: Friday, June 03, 2016 8:04 AM
To: (b)(6) CIV OSD OUSD P-R (US) <(b)(6)>; (b)(6) CIV USAF SAF-SP (US)
<(b)(6)>
Cc: Schweer, Adrienne SES SD (b)(6)
Subject: Confirmed Attendees - Pride Event

Gentlemen,

Wanted to share with you the RSVPs from the OSD A-List that I have received as of this morning. If there are any other invited guests that you are aware of that will need a reserved seat, please send me their name & title and I will add them to the seating chart. I am also building a read ahead for the SD so that information will be important.

v/r,
(b)(6)

Department of Defense:

1. The Secretary of Defense
2. The Honorable Frank Kendall III, Under Secretary of Defense for Acquisition, Technology and Logistics
3. Mr. Thomas Atkin, Performing Duties of Assistant Secretary of Defense for Homeland Defense and Global Security
4. Ms. Lacey Raymond, Special Assistant to the Deputy Secretary of Defense
5. The Honorable Eric Fanning, Secretary of the Army
6. The Honorable Patrick Murphy, Under Secretary of the Army
7. The Honorable Raymond Maybus, Jr., Secretary of the Navy
8. Mr. Alex Wagner, Chief of Staff to the Secretary of the Army

Invited Guests:

1. Brigadier General Randy Taylor, Director of Architecture, Operations, Networks and Space for the United States Army Chief Information Officer, and (b)(6)

(b)(6) USAF
Secretary of Defense Protocol
Room (b)(6)
Direct
Main:
Email:

~~Privacy Act of 1974 as Amended applies - This email may contain information that is protected IAW DoD 5400.11R and is
For Official Use Only (FOUO)~~

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, May 31, 2016 10:00 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US)
Subject: RE: TG prep for DHRB

Roger
VR/Tony

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Tuesday, May 31, 2016 9:50 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US)
Subject: RE: TG prep for DHRB

Let's talk about it at our meeting with Paul -- at least as of now, we are on for 1230 in his office. Understand that OGC has made comments on the docs also.

My first inclination is that we should go through . . . comment by comment . . . accept and adjust what we can. Then make two lists:

(b)(5)



Again, hoping we can come up with a plan with Paul. Thanks, S

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, May 31, 2016 9:46 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US)
Subject: RE: TG prep for DHRB

(b)(5)



VR/Tony

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Tuesday, May 31, 2016 9:07 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)
Subject: TG prep for DHRB

Tony/Bear -- just spoke with Peter -- he would like us to adjudicate as many of the comments on the TG docs before the DHRB. What is the best way to do this? Thanks, S

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Saturday, May 28, 2016 5:40 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Penrod, Virginia S SES OSD OUSD P-R (US)
Cc: Guice, Karen S SES (US); Weiler, Todd A HON (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)
Subject: Fw: TG DTM and DODI documents for review
Attachments: DoDI 27 May (Service Inputs w MPP edits)_b.docx

Ms Barna
DoDI to accompany the previous DTM.
VR/Tony

Sent from my BlackBerry 10 smartphone.

Original Message

From: Hebert, Lernes J SES OSD OUSD P-R (US) <(b)(6)>
Sent: Saturday, May 28, 2016 11:28 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: TG DTM and DODI documents for review (b)(5)

(b)(5)

Bear

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Saturday, May 28, 2016 12:44 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Guice, Karen S SES (US); Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) USARMY OSD OUSD P-R (US); Penrod, Virginia S SES OSD OUSD P-R (US); Weiler, Todd A HON (US)
Subject: Re: DTM 27 May (Service Inputs w MPP review)_b.docx

Tony - have family obligations today, but will take a look starting noon Sun. Agree that arranging materials and issues for best use by DHRB is paramount. Back to you tomorrow with some ideas. Thanks, S

Original Message

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Saturday, May 28, 2016 12:29 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)

Cc: Guice, Karen S SES (US); Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) USARMY OSD OUSD P-R (US); Penrod, Virginia S SES OSD OUSD P-R (US); Weiler, Todd A HON (US)
Subject: Fw: DTM 27 May (Service Inputs w MPP review)_b.docx

Ms Barna

(b)(5)

Hard to see consensus from DHRB; many medical questions. However, MANY comments/issues will be dispatched during DHRB.

Standing by for any thoughts or direction.

VR/Tony

Sent from my BlackBerry 10 smartphone.

Original Message

From: Hebert, Lernes J SES OSD OUSD P-R (US) <(b)(6)>

Sent: Saturday, May 28, 2016 10:00 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: DTM 27 May (Service Inputs w MPP review)_b.docx

DTM with Personal Privacy section added after gender marker para. I will have the other document to you shortly.

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Friday, May 20, 2016 7:35 AM
To: Guice, Karen S SES (US); Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: RE: DRAFT DTM and DODI

No comments from MPP

-----Original Message-----

From: Guice, Karen S SES (US)
Sent: Friday, May 20, 2016 5:38 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: RE: DRAFT DTM and DODI

My edits and comments.

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Thursday, May 19, 2016 8:13 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US); (b)(6) W CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: DRAFT DTM and DODI

Many thanks to all for your comments on the DTM. Have incorporated 99% of comments received. Ran comments through Peter. As to the comments NOT incorporated, in most cases he wanted to await feedback from the Working Group and MilDep staffing to decide. Please note that I have deleted all DTM references to specific implementation/effective dates.

The revised DoDI, incorporating comments from this morning's session, also is attached for your review. (b)(5)

(b)(5)

(b)(5) before returning the both documents to Tony to disseminate as RAHs for next week's Working Group (b)(5)

(b)(5) If you'd like to provide any final input on the DoDI, we can take it until about 1000 tomorrow.

Thanks again for all of the discussion and input today. Please know that it is greatly appreciated, particularly given all else that is ongoing. S

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, May 19, 2016 5:42 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: RE: DRAFT DTM
Attachments: DTM -- 19 May (SAB).doc

Ms. Barna
My comments/suggested edits attached.
VR/Tony

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Thursday, May 19, 2016 4:14 PM
To: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); Kurta, Anthony M SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) CDR USN OSD OUSD P-R (US)
Subject: DRAFT DTM

Dear Colleagues -- knowing that we have spent less time on the DTM than on the DoDI, I worked the DTM first (with a view to submitting it to you for your review).

Peter would like send both the DoDI and the DTM to the members of the TG Service WG by end of day today.

Please advise if it is possible for you to review and comment on the DTM today. Please do not hesitate to edit or to address the comments that remain in the document. All input is welcome--if you could submit your edits/comments in tracked changes, it will speed my ability to incorporate all in a final clean document for submission to Peter.

As an aside, I have completed the first 5 pages of the DoDI--as we all agreed, absolute fidelity between the DTM and DoDI is imperative. I will do my utmost to incorporate your changes on the DTM into like DoDI language.

Dates are important too . . . I plugged in target dates based on Tony's chart, but welcome your thoughts as to advisability.

Appreciate anything you can to do move this as quickly as feasible.

Thanks much -- S

From: Levine, Peter K HON (US)
Sent: Tuesday, April 26, 2016 7:17 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) (b)(6) USARMY (US); Weiler, Todd A HON (US); (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) (b)(6) CIV OSD OGC (US); Ruark, Robert R LtGen USMC OSD OUSD P-R (US)
Subject: RE: TG - Revised Guidance on In-Service Transition

Tony -

I still think this needs more work in-house before we are ready to circulate. I'd be happy to meet with the team again as soon as we can get it set up.

Thanks,

Peter

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, April 26, 2016 4:43 PM
To: Levine, Peter K HON (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) USARMY (US); Weiler, Todd A HON (US); (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Ruark, Robert R LtGen USMC OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: TG - Revised Guidance on In-Service Transition

Mr. Levine

Attached are two versions of the same product - the guidance on in-service gender transition. One copy includes the numerous track changes so we can all see the evolution. It is difficult to read, so I also included a "clean" version, but highlighted in yellow those areas where we made changes.

Considering that the other product - a draft DTM that encompasses ALL TG policy - mostly describes changes concerning in-service transition, (b)(5)

(b)(5)
For tomorrow's meeting, to focus our time together, I propose we focus solely on the transition document and provide it as a table drop for attendees.

Standing by for any further rudder orders.
VR/Tony

Tony Kurta
OUSD P&R - M&RA
Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)
(b)(6) (Office)
(b)(6) (Cell)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, April 26, 2016 4:43 PM
To: Levine, Peter K HON (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) (b)(6) USARMY (US); Weiler, Todd A HON (US); (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Ruark, Robert R LtGen USMC OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: TG - Revised Guidance on In-Service Transition
Attachments: DoDI Gender Transition Clean highlighted.docx; DoDI Gender Transition draft with track changes.docx

Mr. Levine

Attached are two versions of the same product - the guidance on in-service gender transition. One copy includes the numerous track changes so we can all see the evolution. It is difficult to read, so I also included a "clean" version, but highlighted in yellow those areas where we made changes.

Considering that the other product - a draft DTM that encompasses ALL TG policy - mostly describes changes concerning in-service transition, (b)(5)

(b)(5)

For tomorrow's meeting, to focus our time together, I propose we focus solely on the transition document and provide it as a table drop for attendees.

Standing by for any further rudder orders.

VR/Tony

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)

(b)(6) (Office)
(b)(6) (Cell)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Monday, April 25, 2016 9:16 AM
To: (b)(6) CIV OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Two Transgender drafts

Thanks (b)(6) The DTM deals with all TG policy, the DoDI deals only with In-Service Transition. I appreciate your quick thoughts on this. Are you available to attend the 0930 with Mr. Levine?
Tony

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Monday, April 25, 2016 9:06 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Two Transgender drafts

Tony,

(b)(5)

Standing by to discuss,

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

(b)(6)

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Monday, April 25, 2016 7:07 AM

To: Barna, Stephanie A SES OSD OUSD P-R (US)

Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD OUSD P-R (US)

Subject: RE: Two Transgender drafts

(b)(6)

I meet with Mr Levine at 0930. You'll see from the documents I sent that since we didn't/couldn't agree on "separation" language, Mr Levine added it himself. If I can get a steer on your thoughts about that language prior to my mtng with him, that would be helpful.

Tony

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Friday, April 22, 2016 9:37 PM

To: Barna, Stephanie A SES OSD OUSD P-R (US)

Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US)

Subject: RE: Two Transgender drafts

Ms. Barna

My comments embedded. I would make a few over-arching comments:

(b)(5)

3) With a TSRWG on Wednesday, and such fundamental changes in approach, I suggest we schedule now a closely timed follow on TSRWG. If we get these documents out Monday, at best, the Services will not be positioned to digest such changes and do anything more than offer WG only reactions to a new approach. We won't have anything near Service positions. Nothing wrong with that approach, we'll just need to introduce the concept(s), then ask them to come back in a week with their thoughts.

VR/Tony

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)

Sent: Friday, April 22, 2016 7:01 PM

To: Kurta, Anthony M SES OSD OUSD P-R (US)

Subject: FW: Two Transgender drafts

Tony -- Peter's edits on both docs. He'd like you and I (and whomever else you might designate) to go over these (preferably before our TG update on Monday) to assess and provide feedback (either adopting edits or proposing alternatives).

Thanks, S

-----Original Message-----

From: Levine, Peter K HON (US)

Sent: Friday, April 22, 2016 6:03 PM

To: Barna, Stephanie A SES OSD OUSD P-R (US)

Subject: Two Transgender drafts

Thanks, Stephanie!

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Monday, April 25, 2016 7:07 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: RE: Two Transgender drafts

(b)(6)
I meet with Mr Levine at 0930. You'll see from the documents I sent that since we didn't/couldn't agree on "separation" language, Mr Levine added it himself. If I can get a steer on your thoughts about that language prior to my mtng with him, that would be helpful.
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Sent: Friday, April 22, 2016 9:37 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: RE: Two Transgender drafts

Ms. Barna

My comments embedded. I would make a few over-arching comments:

(b)(5)

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VR/Tony

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Sent: Friday, April 22, 2016 7:01 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: FW: Two Transgender drafts

Tony -- Peter's edits on both docs. He'd like you and I (and whomever else you might designate) to go over these (preferably before our TG update on Monday) to assess and provide feedback (either adopting edits or proposing alternatives).

Thanks, S

-----Original Message-----

From: Levine, Peter K HON (US)
Sent: Friday, April 22, 2016 6:03 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: Two Transgender drafts

Thanks, Stephanie!

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Saturday, April 23, 2016 5:37 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Subject: RE: Two Transgender drafts

Tony -- have reviewed all -- thanks for sending this. A couple of thoughts . . .

(b)(5)

(3) I think Peter will embrace the multiple meeting strategy. He's met with several of the Service 1s and Vices; has discussed his thoughts on TG with each and he believes they were receptive across the board. That said, I know that he seeks a genuine accord and trusts your sense of where the Work Group "is" in its views.

If you could continue to seek input Karen and legal on the language you marked, that would be great.

All-in-all, think we'll have good engagement (and potentially some resolution) at the prep session on Monday AM. Can decide at that time if/how to proceed with Wed meeting and whether we should disseminate product in advance.

Thanks, S

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Friday, April 22, 2016 9:37 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: RE: Two Transgender drafts

Ms. Barna

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(b)(5)

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VR/Tony

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Sent: Friday, April 22, 2016 7:01 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: FW: Two Transgender drafts

Tony -- Peter's edits on both docs. He'd like you and I (and whomever else you might designate) to go over these (preferably before our TG update on Monday) to assess and provide feedback (either adopting edits or proposing alternatives).

Thanks, S

-----Original Message-----

From: Levine, Peter K HON (US)
Sent: Friday, April 22, 2016 6:03 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: Two Transgender drafts

Thanks, Stephanie!

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Wednesday, February 25, 2015 11:42 AM
To: Wright, Jessica L HON OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US)
Subject: FW: Army Proposed ALARACT -- Transgender and Gender Dysphoria
Attachments: FINAL Draft ALARACT - Transgender Separations (11 FEB 2015) sb suggestio....docx

Ma'am -- please see below Mr. Koffsky's discussion of the DRAFT Army ALARACT. Have attached the ALARACT to assist in your review.

Please don't hesitate to let us know if you would like to discuss further or would like additional information.

Also . . . at yesterday's DHRB, (b)(6) pulled me aside and emphasized Army's interest in moving forward. I told her that we would contact her once we had fulfilled your request that we consult with Mr. Koffsky and secured your further guidance on the matter.

Vr, S

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Wednesday, February 25, 2015 10:20 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OGC (US)
Subject: FW: Army Proposed ALARACT -- Transgender and Gender Dysphoria

Dr. B--

(b)(5)



(b)(5)

Many thanks--

Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense

(b)(6)

~~Caution. This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Tuesday, February 24, 2015 8:19 PM
To: Koffsky, Paul S SES OSD OGC (US)
Subject: Army Proposed ALARACT -- Transgender and Gender Dysphoria

Dear Dr. K --Secretary Wright asked that I discuss with you the attached ALARACT, proposed by the Army to govern the processing of separations of Transgender personnel and those diagnosed with Gender Dysphoria. Mrs. Wright has two concerns:

(b)(5)

Would be pleased to discuss some time tomorrow if you have a moment.

Best -- S

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Tuesday, February 24, 2015 8:19 PM
To: Koffsky, Paul S SES OSD OGC (US)
Subject: Army Proposed ALARACT -- Transgender and Gender Dysphoria
Attachments: FINAL Draft ALARACT - Transgender Separations (11 FEB 2015) sb suggestio....docx

Dear Dr. K --Secretary Wright asked that discuss with you the attached ALARACT, proposed by the Army to govern the processing of separations of transgender personnel and those diagnosed with Gender Dysphoria. (b)(6) has two concerns:

(b)(5)



Best -- S

From: (b)(6) CIV OSD OGC (US)
Sent: Thursday, June 30, 2016 1:24 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OGC (US); (b)(6) USAF OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: FW: Estimate of U.S. Transgender Population Doubles to 1.4 Million Adults

All,
FYSA,

NYT article below (published today) reports on a recent study by Williams Institute that effectively doubles the institute's estimate of the size of the U.S. TG population. The previous Williams Institute Study was one of the population estimates used by RAND in their calculations - not the only estimate they used, but one that factored into their analysis.

v/r

(b)(6)

New York Times: Estimate of U.S. Transgender Population Doubles to 1.4 Million Adults
By JAN HOFFMAN, June 30, 2016

About 1.4 million adults in the United States identify as transgender, double a widely used previous estimate, according to an analysis based on new federal and state data.

As the national debate escalates over accommodations for transgender people, the new figure, though still just 0.6 percent of the adult population, is likely to raise questions about the sufficiency of services to support a population that may be larger than many policy makers assumed.

"There's a saying: 'You don't count in policy circles until someone counts you,'" said Gary J. Gates, a demographer and former research director of the group that did the analysis, the Williams Institute at the U.C.L.A. School of Law, which focuses on law and policy issues related to sexual orientation and gender identity.

The Williams Institute is the same research group that produced a widely-accepted estimate five years ago. Its new number was drawn from a much larger federal database than it used to reach the earlier projection of 0.3 percent, or 700,000 people.

Noting that younger adults, between the ages of 18 and 24, were more likely than older ones to say they were transgender, researchers said that the new estimates reflected in part a growing social awareness of transgender identity.

The analysis may also highlight the limits of self-reporting in obtaining definitive data. In some states seen as more accepting, more adults identified themselves as transgender. In states perceived as more resistant, fewer adults did so, even though the surveys were anonymous.

The new figures were drawn from a question that 19 states elected to pose in 2014 as part of the Centers for Disease Control and Prevention's Behavioral Risk Factor Surveillance System, a comprehensive telephone health survey. The researchers also used Census Bureau data to develop population estimates in the other 31 states.

Mara Keisling, the executive director of the National Center for Transgender Equality, an advocacy and education organization based in Washington, welcomed the new estimates and predicted that, in time, they would continue to rise. As she looked at the state figures, she pointed to North Carolina, currently ground zero for contested legislation about bathroom accessibility and antidiscrimination policies. Researchers estimated that state's population of transgender people to be 44,750.

"Even if it's 40,000 or 30,000, that's a lot more than they thought," Ms. Keisling said. "That helps us to say, 'Don't use us politically — you have to do something right by us. There are a lot of us living in your state.'"

Kerith Conron, a social epidemiologist at The Fenway Institute in Boston, which develops health programs for gay, lesbian, bisexual and transgender people, among others, said that the new numbers could have an effect on planning support services more effectively.

"This shows trans elders who need gender-affirming services in nursing homes," she said. "Trans adults will need good health care. And, looking ahead, there will be more trans youth who are economically vulnerable and required to be at school."

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

(b)(6)

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

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From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 10:35 PM
To: Koffsky, Paul S SES OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

So . . . we had these paras in the document well before the inclusion of the privacy language.

(b)(5)

Tony?

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Wednesday, June 29, 2016 10:18 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)
Subject: Fw: Best I can do at the moment -- please, please keep incredibly close hold
Importance: High

(b)(5)

Sent from my BlackBerry 10 smartphone.

Original Message

From: Koffsky, Paul S SES OSD OGC (US) <(b)(6)>
Sent: Wednesday, June 29, 2016 5:25 PM
To: (b)(6) CIV OSD OGC (US)
Cc: Casciotti, John A SES OSD OGC (US); Easton, Robert E SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US)
Subject: FW: Best I can do at the moment -- please, please keep incredibly close hold

(b)(6) My comments are attached.

Many thanks--Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense

(b)(6)

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-----Original Message-----

From: Penrod, Virginia S SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 4:17 PM
To: Koffsky, Paul S SES OSD OGC (US)
Subject: FW: Best I can do at the moment -- please, please keep incredibly close hold
Importance: High

Paul: I haven't opened yet, just got this since my email has been down. But wanted to get to you soonest

Vee Penrod
P&R Chief of Staff

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From: Park, P R (Rob) SES USARMY HQDA OGC (US)
Sent: Friday, February 20, 2015 1:12 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: Wada, Debra S HON USARMY HQDA ASA MRA (US); Kotila, Brodi J SES USARMY HQDA SECARMY (US); (b)(6) CIV USARMY HQDA ASA MRA (US); (b)(6) CIV USARMY HQDA OGC (US); (b)(6) CIV USARMY HQDA (US)
Subject: FW: Meeting this afternoon re ALARACT (UNCLASSIFIED)
Attachments: FINAL Draft ALARACT - Transgender Separations (11 FEB 2015) sb suggestion.docx
Follow Up Flag: Follow up
Flag Status: Completed

Classification: UNCLASSIFIED
Caveats: NONE

Stephanie, Tony, Bear, Juliet, (b)(6)

(b)(5)

Thanks for sitting down with us yesterday and for providing your comments.
Have a great weekend,

Rob Park
Army OGC

(b)(6)

-----Original Message-----

From: Park, P R (Rob) SES USARMY HQDA OGC (US)
Sent: Thursday, February 19, 2015 6:29 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: RE: Meeting this afternoon re ALARACT (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi Stephanie,

(b)(5)

(b)(5)



Rob Park

Army OGC

(b)(6)



Classification: UNCLASSIFIED

Caveats: NONE

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From: Beyler, Juliet M SES OSD OUSD P-R (US)
Sent: Thursday, December 18, 2014 4:49 PM
To: (b)(6) CIV OSD OGC (US)
Cc: (b)(6) CIV OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: ACLU letter to Coast Guard
Attachments: ACLU Letter to TSG Re (b)(6).pdf; OTSG Response to ACLU Letter v4 (24NOV14) (4).docx; ACLU LETTER_DEC2014.pdf; Fw: ACLU LEGAL DEPARTMENT PACKAGE FOR (b)(6) (668 KB)

(b)(6)

I know we haven't met yet, but welcome to the MPP portfolio! As part of your onboarding, we will immediately start bombarding you with difficult questions.

(b)(5)

Again, welcome to the team!
Best/Juliet

-----Original Message-----

From: Beyler, Juliet M SES OSD OUSD P-R (US)
Sent: Tuesday, November 25, 2014 12:09 PM
To: Schwenk, James R SES OSD OGC (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
Subject: RE: (UNCLASSIFIED)

Jim,

(b)(5)

-----Original Message-----

From: Schwenk, James R SES OSD OGC (US)
Sent: Monday, November 24, 2014 4:28 PM

To: (b)(6) CIV OSD OUSD P-R (US); Beyler, Juliet M SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: FW: (UNCLASSIFIED)

(b)(6);/Juliet: (b)(5)

(b)(5) Thanks. Jim

-----Original Message-----

From: (b)(6) IV USARMY HQDA (US)
Sent: Monday, November 24, 2014 4:21 PM
To: Schwenk, James R SES OSD OGC (US); Casciotti, John A SES OSD OGC (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USAF OSD OUSD P-R (US)
Cc: (b)(6) CIV USN (US); (b)(6) USARMY HODA ASA MRA (US); (b)(6) USARMY HQDA OTJAG (US); (b)(6) COL USARMY HQDA OTJAG (US); (b)(6) CIV USARMY HQDA OGC (US)
Subject: (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen-

(b)(5)

Thanks in advance!

(b)(6)

(b)(6)

Office of the Army General Counsel

(b)(6)

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Classification: UNCLASSIFIED
Caveats: NONE

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From: Schwenk, James R SES OSD OGC (US); (b)(6)
Sent: Tuesday, November 25, 2014 7:10 AM
To: Casciotti, John A SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Beyler, Juliet M SES OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: Fw: ACLU LEGAL DEPARTMENT PACKAGE FOR (b)(6)
Attachments: ACLU ltr to ASN(M-RA) - Transgender Service Members - 11-19-14.pdf

FYI

----- Original Message -----

From: (b)(6) CIV ASN(M&RA) (b)(6)
Sent: Tuesday, November 25, 2014 12:03 PM Coordinated Universal Time
To: Schwenk, James R SES OSD OGC (US)
Cc: Woods, Robert L SES USN (US)
Subject: RE: ACLU LEGAL DEPARTMENT PACKAGE FOR (b)(6)

(b)(5)

SF/ (b)(6)

-----Original Message-----

From: Schwenk, James R SES OSD OGC (US) (b)(6)
Sent: Monday, November 24, 2014 5:21 PM
To: (b)(6) CIV ASN(M&RA)
Subject: Re: ACLU LEGAL DEPARTMENT PACKAGE FOR (b)(6)

(b)(5); (b)(6) SF/Jim

----- Original Message -----

From: Schwenk, James R SES OSD OGC (US)
Sent: Monday, November 24, 2014 04:36 PM Coordinated Universal Time
To: (b)(6) CIV ASN(M&RA) (b)(6)
Subject: RE: ACLU LEGAL DEPARTMENT PACKAGE FOR (b)(6)

(b)(5); (b)(6)

SF/Jim

-----Original Message-----

From: (b)(6) CIV ASN(M&RA) (b)(6)
Sent: Monday, November 24, 2014 10:44 AM
To: Schwenk, James R SES OSD OGC (US)
Cc: Davis, Anne R SES USN ASSTSECNAV MRA (US); Woods, Robert L SES USN (US) (b)(6) CIV USN OGC (US); (b)(6) CIV OSD OGC (US)
Subject: FW: ACLU LEGAL DEPARTMENT PACKAGE FOR (b)(6)

Jim,

(b)(5)

Thanks.

SF, (b)(6)

(b)(6)

Office of the Assistant General Counsel
(Manpower and Reserve Affairs)
Department of the Navy
1000 Navy Pentagon
Washington, D.C. 20350-1000

(b)(6)

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-----Original Message-----

From: (b)(6) CIV DIR, CORB

Sent: Monday, November 24, 2014 7:03 AM

To: Woods, Robert L SES ASN (M&RA), AGC; (b)(6) CIV ASN(M&RA)

Cc: (b)(6) ASN (M&RA), EA; (b)(6) ASN (M&RA), Front Office; Davis, Anne R SES ASN (M&RA), Principal Deputy

Subject: ACLU LEGAL DEPARTMENT PACKAGE FOR (b)(6)

Mr. Woods, (b)(6)

(b)(5)

r//Jeff

(b)(6)

Director
Secretary of the Navy
Council of Review Boards

720 Kennon St SE, (b)(6)
Washington Navy Yard, DC
20374

Office - (b)(6)
FAX - (b)(6)

From: (b)(6) CIV OSD OGC (US)
Sent: Wednesday, June 29, 2016 9:06 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: Commander Quick Look 28 June - OGC

(b)(5)



(b)(6)




(b)(6)



Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)
Room
email:



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From: Schwenk, James R SES OSD OGC (US)
Sent: Wednesday, November 19, 2014 10:52 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US); (b)(6) (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); Beyler, Juliet M SES OSD OUSD P-R (US)
Subject: FW: Coordination on SD read-ahead re (b)(6) (UNCLASSIFIED)
Attachments: SECDEF read-ahead SECARMY 24 Nov-1552.doc

Stephanie/Tony: please see the attached. (b)(5)
(b)(5) Jim

-----Original Message-----

From: Casciotti, John A SES OSD OGC (US)
Sent: Wednesday, November 19, 2014 10:41 AM
To: Schwenk, James R SES OSD OGC (US)
Subject: FW: Coordination on SD read-ahead re (b)(6) (UNCLASSIFIED)

FYI

-----Original Message-----

From: Park, P R (Rob) SES USARMY HQDA OGC (US)
Sent: Tuesday, November 18, 2014 6:04 PM
To: Preston, Stephen W HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Hostetler, Darrin A SES OSD OGC (US)
Cc: Easton, Robert E SES OSD OGC (US); Casciotti, John A SES OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USMC OSD OGC (US); (b)(6) CIV USARMY HQDA (US)
Subject: FW: Coordination on SD read-ahead re (b)(6) (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Stephen, Bob, Paul, Darrin,

(b)(5)

Thanks so much, and I'm sorry for the quick turn.

Rob Park
Army OGC

(b)(6)

-----Original Message-----

From: Park, P R (Rob) SES USARMY HQDA OGC (US)

Sent: Tuesday, November 18, 2014 5:54 PM

To: Wada, Debra S HON USARMY HQDA ASA MRA (US); Schneider, Karl F SES (US);
Darpino, Flora D LTG USARMY HQDA (US); Ayres, Thomas E MG USARMY HQDA OTJAG
(US); Inch, Mark S MG USARMY USACIDC (US); Carvalho, Joseph Jr. (Joe) MG
USARMY HQDA OTSG (US)

Cc: Grisoli, William T (Bill) LTG USARMY HQDA DAS (US); (b)(6)
(b)(6) CIV USARMY HQDA ASA-MRA (US); (b)(6) CIV USARMY CORRECTIONS
CMD (US); (b)(6) USARMY HQDA ASA MRA (US); (b)(6)
USARMY HQDA OTJAG (US); (b)(6) USARMY HQDA OTJAG (US);
(b)(6) CIV USARMY HQDA OGC (US); (b)(6) CIV USARMY HQDA
(US); (b)(6) USARMY (US)

Subject: Coordination on SD read-ahead re (b)(6) (UNCLASSIFIED)

Importance: High

Classification: UNCLASSIFIED

Caveats: NONE

Colleagues,

(b)(5)

Rob Park
Army OGC

(b)(6)

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

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From: (b)(6) CIV OSD OGC (US)
Sent: Thursday, April 21, 2016 2:45 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: TG WG Meeting next week

Tony,

(b)(5)

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone
Room
email:

(b)(6)

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, April 21, 2016 2:29 PM
To: (b)(6) CIV OSD OGC (US)
Cc: Gearhart, Lee P COL USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: TG WG Meeting next week

OK, thanks (b)(5); (b)(6)

(b)(5)

Tony

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Thursday, April 21, 2016 2:08 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: TG WG Meeting next week

Tony,

(b)(5)

V/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone
Room
email:

(b)(6)

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, April 21, 2016 12:22 PM
To: (b)(6) CIV OSD OGC (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: TG WG Meeting next week

Thx (b)(6)

Tony

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Thursday, April 21, 2016 12:21 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: TG WG Meeting next week

Tony,
I'm still looking over the case. I'll have a recommendation for you NLT tomorrow.

v/r
(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone
Room
email

(b)(6)

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Thursday, April 21, 2016 11:56 AM

To: (b)(6) CIV OSD OGC (US)

Cc: (b)(6) USARMY OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US)

Subject: TG WG Meeting next week

(b)(6)

Is there any value to the WG to having OGC review the recent Federal TG case and either its implications on potential DoD policy and/or a review of the OGC opinion?
Tony

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room

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(b)(6) (Cell)

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From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, June 30, 2016 7:25 AM
To: Koffsky, Paul S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

Thank you sir!!

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Thursday, June 30, 2016 7:22 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

Tony--

(b)(5)

Many thanks--Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense

(b)(5)

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, June 30, 2016 6:34 AM
To: Koffsky, Paul S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

Paul, in receipt. (b)(5)

(b)(5)

Tony

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Thursday, June 30, 2016 6:31 AM
To: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: Re: Best I can do at the moment -- please, please keep incredibly close hold

Katherine, Stephanie, and Tony,

Please see suggested language below. Paul

Sent from my BlackBerry 10 smartphone.

Original Message

From: O'Connor, Jennifer M HON OSD OGC (US)

Sent: Thursday, June 30, 2016 6:20 AM

To: Koffsky, Paul S SES OSD OGC (US)

Subject: Re: Best I can do at the moment -- please, please keep incredibly close hold

Can you send to Tony, Stephanie and Katherine?

Sent from my BlackBerry 10 smartphone.

Original Message

From: Koffsky, Paul S SES OSD OGC (US)

Sent: Thursday, June 30, 2016 6:19 AM

To: O'Connor, Jennifer M HON OSD OGC (US)

Subject: Re: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

Sent from my BlackBerry 10 smartphone.

Original Message

From: Koffsky, Paul S SES OSD OGC (US)

Sent: Thursday, June 30, 2016 5:56 AM

To: O'Connor, Jennifer M HON OSD OGC (US)

Subject: Re: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

Sent from my BlackBerry 10 smartphone.

Original Message

From: O'Connor, Jennifer M HON OSD OGC (US)

Sent: Thursday, June 30, 2016 5:27 AM

To: Koffsky, Paul S SES OSD OGC (US)

Subject: Fw: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

Sent from my BlackBerry 10 smartphone.

Original Message

From: Carroll, Katherine SES SD (b)(6)

Sent: Thursday, June 30, 2016 5:14 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)

Cc: O'Connor, Jennifer M HON OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

Ok, I will look before 8 and Jen/Paul please confirm if you are ok on this point, we can discuss live at 8

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US) [mailto:(b)(6)]
Sent: Thursday, June 30, 2016 5:03 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Carroll, Katherine SES SD; Koffsky, Paul S SES OSD OGC (US); (b)(6)
(b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

concur

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 10:42 PM
To: Carroll, Katherine SES SD; Koffsky, Paul S SES OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]
Sent: Wednesday, June 29, 2016 10:38 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

We can address this in the guidance if need be. Does anyone see a problem with that?

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US) [mailto:(b)(6)]
Sent: Wednesday, June 29, 2016 10:35 PM
To: Koffsky, Paul S SES OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

Tony?

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)

Sent: Wednesday, June 29, 2016 10:18 PM

To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)

Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)

Subject: Fw: Best I can do at the moment -- please, please keep incredibly close hold

Importance: High

All,

(b)(5)

Many thanks, Paul

Sent from my BlackBerry 10 smartphone.

Original Message

From: Koffsky, Paul S SES OSD OGC (US); (b)(6)

Sent: Wednesday, June 29, 2016 5:25 PM

To: (b)(6) CIV OSD OGC (US)

Cc: Casciotti, John A SES OSD OGC (US); Easton, Robert E SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US);

O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USAF OSD OGC (US);

(b)(6) USARMY OSD OGC (US)

Subject: FW: Best I can do at the moment -- please, please keep incredibly close hold

(b)(6) My comments are attached.

Many thanks--Paul

Paul S. Koffsky

Deputy General Counsel

(Personnel & Health Policy)

Department of Defense

(b)(6)

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-----Original Message-----

From: Penrod, Virginia S SES OSD OUSD P-R (US)

Sent: Wednesday, June 29, 2016 4:17 PM

To: Koffsky, Paul S SES OSD OGC (US)

Subject: FW: Best I can do at the moment -- please, please keep incredibly close hold

Importance: High

Paul: I haven't opened yet, just got this since my email has been down. But wanted to get to you soonest

Vee Penrod

P&R Chief of Staff

(b)(6)

A rectangular gray box used to redact information, likely a signature or contact details.

From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, June 28, 2016 5:01 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) CIV OSD HA (US);
(b)(6) CIV OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J
SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); Kurta,
Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R
(US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USAF OSD OGC (US);
(b)(6) USARMY OSD OGC (US); Taylor, Robert S SES OSD OGC
(US); O'Connor, Jennifer M HON OSD OGC (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios
Attachments: Examples of Challenging Transgender Cases - OGC.docx

(b)(5)

(b)(6)
(b)(6)
Office of the Deputy General Counsel for
Personnel and Health Policy
Phone (b)(6)
Room
email:

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 2:37 PM
To: (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US);
Casciotti, John A SES OSD OGC (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R
(US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: Questions from SD: Examples of Challenging TG Scenarios

(b)(6) -- Please find attached the "Examples of Challenging Transgender" Scenarios as requested by SD (#11 below). Would appreciate your review today if feasible given the COB suspense.

Thank you,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)
(b)(6)
(b)(6)

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]
Sent: Tuesday, June 28, 2016 8:34 AM
To: Levine, Peter K HON (US); Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Guice, Karen S SES (US)
Cc: (b)(6) USARMY (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV SD; (b)(6) CIV (US); O'Connor, Jennifer M HON OSD OGC (US)
Subject: Questions from SD

(b)(5)

(b)(5)



Best regards,
Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)



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From: (b)(6) CIV OSD OGC (US)
Sent: Wednesday, October 14, 2015 5:08 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: AFR Concerns over Passports

Tony,

(b)(5)

v/r

(b)(6)

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)

Room

email:

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From: Schwenk, James R SES OSD OGC (US)
Sent: Friday, May 16, 2014 9:05 AM
To: Vollrath, Frederick E HON (US)
Cc: Koffsky, Paul S SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); Mayo, Jeffrey R SES OSD OUSD P-R (US); Beyler, Juliet M SES OSD OUSD P-R (US)
Subject: FW: Policies with respect to Transgender Service members -- Comparative Inquiry (UNCLASSIFIED)

Fred: FYI, see below.. (b)(5)

(b)(5) Hope all is well. Jim

-----Original Message-----

From: Casciotti, John A SES OSD OGC (US)
Sent: Friday, May 16, 2014 8:56 AM
To: (b)(6) CIV (US)
Cc: (b)(6) CIV USARMY HQDA SECARMY (US); Schwenk, James R SES OSD OGC (US)
Subject: RE: Policies with respect to Transgender Service members -- Comparative Inquiry (UNCLASSIFIED)

(b)(6) -- See below from SecArmy's office. (b)(5)
John

-----Original Message-----

From: (b)(6) CIV USARMY HQDA SECARMY (US)
Sent: Thursday, May 15, 2014 5:32 PM
To: Casciotti, John A SES OSD OGC (US)
Subject: Policies with respect to Transgender Service members -- Comparative Inquiry (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi there Mr. Casciotti,

(b)(5)

Thanks so much for any insight you can provide! =) I realize there may be country-specific point people on this issue.

Best,

(b)(6)

--
(b)(6)

(b)(6)

Office of the Under Secretary of the Army

102 Army Pentagon

Room (b)(6)

Washington DC 20310

Phone: (b)(6)

E-mail: (b)(6)

Fax (b)(6)

Blackberry: (b)(6)

Classification: UNCLASSIFIED

Caveats: NONE

(b)(5)

(b)(5)

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(b)(5)

From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, October 13, 2015 9:06 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Gearhart, Lee P COL USARMY OSD OUSD P-R (US)
Subject: RE: TSRWG Questions

Tony,

(b)(5)

V/T

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)

Room

email:

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Tuesday, October 13, 2015 7:04 AM

To: (b)(6) CIV OSD OGC (US)

Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: RE: TSRWG Questions

(b)(5); (b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)

Sent: Friday, October 09, 2015 4:21 PM

To: Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US)

Subject: RE: TSRWG Questions

Tony,

(b)(5)

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)

Room

email

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Wednesday, October 07, 2015 5:16 PM

To: (b)(6) IV OSD OGC (US)

Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US)

Subject: TSRWG Questions

(b)(6)

(b)(5)

Tony

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy)

Room (b)(6)

(b)(6) (Office)

(Cell)

From: (b)(6) CIV OSD OGC (US)
Sent: Wednesday, June 29, 2016 12:37 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US); (b)(6) (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); Guice, Karen S SES (US); Hebert, Lernes J SES OSD OUSD P-R (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US); Casciotti, John A SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US); Easton, Robert E SES OSD OGC (US); Koffsky, Paul S SES OSD OGC (US)
Subject: RE: TG Q&A
Attachments: TG Policy QA - OGC.docx

All,
Attached please find OGC edits and comments to the Q&A document. This chop reflects edits and comments up to DGC Paul Koffsky; the GC FO may provide more input at a later time.

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone
Room
email:

(b)(6)

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 7:28 AM
To: Koffsky, Paul S SES OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US); Easton, Robert E SES OSD OGC (US)
Subject: RE: TG Q&A

Paul, got 'em. Many thanks.

Tony

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)

Sent: Wednesday, June 29, 2016 7:27 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USAF OSD OGC (US);

(b)(6) USARMY OSD OGC (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US); Easton, Robert E SES OSD OGC (US)

Subject: FW: TG Q&A

Tony--

Please see two comments from Ms. O'Connor, next under.

Many thanks--Paul

Paul S. Koffsky

Deputy General Counsel

(Personnel & Health Policy)

Department of Defense

Phone (b)(6)

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-----Original Message-----

From: O'Connor, Jennifer M HON OSD OGC (US)

Sent: Tuesday, June 28, 2016 10:20 PM

To: (b)(6) CIV OSD OGC (US); Easton, Robert E SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US)

Cc: Koffsky, Paul S SES OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USARMY OSD

OGC (US); (b)(6) USAF OSD OGC (US)

Subject: Re: TG Q&A

(b)(5)

Sent from my BlackBerry 10 smartphone.

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From: (b)(6) CIV OSD OGC (US)
Sent: Wednesday, April 13, 2016 11:26 AM
To: (b)(6) CIV OSD OGC (US)
Subject: DNE Rescission and Re-delegation
Attachments: DNE Recission & Redelegation - Dec 15.pdf; DNE recision of delagation - Modification.pdf; RE: Several Statutes listed are not tied to this Declaration of National... (10.6 KB); CRS Report for Congress National Emergency Powers (Updated Aug 2007).pdf

(b)(5); (b)(6)



(b)(6)




(b)(6)



Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)
Room
email



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From: (b)(6) OSD OGC (US)
Sent: Monday, April 25, 2016 9:06 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Subject: RE: Two Transgender drafts
Attachments: TG DTM Draft 22 Apr_a (2) - DJG - 4-25-16.doc

Tony.

(b)(5)

Standing by to discuss,

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

(b)(6)

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Monday, April 25, 2016 7:07 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD OUSD P-R (US)
Subject: RE: Two Transgender drafts

(b)(6)

I meet with Mr Levine at 0930. You'll see from the documents I sent that (b)(5)
(b)(5) If I can get a steer on your thoughts about that language prior to my
mtng with him, that would be helpful.
Tony

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Friday, April 22, 2016 9:37 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Hebert, Lernes J SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Gearhart, Lee P COL USARMY
OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: RE: Two Transgender drafts

Ms. Barna

My comments embedded. I would make a few over-arching comments:

(b)(5)

3) With a TSRWG on Wednesday, and such fundamental changes in approach, I suggest we schedule now a closely timed follow on TSRWG. If we get these documents out Monday, at best, the Services will not be positioned to digest such changes and do anything more than offer WG only reactions to a new approach. We won't have anything near Service positions. Nothing wrong with that approach, we'll just need to introduce the concept(s), then ask them to come back in a week with their thoughts.

VR/Tony

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Friday, April 22, 2016 7:01 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: FW: Two Transgender drafts

Tony -- Peter's edits on both docs. He'd like you and I (and whomever else you might designate) to go over these (preferably before our TG update on Monday) to assess and provide feedback (either adopting edits or proposing alternatives).

Thanks, S

-----Original Message-----

From: Levine, Peter K HON (US)
Sent: Friday, April 22, 2016 6:03 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: Two Transgender drafts

Thanks, Stephanie!

From: (b)(6) USARMY OSD OUSD P-R (US)
Sent: Wednesday, June 22, 2016 4:09 PM
To: (b)(6) CIV OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: Instructions Needing Revision
Attachments: TG Policy.xlsx

(b)(6)
Attached is what I have compiled thus far.

v/r,

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Wednesday, June 22, 2016 3:53 PM
To: (b)(6) USARMY OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: Instructions Needing Revision

(b)(6),

(b)(5)

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone

Room

email:

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From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Thursday, June 30, 2016 5:02 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 10:35 PM
To: Koffsky, Paul S SES OSD OGC (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)
Subject: RE: Best I can do at the moment -- please, please keep incredibly close hold

(b)(5)

Tony?

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Wednesday, June 29, 2016 10:18 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Cc: O'Connor, Jennifer M HON OSD OGC (US); Carroll, Katherine SES SD; Casciotti, John A SES OSD OGC (US)
Subject: Fw: Best I can do at the moment -- please, please keep incredibly close hold
Importance: High

All,

(b)(5)

Many thanks, Paul

Sent from my BlackBerry 10 smartphone.

Original Message

From: Koffsky, Paul S SES OSD OGC (US); (b)(6)
Sent: Wednesday, June 29, 2016 5:25 PM

To: (b)(6) CIV OSD OGC (US)
Cc: Casciotti, John A SES OSD OGC (US); Easton, Robert E SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US);
O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USAF OSD OGC (US);
(b)(6) USARMY OSD OGC (US)
Subject: FW: Best I can do at the moment -- please, please keep incredibly close hold

(b)(6) My comments are attached.

Many thanks--Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense
Phone (b)(6)

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-----Original Message-----

From: Penrod, Virginia S SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 4:17 PM
To: Koffsky, Paul S SES OSD OGC (US)
Subject: FW: Best I can do at the moment -- please, please keep incredibly close hold
Importance: High

Paul: I haven't opened yet, just got this since my email has been down. But wanted to get to you soonest

Vee Penrod
P&R Chief of Staff

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From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, June 07, 2016 2:14 PM
To: Sena, F Michael CIV OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US)
Subject: RE: LGBT celebration briefing card
Attachments: 2016 LGBT PRIDE MONTH BRIEFING CARD OGC Edits.docx

Mike,

(b)(6)

V/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone

Room

email:

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, June 07, 2016 2:06 PM
To: (b)(6) CIV OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US)
Subject: RE: LGBT celebration briefing card

(b)(6)

(b)(5)

V/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for

Personnel and Health Policy

Phone (b)(6)
Room
email:

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: (b)(6) OSD OUSD P-R (US)
Sent: Tuesday, June 07, 2016 10:12 AM
To: (b)(6) CIV OSD OGC (US)
Subject: FW: LGBT celebration briefing card

(b)(6) Does OGC have an issue with the OSD/PA briefing card. I need to get a chop from EDFR today.

Thanks,

(b)(6)

(b)(6)

Office of Diversity Management and Equal Opportunity
4000 Defense Pentagon - Room (b)(6)
Washington, DC 20301-4000

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Friday, June 03, 2016 4:30 PM
To: (b)(6) CIV OSD OGC (US); (b)(6) CIV (US); (b)(6) USARMY OSD OUSD P-R (US)
Cc: (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6)
Subject: FW: LGBT celebration briefing card

(b)(6) - another item for your coordination. This is an OSD/PA Briefing Card on LGBT. I am good with the briefing card.

Please let me know if you have any issues.

v/r

(b)(6)

(b)(6)

Office of Diversity Management and Equal Opportunity
4000 Defense Pentagon - Room (b)(6)
Washington, DC 20301-4000

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD PA (US)

Sent: Friday, June 03, 2016 4:22 PM

To: (b)(6) OSD OUSD P-R (US); (b)(6) CIV (US); (b)(6) CIV OSD OGC (US); (b)(6)

(b)(6) USARMY OSD OUSD P-R (US)

Cc: (b)(6) CTR (US); (b)(6) CTR (US); Johnson, Clarence A SES OSD OUSD P-R (US); (b)(6)

(b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)

Subject: LGBT celebration briefing card

(b)(6) - please see the updated briefing card (attached.) Can you clear this through ODMEQ and hand off to (b)(6) for FR clearance and P&R clearance? Thanks!

(b)(6)

DoD Spokesman, Defense Press Office

Office of the Secretary of Defense

Pentagon, Room (b)(6)

Office: (b)(6)

BlackBerry: (b)(6)

Email: (b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)

Sent: Friday, June 03, 2016 3:50 PM

To: (b)(6) CIV (US); (b)(6) CIV OSD OGC (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD PA (US)

Cc: (b)(6) CTR (US); (b)(6) CTR (US); (b)(6) CIV OSD OUSD P-R (US); Johnson, Clarence A SES OSD OUSD P-R (US)

Subject: RE: HOT --- SECDEF Proposed Message for LGBT

(b)(6) - here you go

-----Original Message-----

From: (b)(6) CIV OSD OUSD P-R (US)

Sent: Friday, June 03, 2016 3:00 PM

To: (b)(6) CIV (US); (b)(6) CIV WHS AD (US); (b)(6) CIV OSD OGC (US); (b)(6)

(b)(6) USARMY OSD OUSD P-R (US)

Cc: (b)(6) CTR (US); (b)(6) CTR (US); (b)(6) CIV OSD OUSD P-R (US)

(b)(6); Johnson, Clarence A SES OSD OUSD P-R (US)

Subject: HOT --- SECDEF Proposed Message for LGBT

All - electrons for hard package coming your way. OUSD(P&R) is looking for a coordination this afternoon (sorry for short suspense).

v/r

(b)(6)

(b)(6)

Office of Diversity Management and Equal Opportunity

4000 Defense Pentagon - Room
Washington, DC 20301-4000

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From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, May 20, 2016 9:44 AM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: RE: DRAFT DTM and DODI
Attachments: DoDI 20 May OGC.docx

Stephanie, et al.--

OGC-staff level comments are attached.

Many thanks--Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense
Phone (b)(6)

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-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Thursday, May 19, 2016 8:13 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USN OSD OUSD P-R (US)
Subject: DRAFT DTM and DODI

(b)(5)

Thanks again for all of the discussion and input today. Please know that it is greatly appreciated, particularly given all else that is ongoing. S

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From: Casciotti, John A SES OSD OGC (US)
Sent: Monday, May 16, 2016 10:44 AM
To: MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6)
(b)(6) CIV OSD OGC (US)
Subject: FW: TG DODI
Attachments: DoDI 13 May (DRAFT) - DJG Edits.docx; DoDI Gender Transition 10 May - OGC (128 KB)

Stephanie -- (b)(6) s out today. (b)(5)

(b)(5)

(b)(5) Hope this is helpful. -- John

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From: (b)(6) IV OSD OGC (US); (b)(6)
Sent: Tuesday, May 10, 2016 10:07 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OUSD P-R (US);
Casciotti, John A SES OSD OGC (US); (b)(6) USARMY OSD OUSD P-R
(US); MILLER, Stephanie P SES OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD
P-R (US)
Subject: DoDI Gender Transition 10 May - OGC
Attachments: DoDI Gender Transition 10 May - OGC.docx

Tony,

(b)(5)

Thank you for sending this over. I'm standing by to discuss at your convenience.

v/r

(b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone: (b)(6)

Room

email:

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From: Carroll, Katherine SES SD
Sent: Friday, June 03, 2016 11:26 PM
To: Koffsky, Paul S SES OSD OGC (US)
Subject: Re: question re 180 days

Thanks Paul.

Katherine Carroll
Counselor to the Secretary

(b)(6)

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, June 3, 2016 8:22 PM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US); Levine, Peter K HON (US)
Subject: Re: question re 180 days

Katherine,

(b)(5)

Sent from my BlackBerry 10 smartphone.

From: Carroll, Katherine SES SD
Sent: Friday, June 3, 2016 6:29 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Levine, Peter K HON (US); Koffsky, Paul S SES OSD OGC (US)
Subject: question re 180 days

(b)(5)

Thank you!

Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)

From: Levine, Peter K HON (US)
Sent: Friday, June 03, 2016 9:12 PM
To: Koffsky, Paul S SES OSD OGC (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: Re: question re 180 days

(b)(5)

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, June 3, 2016 8:22 PM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US); Levine, Peter K HON (US)
Subject: Re: question re 180 days

Katherine,

(b)(5)

Sent from my BlackBerry 10 smartphone.

From: Carroll, Katherine SES SD
Sent: Friday, June 3, 2016 6:29 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Levine, Peter K HON (US); Koffsky, Paul S SES OSD OGC (US)
Subject: question re 180 days

(b)(5)

Thank you!

Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, June 03, 2016 8:23 PM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US); Levine, Peter K HON (US)
Subject: Re: question re 180 days

Katherine,

(b)(5)

A large rectangular area of the document is redacted with a solid gray fill.

Sent from my BlackBerry 10 smartphone.

From: Carroll, Katherine SES SD
Sent: Friday, June 3, 2016 6:29 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US); Levine, Peter K HON (US); Koffsky, Paul S SES OSD OGC (US)
Subject: question re 180 days

(b)(5)

A very large rectangular area of the document is redacted with a solid gray fill.

Thank you!

Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)

A small rectangular area of the document is redacted with a solid gray fill.

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From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, June 03, 2016 5:01 PM
To: O'Brien, Sean W SES (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD
OUSD P-R (US)
Cc: (b)(6) CIV OSD OGC (US)
Subject: RE: Updated LGBT remarks
Attachments: LGBT Pride Month Ceremony Draft 0.7.docx

Sean--

(b)(5)

Many thanks--Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense
Phone (b)(6)

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-----Original Message-----

From: O'Brien, Sean W SES (US)
Sent: Friday, June 03, 2016 4:44 PM
To: Koffsky, Paul S SES OSD OGC (US); Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OGC (US)
Subject: RE: Updated LGBT remarks

Hi All -

Updated draft attached, keeping it brief without the subpoints on TG, but flagging them as possibilities in a footnote for SD consideration.

Thanks,
Sean

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)
Sent: Friday, June 03, 2016 4:08 PM
To: Carroll, Katherine SES SD; Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: O'Brien, Sean W SES (US); (b)(6) CIV OSD OGC (US)
Subject: RE: Updated LGBT remarks

Katherine--

(b)(5)

Paul

Paul S. Koffsky
Deputy General Counsel
(Personnel & Health Policy)
Department of Defense
Phone (b)(6)

~~Caution: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: Carroll, Katherine SES SD [mailto:(b)(6)]
Sent: Friday, June 03, 2016 3:40 PM
To: Koffsky, Paul S SES OSD OGC (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: O'Brien, Sean W SES (US)
Subject: FW: Updated LGBT remarks

Hi. Per our conversations earlier re legal status of transgender persons, attached is the current draft of SD remarks for pride day next week (he has not yet reviewed). SD has previously made public statements re TG persons serving with distinction, so I don't think this can present any issues, but Stephanie mentioned sending it over to Paul to make sure all seems ok.

Sean, what do you think of expanding what is proposed on TG in there slightly to say:

(b)(5)

The second sentence comes from his statement when he created the group, so is not new. Stephanie, what do you think? Peter Cook will probably have a view too.

Stephanie, on the other issue, I gather that (b)(6) is working on some other kind of communication we could send out in advance of pride day?

Thanks!

Katherine Carroll
Counselor to the Secretary

(b)(6)

-----Original Message-----

From: O'Brien, Sean W SES (US) [mailto:(b)(6)]

Sent: Friday, June 03, 2016 12:27 PM

To: Carroll, Katherine SES SD; (b)(6) CIV SD; Schweer, Adrienne SES SD

Subject: Updated LGBT remarks

Can you review? Glancing mention of TG review towards the end.

Thanks,
Sean

Sean O'Brien

Chief Speechwriter

Secretary of Defense Ashton Carter

NIPR: (b)(6)

SIPR:

Desk (b)(6)

BB: (b)(6)

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From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Thursday, June 30, 2016 12:35 PM
To: Carroll, Katherine SES SD; O'Connor, Jennifer M HON OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Levine, Peter K HON (US); Kurta, Anthony M SES OSD OUSD P-R (US); Trowbridge, Gordon L SES (US); Cook, Peter C SES (US); (b)(6)
Guenov, Tressa S SES (US); Hedger, Stephen C HON OSD OASD LA (US); MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: Q&A (Final)
Attachments: TG Policy QA (Final 30 June, 1225).docx

Colleagues -- Final Q&A. Have not previously transmitted to LA or PA. Thanks, S

-----Original Message-----

From: Barna, Stephanie A SES OSD OUSD P-R (US)
Sent: Thursday, June 30, 2016 12:15 PM
To: 'Carroll, Katherine SES SD'; O'Connor, Jennifer M HON OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Levine, Peter K HON (US); Kurta, Anthony M SES OSD OUSD P-R (US); Trowbridge, Gordon L SES (US); Cook, Peter C SES (US); (b)(6)
(b)(6) Guenov, Tressa S SES (US); Hedger, Stephen C HON OSD OASD LA (US)
Subject: RE: minor comments timeline, fact sheet, one on DoDI

Revised IAW your comments. Thanks, S

-----Original Message-----

From: Carroll, Katherine SES SD (b)(6)
Sent: Thursday, June 30, 2016 11:50 AM
To: O'Connor, Jennifer M HON OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Levine, Peter K HON (US); Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Trowbridge, Gordon L SES (US); Cook, Peter C SES (US); (b)(6) Guenov, Tressa S SES (US); Hedger, Stephen C HON OSD OASD LA (US)
Subject: minor comments timeline, fact sheet, one on DoDI

(b)(5)

Thanks!

From: (b)(6) CIV OSD PA (US)
Sent: Wednesday, June 29, 2016 3:03 PM
To: Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: Trowbridge, Gordon L SES (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) (US); (b)(6) Casciotti, John A SES OSD OGC (US); (b)(6); Koffsky, Paul S SES OSD OGC (US)
Subject: FOR P&R FO CLEARANCE: TG Docs
Attachments: PRESS RELEASE_Transgender Service Members 6_29_FOR PR CLEARANCE.docx; Transgender Implementation Fact Sheet 6_29_FOR PR CLEARANCE.docx; Transgender policy briefing card draft 6_29_FOR PR CLEARANCE.docx

(b)(5)

Thank you,

(b)(6)

(b)(6)

DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackBerry: (b)(6)
Email: (b)(6)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 1:56 PM
To: (b)(6) CIV OSD PA (US); Barna, Stephanie A SES OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Koffsky, Paul S SES
OSD OGC (US)
Cc: Trowbridge, Gordon L SES (US); MILLER, Stephanie P SES OSD OUSD P-R (US);
(b)(6) Kurta, Anthony M SES OSD
OUSD P-R (US)
Subject: RE: TG Docs
Attachments: PRESS RELEASE_Transgender Service Members 6_29_16 Gordon cleared CLEAN.docx;
Transgender Implementation Fact Sheet (b)(6) EDITS MPP GLT CLEAN.docx

(b)(5)

-----Original Message-----

From: (b)(6) CIV OSD PA (US)
Sent: Wednesday, June 29, 2016 1:12 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Trowbridge, Gordon L SES (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Subject: TG Docs

(b)(5)

(b)(6)

DoD Spokesman, Defense Press Office
Office of the Secretary of Defense
Pentagon, Room (b)(6)
Office: (b)(6)
BlackB
Email:

From: (b)(6) CIV OSD OASD LA (US)
Sent: Wednesday, June 29, 2016 1:42 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6)
(b)(6) Casciotti, John A SES OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); Koffsky, Paul S SES OSD OGC (US)
Subject: RE: Thornberry Letter - Response
Attachments: Thornberry Repsonse with OGC edit +RC.docx

With the minor OGC edits added in.

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 1:32 PM
To: (b)(6) CIV OSD OASD LA (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6)
USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US);
Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); Koffsky, Paul S SES OSD OGC (US)
Subject: RE: Thornberry Letter - Response

No issues with the edits. Answered RC2; embedded.

Tony

-----Original Message-----

From: (b)(6) CIV OSD OASD LA (US)
Sent: Wednesday, June 29, 2016 1:12 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6)
USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US);
Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); Koffsky, Paul S SES OSD OGC (US)
Subject: RE: Thornberry Letter - Response

Sorry for the delay, I wanted to make sure I had the wording right for the intro and ending. With my edits, though I'm going to take another look just in case and will pass on anything I missed initially.

-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Wednesday, June 29, 2016 8:53 AM
To: (b)(6) CIV OSD OASD LA (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: FW: Thornberry Letter - Response

(b)(6)

OGC edits. All minor so we are good to go by just accepting them en masse. Thanks.
Tony

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)

Sent: Wednesday, June 29, 2016 8:39 AM

To: Kurta, Anthony M SES OSD OUSD P-R (US)

Cc: O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USAF OSD OGC (US);

(b)(6) USARMY OSD OGC (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Easton, Robert E SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US)

Subject: FW: Thornberry Letter - Response

Tony--

Please see PDGC's comments, attached.

Many thanks--Paul

Paul S. Koffsky

Deputy General Counsel

(Personnel & Health Policy)

Department of Defense

Phone (b)(6)

~~Caution: This message may contain information protected by the attorney-client, attorney work product, deliberative process, or other privilege. Do not disseminate without the approval of the Office of the DoD General Counsel.~~

-----Original Message-----

From: Taylor, Robert S SES OSD OGC (US)

Sent: Wednesday, June 29, 2016 8:36 AM

To: Koffsky, Paul S SES OSD OGC (US); (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Easton, Robert E SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US)

Cc: O'Connor, Jennifer M HON OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US)

Subject: RE: Thornberry Letter - Response

(b)(6)

Bob Taylor

-----Original Message-----

From: Koffsky, Paul S SES OSD OGC (US)

Sent: Tuesday, June 28, 2016 5:55 PM

To: (b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Easton, Robert E SES OSD OGC (US); George, Elizabeth L SES OSD OGC (US)

Cc: O'Connor, Jennifer M HON OSD OGC (US); Taylor, Robert S SES OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US)

Subject: FW: Thornberry Letter - Response

(b)(5)

Many thanks--Paul

Paul S. Koffsky

Deputy General Counsel
(Personnel & Health Policy)
Department of Defense
Phone: (b)(6)

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 5:13 PM

To: (b)(6) CIV OSD OASD LA (US); Barna, Stephanie A SES OSD OUSD P-R (US)

Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US); Guice, Karen S SES (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US)

Subject: Thornberry Letter - Response

(b)(5)

Tony Kurta
OUSD P&R - M&RA
Deputy Assistant Secretary (Military Personnel Policy) Room

(b)(6)

(b)(6)

From: (b)(6) IV OSD OGC (US)
Sent: Wednesday, June 29, 2016 9:06 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Barna, Stephanie A SES OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US)
Subject: Commander Quick Look 28 June - OGC

(b)(5)



(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)
Room
email:

~~CAUTION: This message may contain attorney/client, attorney work product, deliberative process, or other privileged information. Do not FORWARD without the approval of the Office of the DoD General Counsel.~~

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 7:33 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J
SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US); (b)(6)
(b)(6) USARMY OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6)
(b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US);
Taylor, Robert S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US);
(b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); (b)(6)
CIV OSD OUSD P-R (US); Casciotti, John A SES OSD OGC (US); Guice, Karen S SES (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios
Attachments: Examples of Challenging Transgender Cases v2 (1800 28JUN2016).docx

Good work by the team. I think we continue to refine. See my comments, particularly with respect to the last scenario, which I think is ripe for an ETP discussion.

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 6:04 PM
To: Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R
(US); (b)(6) USARMY OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); (b)(6) USAF OSD
OGC (US); (b)(6) USARMY OSD OGC (US); Taylor, Robert S SES OSD OGC (US); O'Connor, Jennifer
M HON OSD OGC (US); (b)(6) CIV OSD OGC (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD
OUSD P-R (US); Casciotti, John A SES OSD OGC (US); Guice, Karen S SES (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios

Tony -- Examples of challenging transgender scenarios attached to meet #11 of SD Q&A from this morning. Incorporates 3 accession scenarios and 2 in-service transition scenarios. Vetted through the AP team, (b)(6).

Best regards,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)

(b)(6)

-----Original Message-----

From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, June 28, 2016 5:01 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R
(US); Casciotti, John A SES OSD OGC (US)

Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R
(US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); Koffsky, Paul S SES
OSD OGC (US); (b)(6) USAF OSD OGC (US); (b)(6) USARMY OSD OGC (US); Taylor,
Robert S SES OSD OGC (US); O'Connor, Jennifer M HON OSD OGC (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios

(b)(5); (b)(6)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)
Room
email:

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-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)

Sent: Tuesday, June 28, 2016 2:37 PM

To: (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US);
Casciotti, John A SES OSD OGC (US)

Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
(b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R
(US); Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)

Subject: Questions from SD: Examples of Challenging TG Scenarios

(b)(6) -- Please find attached the "Examples of Challenging Transgender" Scenarios as requested by SD
(#11 below). Would appreciate your review today if feasible given the COB suspense.

Thank you,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP
Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: Carroll, Katherine SES SD [mailto: (b)(6)]

Sent: Tuesday, June 28, 2016 8:34 AM

To: Levine, Peter K HON (US); Barna, Stephanie A SES OSD OUSD P-R (US); Kurta, Anthony M SES OSD OUSD P-R (US); Guice, Karen S SES (US)

Cc: (b)(6) USARMY (US); (b)(6) USAF OSD OUSD P-R (US); (b)(6) CIV SD; (b)(6) CIV (US); O'Connor, Jennifer M HON OSD OGC (US)

Subject: Questions from SD

All,

(b)(5)



(b)(5)

A large rectangular area of the document is completely redacted with a solid gray fill, covering the top half of the page.

Best regards,
Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)

A small rectangular area of the document is redacted with a solid gray fill, located below the signature block.

From: Guice, Karen S SES (US)
Sent: Tuesday, June 28, 2016 5:50 PM
To: Casciotti, John A SES OSD OGC (US); (b)(6) CIV OSD HA (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Cc: (b)(6) CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Subject: RE: TG Q&A
Attachments: Transgender policy briefing card draft 28 June 16 Version 2 ha edits (2) ksg.docx

My edits

-----Original Message-----

From: Casciotti, John A SES OSD OGC (US)
Sent: Tuesday, June 28, 2016 5:26 PM
To: (b)(6) CIV OSD HA (US)
Cc: (b)(6) CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); Guice, Karen S SES (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OGC (US)
Subject: RE: TG Q&A

(b)(6) (b)(5) John

-----Original Message-----

From: (b)(6) CIV OSD HA (US)
Sent: Tuesday, June 28, 2016 4:48 PM
To: Casciotti, John A SES OSD OGC (US); Guice, Karen S SES (US)
Cc: (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US); MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: FW: TG Q&A

Dr. Guice, Mr. Casciotti, I intended to copy you on our suggested edits to the briefing card. VR, (b)(6)

-----Original Message-----

From: (b)(6) CIV OSD HA (US)
Sent: Tuesday, June 28, 2016 4:44 PM
To: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US)
Subject: RE: TG Q&A

(b)(6), please see suggested edits from (b)(6). I have copied both Mr. Casciotti and Dr. Guice, neither of whom have reviewed these (so subject to their edits). R (b)(6)

-----Original Message-----

From: (b)(6) USARMY OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 9:47 AM
To: (b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US)
Subject: TG Q&A

Gentlemen,

Attached are the Q&A's for the Transgender rollout. Please review
and provide feedback. Thanks!

Very respectfully,

(b)(6)
(b)(6), USA
(b)(6) Reserve Accessions
Office of The Under Secretary of Defense for Personnel and Readiness
Military Personnel Policy - Accession Policy Office
Pentagon, Rm (b)(6)
(b)(6) Commercial
DSN
Email: (b)(6)
Group Mailbox: (b)(6)

From: (b)(6) CIV OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 4:44 PM
To: MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) CIV OSD HA (US);
(b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US); Guice, Karen
S SES (US)
Subject: RE: Questions from SD: Examples of Challenging TG Scenarios
Attachments: Examples of Challenging Transgender Cases.docx

Colleagues,
See comments attached.

-----Original Message-----

From: MILLER, Stephanie P SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 2:37 PM
To: (b)(6) CIV OSD HA (US); (b)(6) CIV OSD OUSD P-R (US);
(b)(6) CIV OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Cc: (b)(6) USARMY OSD OUSD P-R (US); (b)(6) USARMY
OSD OUSD P-R (US); (b)(6) CIV OSD OUSD P-R (US); Hebert,
Lernes J SES OSD OUSD P-R (US); (b)(6) USN OSD OUSD P-R (US);
Kurta, Anthony M SES OSD OUSD P-R (US); (b)(6) USARMY OSD OUSD
P-R (US)
Subject: Questions from SD: Examples of Challenging TG Scenarios

(b)(6) -- Please find attached the "Examples of Challenging
Transgender" Scenarios as requested by SD (#11 below). Would appreciate
your review today if feasible given the COB suspense.

Thank you,
Stephanie

Stephanie P. Miller, SES
Director, Military Accession Policy
OUSD P&R/MPP

Pentagon (b)(6)

(b)(6)

(b)(6)

-----Original Message-----

From: Carroll, Katherine SES SD [\(b\)\(6\)](mailto:(b)(6))
Sent: Tuesday, June 28, 2016 8:34 AM
To: Levine, Peter K HON (US); Barna, Stephanie A SES OSD OUSD P-R (US);
Kurta, Anthony M SES OSD OUSD P-R (US); Guice, Karen S SES (US)
Cc: (b)(6) USARMY (US); (b)(6) USAF OSD
OUSD P-R (US); (b)(6) CIV SD; (b)(6) CIV (US); O'Connor,
Jennifer M HON OSD OGC (US)
Subject: Questions from SD

All,

(b)(5)

(b)(5)



Best regards,
Katherine

Katherine Carroll
Counselor to the Secretary

(b)(6)



From: (b)(6) CIV OSD OGC (US)
Sent: Tuesday, June 28, 2016 10:22 AM
To: Kurta, Anthony M SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: RE: OGC Opinion on Sex Equal Gender
Attachments: Transgender Service Review 3-24-16.pdf

Tony,
Is this the one?

v/r

(b)(5)

(b)(6)

(b)(6)

Office of the Deputy General Counsel for
Personnel and Health Policy

Phone (b)(6)

Room

email:

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-----Original Message-----

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Monday, June 27, 2016 5:34 PM
To: (b)(6) CIV OSD OGC (US); Koffsky, Paul S SES OSD OGC (US); Casciotti, John A SES OSD OGC (US)
Cc: MILLER, Stephanie P SES OSD OUSD P-R (US)
Subject: OGC Opinion on Sex Equal Gender

(b)(5)

Can I get an electronic copy of the referenced opinion? GEN Grass is asking for a copy....I can't seem to find mine.....
Tony

Tony Kurta

OUSD P&R - M&RA

Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)

(b)(6) (Office)

(Cell)

From: Kurta, Anthony M SES OSD OUSD P-R (US)
Sent: Tuesday, June 28, 2016 6:01 AM
To: (b)(6) CIV OSD OUSD P-R (US); Hebert, Lernes J SES OSD OUSD P-R (US);
(b)(6) CIV OSD OUSD P-R (US); (b)(6) CIV OSD HA (US); Guice,
Karen S SES (US); (b)(6) CIV OSD OGC (US)
Cc: Barna, Stephanie A SES OSD OUSD P-R (US); Koffsky, Paul S SES OSD OGC (US);
(b)(6) CIV OSD PA (US); (b)(6) CIV OSD OASD LA (US);
MILLER, Stephanie P SES OSD OUSD P-R (US); (b)(6) USARMY OSD
OUSD P-R (US); (b)(6) USARMY OSD OUSD P-R (US); (b)(6)
CIV OSD PA (US); Kurta, Anthony M SES OSD OUSD P-R (US)
Subject: Thornberry Response Letter
Attachments: Thornberry Repsonse.docx

Team, we owe - coincident with roll-out - a formal response to the Thornberry letter. There are 3 questions I need help on early today.

For first question, (b)(5); (b)(6)

(b)(5); (b)(6)

For second question, HA please help.

For the third; (b)(5) a.....any thoughts appreciated.

Trying to wrap up this draft today.

Q: How many service members have been separated for being transgender or for a diagnosis of gender dysphoria in the last ten years?

Q: Other than changes to the military department's policies, what changes to federal statutes (including those regulating the Department of Veteran's Affairs), Federal Regulations, and Department of Defense and Department of Veterans Affairs policies would be required for the new transgender service policy to be effective in promoting readiness, morale, and cohesion?

Q: What would be the projected costs of changing the transgender service policy? To what extent would military barracks, ship berths, gym shower facilities, latrines, and other facilities have to be modified to accommodate personnel in various stages of transition and what would be the projected cost of these modifications?

Tony Kurta
OUSD P&R - M&RA
Deputy Assistant Secretary (Military Personnel Policy) Room (b)(6)
(b)(6) (Office)
(b)(6) (Cell)



250

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

JUL 28 2015

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Transgender Service Members

Effective as of July 13, 2015, no Service member shall be involuntarily separated or denied reenlistment or continuation of active or reserve service on the basis of their gender identity, without the personal approval of the Under Secretary of Defense for Personnel and Readiness. This approval authority may not be further delegated.

The Under Secretary of Defense for Personnel and Readiness will chair a working group composed of senior representatives from each of the Military Departments, Joint Staff, and relevant components from the Office of the Secretary of Defense to formulate policy options for the DoD regarding the military service of transgender Service members. The working group will start with the presumption that transgender persons can serve openly without adverse impact on military effectiveness and readiness, unless and except where objective, practical impediments are identified, and shall present its recommendations to me within 180 days. Pending the issuance of DoD-wide policy following the submission of the working group's report, any interim guidance issued by the Military Departments will be coordinated with, and subject to the prior personal approval of, the Under Secretary of Defense for Personnel and Readiness. If questions relating to the service of transgender members arise, the Military Departments should address them to the Under Secretary of Defense for Personnel and Readiness.

Carl Carter

cc:
DepSecDef
CJCS
USDs
DoD, GC
ASD(LA)
ATSD(PA)



OSD009165-15/CMD011991-15

28 JUL 15



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

AUG 14 2015

ACTION MEMO

FOR: SECRETARY OF DEFENSE

DepSec Action _____

FROM: Brad Carson, ~~Acting~~ Under Secretary of Defense for Personnel and Readiness

SUBJECT: Response to Chairman Thornberry's Transgender Service Member Letter

- The letter at TAB A provides an interim reply to Chairman William M. "Mac" Thornberry's request for information related to transgender service members (TAB B).
- Chairman Thornberry requests a reply not later than August 14, 2015.
- On July 13, 2015, you announced the creation of a working group to study the policy and readiness implications of allowing transgender persons to serve openly (TAB C). When completed, the working group findings will address the matters raised by Chairman Thornberry.

RECOMMENDATIONS: Sign the letter at TAB A.

COORDINATION: TAB D

Attachments:

As stated

Prepared by: (b)(6), ASD(M&RA)/(MPP/OEPM) (b)(6)

SD CA		DSD SA	
SD SMA		DSD SMA	
SD MA		DSD MA	
TSA		DSD CA	
SA YB DB			
ES	(b)(6)	ESB Rvw	(b)(6)
ESR	(b)(6)	ESD	(b)(6)



OSD008760-15/CMD013188-15

250

14 Aug 15

1750115

TAB

A



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

SEP 11 2015

The Honorable William M. "Mac" Thornberry
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your letter dated July 17, 2015, concerning the Department's accession and retention policies with regard to transgender persons in the Armed Forces. I appreciate the transparency of the concerns and questions you shared relative to the working group I established to study the policy and readiness implications of welcoming transgender persons to serve openly. Over the next 6 months, this group, led by me and composed of military and civilian personnel representing all military Services and the Joint Staff, will thoroughly study this complex issue. The group's findings will be reported directly to me.

The working group will objectively examine whether service by transgender persons will have any significant impact on military readiness and military effectiveness. The working group will also provide recommendations to address any such impacts.

I appreciate your concerns and look forward to providing our findings once our review is completed.

Sincerely,

Brad Carson
Acting



OSD008760-15/CMD011475-15

TAB

B

WILLIAM "MAC" THORNBERRY, TEXAS, CHAIRMAN
 WALTER B. JONES, NORTH CAROLINA
 J. RANDY FORBES, VIRGINIA
 JEFF MILLER, FLORIDA
 JOE WILSON, SOUTH CAROLINA
 FRANK A. LOBIONDO, NEW JERSEY
 ROB BISHOP, UTAH
 MICHAEL R. TURNER, OHIO
 JOHN KELNE, MISSISSIPPI
 MIKE REMARKS, ALABAMA
 TRENT FRANKS, ARIZONA
 BILL SHULTER, PENNSYLVANIA
 R. MICHAEL CONWAY, TEXAS
 DONALD LAMMERS, COLORADO
 ROBERT J. WITTMAN, VIRGINIA
 DUNCAN HUNTER, CALIFORNIA
 JOHN FLEMING, LOUISIANA
 ANNE COTTMAN, COLORADO
 CHRISTOPHER P. GOSSEN, NEW YORK
 WICKY HANTZLER, MISSOURI
 JOSEPH J. HOOK, NEVADA
 AUSTIN SCOTT, GEORGIA
 NOB BROOKS, ALABAMA
 RICHARD B. MURRAY, FLORIDA
 PAUL COOK, CALIFORNIA
 JIM BRIDENSTINE, OREGON
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COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED FOURTEENTH CONGRESS

July 17, 2015

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The Honorable Ashton B. Carter
 Secretary of Defense
 1000 Defense Pentagon
 Washington, D.C. 20301-1000

General Martin E. Dempsey
 Chairman of the Joint Chiefs of Staff
 9999 Joint Staff Pentagon
 Washington, D.C. 20318-9999

Dear Mr. Secretary and General Dempsey:

The issue of military accession and retention of transgender personnel is complex and multi-faceted. Secretary Carter recently announced the creation of a working group to consider the policy and readiness implications of allowing transgender service members to serve openly. I support your effort to review existing policies in an effort to provide greater clarity to current and potential service members. However, I am concerned that the review may not be objective if it has, as has been stated, a predetermined outcome: a "presumption that transgender persons can serve openly without adverse impact on military effectiveness and readiness." Instead, the review must be an honest and balanced assessment of the impact that any potential policy change would have on military readiness, cohesion, morale, and good order and discipline.

Ultimately, the major responsibilities of this committee are to provide oversight of the Armed Forces and ensure that any legislation enacted improves military readiness. In order to perform these functions, we must have sufficient information to determine why the Department believes change is needed and what impact a change will have on military readiness, cohesion, morale, and good order and discipline.

Such information must come from a detailed, objective assessment. Furthermore, the assessment must capture the views, perspectives, and judgments of those who would be most affected by a change in policy: military personnel of all ranks and their families and potential members of the all-volunteer military.

In order for this committee to provide oversight on this complex issue, we will require from the military services and the Department of Defense information on the following matters:

- To what extent has the current accession and retention policies regarding transgender service members hindered the military's ability in a measurable way to recruit and retain qualified personnel to meet service manpower requirements?



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- How many service members have been separated for being transgender or for a diagnosis of gender dysphoria in the last ten years?
- To what extent does the discharge of personnel under these policies create a measurable impact on readiness of the force?
- The medical and behavioral health considerations attendant with being transgender or a diagnosis of gender dysphoria can be significant. Given that the Department of Defense is currently reviewing the medical standards required for military service, why is this additional study required prior to concluding the medical standards study?
- To what extent would a change in current policies affect military readiness, cohesion, morale, and good order and discipline? What effect would such a change have on the number of service members who would be non-deployable for medical reasons? What is the nature of the other effects that might be expected upon changing policies? Would these effects be of short duration or an extended duration?
- To what degree and how would a change in current policies improve military readiness?
- Would a change in current policies improve military family readiness?
- What effect would a change in the transgender service policy have on recruiting and retention? Would repeal of the current law significantly improve the military's ability to attract and retain personnel to meet service manpower requirements?
- If the transgender service policy is changed, at what phase of gender transition would an individual be recognized as their desired gender, assigned housing commensurate with their desired gender, and be expected to adhere to those physical fitness and uniform and grooming standards? At what point would service members transitioning to male be allowed to apply for closed military occupational specialties?
- What effect would change in policies have on the propensity of prospective recruits to enlist and on the propensity of influencers (parents, coaches, teachers, religious leaders, for example) to recommend military service?
- Other than changes to the military departments' policies, what changes to other federal statutes (including those regulating the Department of Veterans Affairs), Federal Regulations, and Department of Defense and Department of Veterans Affairs policies would be required for the new transgender service policy to be effective in promoting readiness, morale, and cohesion?

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- The Department of Defense recently modified its equal opportunity policy to prohibit discrimination on the basis of sexual orientation. What, if any, additional non-discrimination measures would be required if the transgender service policy is changed? What training would be required for all service members? What implementation challenges would there be? What measures would be required to overcome those challenges?
- What would be the projected costs of changing the transgender service policy? To what extent would military barracks, ship berths, gym shower facilities, latrines, and other facilities have to be modified to accommodate personnel in various stages of transition and what would be the projected cost of these modifications?
- If the transgender service policy is changed, to what extent would the Department of Defense provide medical treatment for transgender service members, including behavioral health treatment, cross-hormone therapy, voice therapy, cosmetic or gender reassignment surgery, and other treatments?

The ability of Congress to provide oversight regarding this issue is heavily dependent upon its ability to obtain credible, substantive, comprehensive, and objective data and information. Many voices have entered their opinions about the need for change. However, this committee and Members of Congress also have a duty to hear directly from the Department of Defense.

Thank you for your attention to this matter. I look forward to your response no later than August 14, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mac' followed by a stylized 'Thornberry'.

William M. "Mac" Thornberry
Chairman

WMT:cb

TAB

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IMMEDIATE RELEASE

Release No: NR-272-15

July 13, 2015

Statement by Secretary of Defense Ash Carter on DOD Transgender Policy

Over the last fourteen years of conflict, the Department of Defense has proven itself to be a learning organization. This is true in war, where we have adapted to counterinsurgency, unmanned systems, and new battlefield requirements such as MRAPs. It is also true with respect to institutional activities, where we have learned from how we repealed "Don't Ask, Don't Tell," from our efforts to eliminate sexual assault in the military, and from our work to open up ground combat positions to women. Throughout this time, transgender men and women in uniform have been there with us, even as they often had to serve in silence alongside their fellow comrades in arms.

The Defense Department's current regulations regarding transgender service members are outdated and are causing uncertainty that distracts commanders from our core missions. At a time when our troops have learned from experience that the most important qualification for service members should be whether they're able and willing to do their job, our officers and enlisted personnel are faced with certain rules that tell them the opposite. Moreover, we have transgender soldiers, sailors, airmen, and Marines - real, patriotic Americans - who I know are being hurt by an outdated, confusing, inconsistent approach that's contrary to our value of service and individual merit.

Today, I am issuing two directives to deal with this matter. First, DoD will create a working group to study over the next six months the policy and readiness implications of welcoming transgender persons to serve openly. Led by (Acting) Under Secretary of Defense for Personnel and Readiness Brad Carson, and composed of military and civilian personnel representing all the military services and the Joint Staff, this working group will report to Deputy Secretary of Defense Bob Work. At my direction, the working group will start with the presumption that transgender persons can serve openly without adverse impact on military effectiveness and readiness, unless and except where objective, practical impediments are identified. Second, I am directing that decision authority in all administrative discharges for those diagnosed with gender dysphoria or who identify themselves as transgender be elevated to Under Secretary Carson, who will make determinations on all potential separations.

As I've said before, we must ensure that everyone who's able and willing to serve has the full and equal opportunity to do so, and we must treat all our people with the dignity and respect