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DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1000.11
ASN (M&RA)
4 Nov 16

SECNAV INSTRUCTION 1000.11

From: Secretary of the Navy

Subj: SERVICE OF TRANSGENDER SAILORS AND MARINES

Ref: (a) DoD Instruction 1300.28 of 1 July 2016
(b) DTM 16-005, Military Service of Transgender Service Members of 30 June 2016
(c) ASD(HA) Memo, Guidance for Treatment of Gender Dysphoria for Active and Reserve Component Service Members of 29 July 2016
(d) USD Memo, Clarification of Procedures to Identify Sex Code Changes for Transgender Service Members of 21 September 2016
(e) SECNAVINST 5300.28E
(f) DoD Instruction 6130.03, CH 1 of 13 September 2011
(g) DoD Instruction 1332.18 of 5 August 2014

Encl: (1) Responsibilities
(2) Service Implementing Policy and Procedures

1. Purpose. To establish Department of the Navy (DON) policy for the accession and service of transgender Sailors and Marines, to include the process for transgender Service Members to transition gender in-service.

2. Definitions. Definitions are provided in reference (a).

3. Applicability. This instruction applies to all DON military personnel. Specific considerations for Reserve Component personnel are included in reference (a). Refer all DON civilian transgender questions to the DON Office of Civilian Human Resources or the DON Office of the General Counsel. Refer all questions regarding transgender contractors to the Contracting Officer's Representative.

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4. Policy

a. Consistent with the policies and procedures set forth in references (a) and (b), transgender individuals shall be allowed to serve openly in the DON.

b. References (a) through (d) provide Sailors and Marines an in-service process to transition to their preferred gender. These policies are based on the premise that open service by transgender persons who are subject to the same medical, fitness for duty, physical fitness, uniform and grooming, deployability, and retention standards and procedures is consistent with military service and readiness.

c. The DON recognizes a Sailor's or Marine's gender by their gender marker in the Defense Enrollment Eligibility Reporting System (DEERS). Coincident with that gender marker, the Navy and Marine Corps shall apply, and the Service Member is responsible to meet, all standards for uniforms and grooming; body composition assessment (BCA); physical readiness testing (PRT); Military Personnel Drug Abuse Testing Program (MPDATP) participation; and other military standards applied with consideration of the Service Member's gender.

(1) For facilities subject to regulation by the military, the Sailor or Marine will use those berthing, bathroom, and shower facilities associated with the Service Member's gender marker in DEERS.

(2) As the tactical situation allows, Commanders are expected to implement appropriate policies to ensure the privacy protection of individual Sailors and Marines out of courtesy to all and to maintain good order and discipline.

(3) Reference (e) clarifies policy for the direct observation of urinalysis specimen collection. MPDATP policy considers the terms "sex" and "gender marker" as equivalent. Therefore, transgender Service Members providing a urinalysis specimen will be observed by an individual with the same gender marker indicated in DEERS. In selecting an observer, a Commander may employ reasonable accommodations to respect the privacy interests of the Service Members. The selection of an observer must be made in a manner that ensures the integrity of

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the urinalysis program and provides both the Service Member being tested and the observer an environment free from harassment/discrimination.

d. Sailors and Marines with a diagnosis from a military medical provider indicating that gender transition is medically necessary will be provided the medically necessary care and treatment. A medical treatment plan developed by the military medical provider will outline the severity of the Service Member's medical condition, the urgency of any proposed medical treatment, projected timeline for completion of gender transition, and estimated periods of non-deployability and absence. Medical advice to Commanders and Commanding Officers will be provided in a manner consistent with processes used for other medical conditions that may limit the Service Member's performance of official duties.

e. Any medical care and treatment provided to an individual Sailor or Marine in the process of gender transition will be provided in the same manner as other medical care and treatment. Nothing in this instruction will be construed to authorize a Commander or Commanding Officer to deny medically necessary treatment to a Sailor or Marine.

f. Any determination that a transgender Sailor or Marine is non-deployable at any time will be consistent with established DON and Service standards, as applied to other Sailors and Marines whose deployability is similarly affected in comparable circumstances unrelated to gender transition.

g. Commanders and Commanding Officers will assess expected impacts on mission and readiness after consideration of the advice of military medical providers and will address such following this instruction and references (a) and (b). In applying the tools described in reference (a), a Commander or Commanding Officer will not accommodate biases against transgender individuals. If a Sailor or Marine is unable to meet standards or requires an exception to policy (ETP) during a period of gender transition, all applicable tools, including those described in references (a) through (d), will be available to Commanders and Commanding Officers to minimize impacts to the mission and unit readiness. Gender transition dates in the transition plan may be adjusted per reference (a) and enclosure (2) as necessary to support organizational needs.

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h. When the military medical provider determines that a Service Member's gender transition is complete, and at a time approved by the Commander or Commanding Officer in consultation with the transgender Sailor or Marine, the Service Member may submit a request for gender marker change in DEERS, per reference (d). Once the gender marker is changed in DEERS, the Service Member will be recognized in the preferred gender and held to preferred gender standards from that point forward.

i. Policy for service during initial entry training and considerations associated with the first term of service are outlined in reference (a).

j. All Sailors and Marines are entitled to equal opportunity in an environment free from sexual harassment and unlawful discrimination on the basis of race, color, national origin, religion, sex, or sexual orientation. It is the Department of Defense (DoD) and DON's position, consistent with the U.S. Attorney General's opinion, that discrimination based on gender identity is a form of sex discrimination. All personnel will continue to treat each other with dignity and respect. There is zero tolerance for harassing, hazing, or bullying in any form.

5. Responsibilities. See enclosure (1).

6. Accessions

a. Per reference (b), no later than 1 July 2017, the Navy and Marine Corps will begin accessing transgender applicants who meet all standards. The gender identity of an otherwise qualified individual will not bar them from joining the Navy or Marine Corps, from admission to the United States Naval Academy, or from participating in Naval Reserve Officers Training Corps or any other accession program.

b. Medical standards for accession into the Naval service (in reference (f)) help to ensure that those entering service are free from medical conditions or physical defects that may require excessive time lost from duty due to necessary medical treatment or hospitalization, or result in separation from the Service for medical unfitness.

c. A history of gender dysphoria is disqualifying, unless, as certified by a licensed medical provider, the applicant has

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been stable without clinically significant distress or impairment in social, occupational, or other important areas of functioning for 18 months.

d. A history of medical treatment associated with gender transition is disqualifying, unless, as certified by a licensed medical provider:

(1) The applicant has completed all medical treatment associated with the applicant's gender transition; and

(2) The applicant has been stable in the preferred gender for 18 months; and

(3) If the applicant is presently receiving cross-sex hormone therapy post-gender transition, the individual has been stable on such hormones for 18 months.

e. A history of sex reassignment or genital reconstruction surgery is disqualifying, unless, as certified by a licensed medical provider:

(1) A period of 18 months has elapsed since the date of the most recent such surgery; and

(2) No functional limitations or complications persist, nor is any additional surgery required.

f. The 18-month periods may be waived or reduced, in whole or in part, in individual cases for applicable reasons. Requests for waiver or reduction of the 18-month periods shall be sent to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) for adjudication.

(1) ASN (M&RA) may approve requests for waiver or reduction. ASN (M&RA) may also delegate this approval authority to the Deputy Chief of Naval Operations (Manpower, Personnel, Training, and Education) (DCNO (N1)) and the Deputy Commandant (Manpower and Reserve Affairs (DC (M&RA))). This approval authority may not be further delegated.

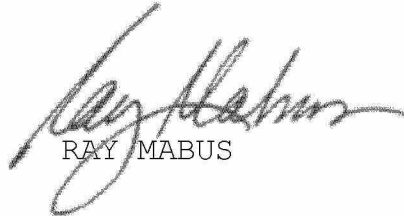
(2) Any requests for waiver or reduction with a recommendation for disapproval shall be sent to the Secretary of the Navy (SECNAV) for decision.

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7. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per SECNAV Manual 5210.1 of January 2012.

8. Reports. The reporting requirements within enclosure (1), paragraphs 3a and 3i are exempt from information control per SECNAV M-5214.1 of January 2012, Part IV, paragraphs 7j and 7o respectively.



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RESPONSIBILITIES

1. CNO and CMC shall:

a. Issue policy and procedures addressing the military service of transgender Service Members, to include establishing a process by which transgender Sailors and Marines may transition gender while serving, consistent with mission, training, operational, and readiness needs, and a procedure whereby a Service Member's gender marker will be changed in DEERS. Additional detail on Service implementing policy and procedures is outlined in enclosure (2).

b. Ensure uniform standards, grooming standards, BCA standards, PRT standards, MPDATP standards, and other standards applied with consideration of a Service Member's gender, are applicable to the Service Member's gender marker as reflected in DEERS.

c. Direct the use of berthing, bathroom, and shower facilities according to the Service Member's gender marker as reflected in DEERS, for facilities that are subject to regulation by the military.

d. Provide appropriate privacy for all Sailors and Marines. This may be achieved through expenditure of funds to modify bathroom and shower facilities at Navy and Marine Corps military installations that do not provide reasonable privacy.

e. Ensure that policies and procedures governing Service urinalysis testing program are performed using accepted and established operating procedures which conform to the requirements outlined in reference (e).

f. Ensure medically necessary treatment to transgender Active Duty Service Members is available, in alignment with reference (c).

g. No later than 15 November 2016, create a Service-wide training and education plan, to include specialized training for Commanders and Commanding Officers. The training of Sailors and Marines across the DON shall be completed no later than 1 July 2017.

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h. No later than 1 February 2018, provide an assessment of Navy and Marine Corps transgender service policy, summarizing the impact on military readiness, effectiveness, unit cohesion, recruiting, and retention. The assessment should be informed by surveys and data collected and include any recommended adjustments to DoD and DON policy.

i. Beginning in 2018 and triennially thereafter, support Naval Inspector General Special Inspections of Service compliance with DoD, DON, and Service transgender service policy and procedures.

j. Ensure that all Sailors and Marines are able to perform their duties free from unlawful discrimination and harassment.

k. Ensure the protection of personally identifiable information and personal privacy considerations in the implementation of references (a) through (f), this instruction, and Service regulations, policy, and guidance.

2. Assistant Secretary of the Navy (Manpower and Reserve Affairs) shall:

a. Assess Navy and Marine Corps compliance with references (a) through (d) with coordination from Chief of Naval Operations (CNO) and Commandant of the Marine Corps (CMC) (no later than 1 February 2018) and review of triennial Inspector General Special Inspections.

b. Review requests for waiver or reduction of the 18-month periods of stability for new accessions and submit all requests with a disapproval recommendation to SECNAV for decision.

3. Naval Inspector General shall, beginning in 2018 and triennially thereafter, conduct a Special Inspection of Navy and Marine Corps compliance with references (a) through (d), this instruction, and Service regulations, policy, and guidance.

4. Chief, Bureau of Medicine and Surgery shall:

a. Provide or arrange consultation for medically necessary treatment to Active Duty Service Members per references (c) and (d), ensuring standardized healthcare.

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b. Ensure referral for a determination of fitness in the disability evaluation system per reference (g).

c. No later than 15 November 2016, develop an education and training plan for both privileged and non-privileged medical personnel.

d. For Reserve Component Service Members not on active duty for more than 30 days, review and approve medical diagnosis and treatment plans, in alignment with references (a), (c), and (d).

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SERVICE IMPLEMENTING POLICY AND PROCEDURES

1. The CNO and CMC shall establish policy and procedures per references (a) through (d) and this instruction, outlining the actions a Commander may take to minimize impacts to the mission and ensure continued unit readiness in the event that a transitioning individual is unable to meet standards or requires an ETP during a period of transition. Such policies and procedures may address the means and timing of transition, procedures for responding to an ETP prior to the change of a Service Member's gender marker in DEERS, appropriate duty statuses, and tools for addressing an inability to serve throughout the gender transition process. Any such actions available to the Commander or Commanding Officer will consider and balance the needs of the individual and the needs of the command in a manner comparable to the actions available to the Commander or Commanding Officer in addressing comparable Service Member circumstances unrelated to gender transition. Such actions may include:

- a. Adjustments to the date on which the Sailor's or Marine's gender transition, or any component of the transition process, will commence.
- b. Advising the Sailor or Marine of the availability of options for extended leave status or participation in other voluntary absence programs during the transition process.
- c. Arrangements for the transfer of the Sailor or Marine to another organization, command, location, or duty status (e.g. Individual Ready Reserve), as appropriate, during the transition process.
- d. ETPs associated with changes in the Service Member's physical appearance and body composition during gender transition, such as accommodations in the application of standards for uniforms and grooming and MPDTP participation.
- e. Establishment of, or adjustment to, local policies on the use of berthing, bathroom, and shower facilities subject to regulation by the military, during the transition process.
- f. Other actions, including the initiation of administrative or other proceedings, comparable to actions that

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could be initiated with regard to others whose ability to serve is similarly affected for reasons unrelated to gender transition.

2. The CNO and CMC shall establish policies and procedures, consistent with references (a) through (d) and this instruction, whereby a Sailor's or Marine's gender marker will be changed in DEERS based on a determination by the military medical provider that the Service Member's gender transition is complete; receipt of written approval from the Commander or Commanding Officer, issued in consultation with the Service Member; and production by the Service Member of documentation indicating gender change. Guidance on such documentation is outlined in reference (a).

M



Department of Defense **DIRECTIVE**

NUMBER 1020.02E

June 8, 2015

Incorporating Change 1, Effective November 29, 2016

USD(P&R)

SUBJECT: Diversity Management and Equal Opportunity in the DoD

References: See Enclosure 1

1. PURPOSE. This directive:

a. Reissues DoD Directive (DoDD) 1020.02 (Reference (a)) to establish policy and assign responsibilities to provide an overarching framework for addressing unlawful discrimination and promoting equal opportunity, diversity, and inclusion through:

(1) The DoD Diversity and Inclusion Management Program, in accordance with the authority in Executive Order 13583 (Reference (b)).

(2) The DoD Military Equal Opportunity (MEO) Program in accordance with DoDD 1350.2 (Reference (c)).

(3) The DoD Civilian Equal Employment Opportunity (EEO) Program in accordance with DoDD 1440.1 (Reference (d)).

(4) The DoD Civil Rights Program in accordance with DoDD 5500.11 (Reference (e)) and DoDD 1020.1 (Reference (f)).

b. Designates the Secretary of the Air Force as the DoD Executive Agent (EA) for the Defense Equal Opportunity Management Institute (DEOMI) in accordance with DoDD 5101.1 (Reference (g)).

2. APPLICABILITY. This directive applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this directive as the "DoD Components").

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3. POLICY. It is DoD policy that:

a. The defense of the United States requires a well-trained volunteer force, military and civilian, active and reserve. To provide such a force, the DoD will intentionally position itself to be an organization of choice by providing opportunities for all DoD personnel to rise to the highest level of responsibility as their abilities allow. The DoD will maximize the productive capacity of those recruited, hired, retained, and promoted through diversity and inclusion.

b. DoD maintains the Office of Diversity Management and Equal Opportunity (ODMEO), which oversees the DoD Diversity and Inclusion Management Program, DoD MEO Program, DoD Civilian EEO Program, and DoD Civil Rights Program. The purpose of these programs is explained in Enclosure 2. Collectively, these programs:

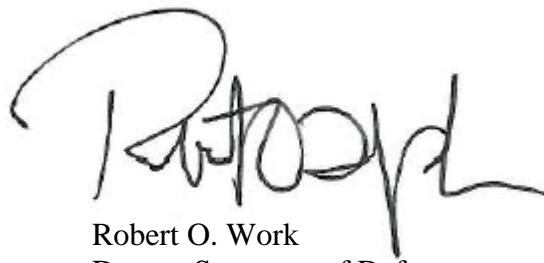
(1) Promote equal opportunity and diversity and inclusion management.

(2) Help prevent unlawful discrimination and harassment throughout DoD and its programs and activities.

4. RESPONSIBILITIES. See Enclosure 3.

5. RELEASABILITY. **Cleared for public release.** This directive is available on ~~the Internet~~ ~~from~~ the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

6. EFFECTIVE DATE. This directive is effective June 8, 2015.



Robert O. Work
Deputy Secretary of Defense

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ENCLOSURE 1REFERENCES

- (a) DoD Directive 1020.02, "Diversity Management and Equal Opportunity (EO) in the Department of Defense," February 5, 2009 (hereby cancelled)
- (b) Executive Order 13583, "Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce," August 18, 2011
- (c) DoD Directive 1350.2, "Department of Defense Military Equal Opportunity (MEO) Program," August 18, 1995, as amended
- (d) DoD Directive 1440.1, "The DoD Civilian Equal Employment Opportunity (EEO) Program," May 21, 1987, as amended
- (e) DoD Directive 5500.11, "Nondiscrimination in Federally Assisted Programs," May 27, 1971, as amended
- (f) DoD Directive 1020.1, "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," March 31, 1982, as amended
- (g) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002, as amended
- (h) Title ~~10~~ 42, United States Code
- (i) Title 29, Code of Federal Regulations
- (j) Title 29, United States Code
- (k) Title 5, United States Code
- (l) Equal Employment Opportunity Commission Management Directive 715, "Federal Responsibilities under Section 717 of Title VII and Section 501 of the Rehabilitation Act," October 1, 2003
- (m) Executive Order 11478, "Equal Employment Opportunity in the Federal Government," August 8, 1969, as amended
- (n) Executive Order 11246, "Equal Employment Opportunity," September 24, 1965, as amended
- (o) Equal Employment Opportunity Commission Management Directive 110, "Federal Sector Complaints Processing Manual," ~~November 9, 1999~~ August 5, 2015
- (p) Public Law 110-233, "Genetic Information Nondiscrimination Act of 2008," May 21, 2008
- (q) Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws," November 2, 1980
- (r) Section 50.3 of Title 28, Code of Federal Regulations (also known as "Guidelines for the Enforcement of Title VI, Civil Rights Act of 1964," as amended)
- (s) Public Law 100-259, "Civil Rights Restoration Act of 1987," March 22, 1988
- ~~(t) Title 42, United States Code~~
- ~~(u)~~(t) Part 90 of Title 45, Code of Federal Regulations (also known as the "Department of Health and Human Services' regulation on "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance")
- ~~(v)~~(u) Sections 1681 through 1688 Title 20, United States Code (also known as "Title IX of the Education Amendments of 1972," as amended)
- ~~(w)~~(v) Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," August 11, 2000

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~~(x)~~(w) DoD Directive 5505.06, "Investigations of Allegations Against Senior DoD Officials," June 6, 2013

~~(y)~~(x) DoD Manual 8910.01, Volume 1, "DoD Information Collections Manual: Procedures for DoD Internal Information Collections," June 30, 2014, *as amended*

~~(z)~~(y) DoD Instruction 5015.02, "DoD Records Management Program," February 24, 2015

~~(aa)~~(z) DoD Directive 5100.03, "Support of the Headquarters of Combatant and Subordinate Unified Commands," February 9, 2011

~~(ab)~~(aa) DoD Instruction 5100.73, "Major DoD Headquarters Activities," December 1, 2007, as amended

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ENCLOSURE 2

PROGRAM DESCRIPTIONS

1. DOD DIVERSITY AND INCLUSION MANAGEMENT PROGRAM. The DoD Diversity and Inclusion Management Program:

a. Builds on the guidance provided in Reference (b) on establishing a coordinated government-wide initiative to promote diversity and inclusion in the federal workforce to promote a strategic vision for total force diversity and inclusion as a unifying core value and factor of readiness for Service members and civilian employees.

b. Ensures that diversity and inclusion policies align with the DoD Diversity and Inclusion Strategic Plan and organizational goals.

c. Implements diversity and inclusion focused programs and practices to foster an inclusive environment encompassing all the different characteristics and attributes of the total force.

d. Establishes:

(1) An accountability framework, based on federal laws, regulations, and other applicable guidance that evaluate DoD Components efforts to identify and eliminate barriers and gaps that inhibit progress of the implementation of diversity and inclusion efforts.

(2) Mechanisms to integrate the progress of diversity and inclusion into lifecycle and talent management to attract, recruit, access, develop, promote, and retain diverse talent based on merit across the DoD.

(3) Core competencies and related training and education programs necessary for leaders of diversity and inclusion programs in DoD.

e. Oversees diversity and inclusion training and education programs in DoD.

2. DOD MEO PROGRAM. The DoD MEO Program:

a. Promotes equal opportunity as being critical to mission accomplishment, unit cohesiveness, and military readiness. Evaluates Service members only on individual merit, fitness, capability, and performance.

b. Ensures that:

(1) All Service members are afforded equal opportunity in an environment free from harassment, *including sexual harassment*, and unlawful discrimination on the basis of race, color, national origin, religion, sex (*including gender identity*), or sexual orientation.

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(2) The chain of command is used as the primary and preferred channel to:

(a) Identify and correct unlawful discriminatory practices.

(b) Process and resolve complaints of unlawful discrimination or harassment, to include sexual.

(c) Ensure that MEO matters are taken seriously and acted on as necessary.

(3) The Military Departments monitor and report on selected categories of their personnel programs to ensure MEO and fair treatment for all Service members through MEO plans, programs, or other initiatives.

(4) Systems are in place to receive and process complaints of discrimination or harassment, to include sexual *harassment*, and that those resolution systems are compliant with federal and DoD guidance.

(5) To the extent permitted by law and DoD policy, all on-installation activities and, when possible, all off-installation activities available to military personnel are open to all military personnel and their families regardless of race, color, national origin, religion, sex (*including gender identity*), or sexual orientation.

3. DOD CIVILIAN EEO PROGRAM. Pursuant to sections 2000e through 2000e-17 of Title 42, United States Code (U.S.C.) (Reference (h)), section 1614 of Title 29, Code of Federal Regulations (CFR) (Reference (i)), chapter 14 of Title 29, U.S.C. (Reference (j)), sections 2302(b)(1) and 7201 of Title 5, U.S.C. (Reference (k)) and References (l) through (p), the DoD Civilian EEO Program:

a. Prohibits unlawful employment discrimination based on race, sex (including pregnancy, gender identity, and sexual orientation when based on sex stereotyping), color, national origin, age, religion, disability, genetic information, or reprisal for previous EEO activity in accordance with applicable statutes and Equal Employment Opportunity Commission (EEOC) regulations. While not enforced by the EEOC, discrimination in employment based on other factors prohibited by Executive order, such as status as a parent, may be addressed through other separate complaint and resolution systems.

b. Strives to achieve the elements of a model EEO program as described in EEOC Management Directive 715 (Reference (l)).

c. Ensures that systems are in place to receive and process complaints of discrimination and that the resolution systems comply with applicable regulations.

d. Identifies and eliminates barriers and practices that impede equal opportunity for all employees and applicants for employment including harassment in the workforce.

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e. Identifies and eliminates barriers, including architectural and transportation barriers, affecting individuals with disabilities at work sites.

4. DOD CIVIL RIGHTS PROGRAM. The DoD Civil Rights Program requires that:

a. Pursuant to Executive Order 12250 (Reference (q)), section 50.3 of Title 28, CFR (Reference (r)), Public Law 100-259 (References (s)), and:

(1) Pursuant to sections 2000d through 2000d-7 of ~~Title 42, U.S.C.~~ (Reference ~~(t)~~(h)), no individual will be excluded from participation in or denied the benefits of any program or activity receiving federal financial assistance from the DoD, or subjected to unlawful discrimination on the basis of race, color, or national origin.

(2) Pursuant to sections 794 through 794d of Reference (l), no individual will be excluded from participation in or denied the benefits of any program or activity receiving federal financial assistance from or conducted by the DoD, or subjected to unlawful discrimination on the basis of disability.

(3) Pursuant to part 90 of Title 45, CFR (Reference ~~(t)~~(t)), no individual will be excluded from participation in or denied the benefits of any program or activity receiving federal financial assistance from or conducted by the DoD, or subjected to unlawful discrimination on the basis of age.

(4) Pursuant to sections 1681 through 1688 of Title 20, U.S.C. (Reference ~~(v)~~(u)), no individual will be excluded from participation in or denied the benefits of any education program or activity receiving federal financial assistance from the DoD, or subjected to unlawful discrimination on the basis of sex.

b. Persons with limited English proficiency can effectively participate in or benefit from federally assisted programs and activities pursuant to section 2000d et. seq. of Reference ~~(t)~~(h), Executive Order 13166 (Reference ~~(w)~~(v)), and this directive.

c. Processing systems are in place to receive complaints of discrimination on the basis of paragraphs 4a(1) through 4a(4) of this section of this enclosure. Such resolution systems must be compliant with the relevant policies and procedures of the Department of Justice, Department of Health and Human Services, other federal agencies, and DoD issuances.

5. DEOMI. DEOMI develops and implements programs that support objectives of the DoD and emerging requirements of DoD Components in the areas of MEO, EEO, and diversity and inclusion. DEOMI must:

a. Provide training, education, and related research.

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b. Consult with DoD Components and assess DoD programs addressing human relations and diversity and inclusion issues.

c. Facilitate ordering, analyses, and consultation regarding the results of the Defense Equal Opportunity Climate Survey.

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ENCLOSURE 3

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

(USD(P&R)). In addition to the responsibilities in section 4 of this enclosure, the USD(P&R):

a. Represents and advises the Secretary of Defense on all matters related to the DoD MEO Program, DoD Civilian EEO Program, DoD Diversity and Inclusion Management Program, and DoD Civil Rights Program.

b. Oversees and monitors:

(1) Implementation of this directive and monitors progress toward diversity and inclusion management and equal opportunity objectives.

(2) The activities of the Secretary of the Air Force in his or her functional areas of responsibility as the DoD EA for DEOMI.

c. Coordinates matters regarding identification, control, and evaluation of DoD EA for DEOMI assignments and arrangements associated with such assignments within his or her area of cognizance.

d. Approves or denies the support agreement for DEOMI with the Secretary of the Air Force to further the established DoD EA relationship.

2. ~~ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS ASSISTANT SECRETARY OF DEFENSE FOR READINESS (ASD(R))~~. Under the authority, direction, and control of the USD(P&R), the ~~Assistant Secretary of Defense for Manpower and Reserve Affairs~~ *ASD(R)*:

a. Monitors progress toward program objectives of this directive.

b. Provides policy direction and guidance to the Director, ODMEO.

3. DIRECTOR, ODMEO. Under the authority, direction, and control of the ~~Assistant Secretary of Defense for Manpower and Reserve Affairs~~ *ASD(R)*, the Director, ODMEO:

a. Oversees the DoD Diversity and Inclusion Management Program, DoD MEO Program, DoD Civilian EEO Program, and DoD Civil Rights Program by:

(1) Monitoring implementation of this directive and any implementing guidance.

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(2) Serving as the ~~primary liaison~~ *principal point of contact* for ~~coordinating oversight and ensuring compliance with~~ policies, programs, and initiatives for related programs across the DoD Components.

b. Exercises supervision, direction, and policy guidance over the Commandant, DEOMI by providing oversight or guidance to DEOMI.

c. Annually updates the Secretary of Defense on the status of diversity, inclusion, equal opportunity, and civil rights within DoD and the effectiveness of the programs.

4. OSD AND DOD COMPONENTS HEADS. OSD and DoD Component heads:

a. Ensure compliance with this directive within their respective Components.

b. Develop, implement, and maintain policies, programs, and procedures to prevent unlawful discrimination and harassment based on any prohibited factor, to include sexual. Require that commanders and supervisors prominently post and enforce such policies and procedures.

c. Maintain informal and formal complaint processes for addressing violations of this directive and the policies or issuances it authorizes.

d. Report to the Inspector General of the Department of Defense any allegations that a senior DoD official (i.e., general or flag officer, Senior Executive Service member, SL/ST, Executive Level, Defense Intelligence Senior Level, or Defense Intelligence Senior Executive Service) personally participated in discrimination cognizable under an applicable Component regulation, in accordance with DoDD 5505.06 (Reference ~~(x)~~(w)).

e. Collect, maintain, and respond to reporting requirements on diversity, equal opportunity, and ~~equal employment opportunity~~ *EEO*, as determined by the Secretary of Defense, USD(P&R), or Congress in accordance with the procedures in Volume 1 of DoD Manual 8910.01 (Reference ~~(y)~~(x)).

5. DoD COMPONENT HEADS. In addition to the responsibilities in section 4 of this enclosure, the DoD Component heads establish and maintain MEO, when applicable; civilian EEO; diversity and inclusion management; and civil rights programs within their Components.

6. SECRETARY OF THE AIR FORCE. In addition to the responsibilities in sections 4 and 5 of this enclosure, and in his or her role as the DoD EA for DEOMI, the Secretary of the Air Force:

a. Provides and maintains facilities essential to the operation of DEOMI.

b. Provides administrative, logistical, and resource support to DEOMI.

DoDD 1020.02E, June 8, 2015

- c. Provides funding and manpower necessary for DEOMI's execution of its responsibilities.
- d. Ensures proper coordination with the DoD Components for the responsibilities and activities assigned to provide continuous and sustainable support to DEOMI.
- e. Monitors resources used in performing assigned DEOMI responsibilities and functions.
- f. Develops, maintains, and reports results of performance of its DEOMI responsibilities and functions, as may be required by law, Secretary of Defense decision, or other congressional requirements.
- g. Obtains reports and information from the Commandant of DEOMI, in accordance with the procedures in Reference ~~(y)~~(x), to carry out the Secretary of Defense's assigned responsibilities, functions, and authorities.
- h. Establishes, maintains, and preserves information as records that document the transaction of business and mission of the Air Force in its capacity as the DoD EA for DEOMI in accordance with DoD Instruction 5015.02 (Reference ~~(z)~~(y)).
- i. Establishes and executes a formal agreement (e.g., a support agreement, memorandum of understanding) approved by the USD(P&R), and other necessary agreements, as required, to fulfill DoD EA for DEOMI responsibilities, functions, and authorities. The agreements must identify:
 - (1) The nature and scope of DoD EA for DEOMI responsibilities, functions, relationships, and authorities.
 - (2) The authorities for the DoD EA for DEOMI and agreements, which must be consistent with applicable law, Reference (g), DoDD 5100.03 (Reference ~~(aa)~~(z)), and DoD Instruction 5100.73 (Reference ~~(ab)~~(aa)).
 - (3) Requirements and resources, including funding and force structure, necessary to execute assigned responsibilities and functions.
 - (4) A point of contact to coordinate matters regarding assigned DoD EA for DEOMI responsibilities, functions, and authorities.

GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

<i>ASD(R)</i>	<i>Assistant Secretary of Defense for Readiness</i>
CFR	Code of Federal Regulations
DEOMI	Defense Equal Opportunity Management Institute
DoDD	DoD Directive
EA	Executive Agent
EEO	Equal Employment Opportunity
EEOC	Equal Employment Opportunity Commission
MEO	Military Equal Opportunity
ODMEO	Office of Diversity Management and Equal Opportunity
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this directive.

civilian EEO. The right of all DoD employees to apply, work, and advance on the basis of merit, ability and potential, free from unlawful discrimination based on race, color, national origin, religion, sex (including pregnancy, gender identity, and sexual orientation when based on sex stereotyping), disability, age, genetic information, reprisal, or other unlawful factors.

diversity. All the different characteristics and attributes of the DoD's total force, which are consistent with DoD's core values, integral to overall readiness and mission accomplishment, and reflective of the Nation we serve.

diversity management. The plans made and programs undertaken to identify and promote diversity within the DoD to enhance DoD capabilities and achieve mission readiness.

DoD Diversity and Inclusion Strategic Plan. Plans that provide overarching direction, encourage direct leadership involvement and commitment, and create alignment allowing DoD to approach

diversity and inclusion efforts in a coordinated, collaborative, and integrated manner supported by measurable outcomes.

EEO. See definition of “civilian EEO.”

federal financial assistance. Includes, but is not limited to:

Grants and loans of federal funds.

The grant or donation of federal property and interests in property.

The detail of federal personnel.

The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient.

A federal agreement, arrangement, or other contract that has as one of its purposes as the provision of assistance.

inclusion. Valuing and integrating each individual’s perspectives, ideas, and contributions into the way an organization functions and makes decisions.

MEO. The right of all Service members to serve, advance, and be evaluated based on only individual merit, fitness, capability, and performance in an environment free from **sexual harassment, including sexual harassment**, and unlawful discrimination on the basis of race, color, national origin, religion, sex (*including gender identity*), or sexual orientation.

nondiscrimination in federally assisted or federally conducted programs. The right of individuals not to be subject to unlawful discrimination in federally assisted or federally conducted programs on the basis of:

Race, color, or national origin in programs or activities that receive federal financial assistance from the DoD, pursuant to sections 2000d through 2000d-7 of Reference ~~(h)~~(h).

Disability, in any program or activity receiving federal financial assistance from or conducted by the DoD, pursuant to sections 794 through 794d of Reference (j).

Age, in programs or activities that receive federal financial assistance from the DoD, pursuant to part 90 of Reference ~~(t)~~(t).

Sex, in education programs or activities that receive federal financial assistance from the DoD, pursuant to sections 1681 through 1688 of Reference ~~(u)~~(u).

program or activity. Defined in section 50.3 of Reference (r).

unlawful discrimination. Disparate treatment or harassment of an individual or group based on a prohibited factor contrary to federal law or regulation.

N



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

JUN 30 2017

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Accession of Transgender Individuals into the Military Services

Since becoming the Secretary of Defense, I have emphasized that the Department of Defense must measure each policy decision against one critical standard: will the decision affect the readiness and lethality of our armed forces? Put another way, how will the decision affect the ability of America's military forces to defend the Nation? It is against this standard that I provide the following guidance on the way forward in accessing transgender individuals into the military Services.

Under existing DoD policy, such accessions were anticipated to begin on July 1, 2017. The Deputy Secretary directed the Services to assess their readiness to begin accessions. Building upon that work and after consulting with the Service Chiefs and Secretaries, I have determined that it is necessary to defer the start of accessions for six months. We will use this additional time to evaluate more carefully the impact of such accessions on readiness and lethality. This review will include all relevant considerations.

My intent is to ensure that I personally have the benefit of the views of the military leadership and of the senior civilian officials who are now arriving in the Department. This action in no way presupposes the outcome of the review, nor does it change policies and procedures currently in effect under DoD Instruction 1300.28, "In-Service Transition for Transgender Service Members." I am confident we will continue to treat all Service members with dignity and respect.

The Under Secretary of Defense for Personnel and Readiness will lead this review and will report the results to me not later than December 1, 2017.

A handwritten signature in black ink, appearing to read "John Mattis".

O

From: Huibregtse, Matthew J Lt Col USAF (US)
Sent: Monday, August 7, 2017 3:10 PM
To: Soper, Martha P CIV USAF SAF-MR (US)
Subject: RE: Follow up TG Accessions email (UNCLASSIFIED)

Ma'am,

Glad you were able to talk w/ Maj McWhirter and that we didn't leave you hanging for a response. Deliberative

Deliberative

Unfortunately, we didn't go anywhere fun on leave. We just returned from an overseas assignment, so the week was just spent trying to get the house set-up.

Very Respectfully,

Matt

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

From: Soper, Martha P CIV USAF SAF-MR (US)
Sent: Monday, August 07, 2017 2:36 PM
To: Huibregtse, Matthew J Lt Col USAF (US) <matthew.j.huibregtse.mil@mail.mil>
Subject: RE: Follow up TG Accessions email (UNCLASSIFIED)

Hi Matt,

I hope you went some place fun for your leave!

Deliberative

Thanks,
Martie

Martie Soper, RN, MSHS
Assistant Deputy, Health Policy
Office of the Secretary of the Air Force Assistant Secretary (Reserve Affairs & Airman Readiness) SAF/MRR, Rm 5D742,
Pentagon Washington, DC 20330
O: 703-693-9512
C: 404-405-6109

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From: Huibregtse, Matthew J Lt Col USAF (US)
Sent: Monday, August 07, 2017 2:15 PM
To: Soper, Martha P CIV USAF SAF-MR (US) <martha.p.soper.civ@mail.mil>
Subject: RE: Follow up TG Accessions email (UNCLASSIFIED)

Ma'am,

Sorry for the late reply on this (I was out on leave last week). Have you heard back on this, yet?

Very Respectfully,

Matt

MATTHEW J. HUIBREGTSE, Lt Col, USAF
Retirements, Separations & Force Management Policy HAF/A1PPS

matthew.j.huibregtse.mil@mail.mil
703-571-0827

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

From: Soper, Martha P CIV USAF SAF-MR (US)
Sent: Monday, July 31, 2017 9:37 AM
To: McWhirter, Matthew A Maj USAF AF-A1 (US) <matthew.a.mcwhirter.mil@mail.mil>; Hindelang, Rachel R Maj USAF (US) <rachel.r.hindelang.mil@mail.mil>; Huibregtse, Matthew J Lt Col USAF (US) <matthew.j.huibregtse.mil@mail.mil>
Subject: FW: Follow up TG Accessions email (UNCLASSIFIED)

Good morning,

I sent this message off to the MMDT for their SA, you all should have a heads up as well due to the pause on gender marker changes.

I have a question - is there a code in "the system" that shows the number of Airmen who have made a gender marker change? If so, I'd like to know how the number of changes made, then compare that to the recommendations the MMDT has made. We need to address this inconsistency at our level, SA for leadership.

Thanks,
Martie

Martie Soper, RN, MSHS
Assistant Deputy, Health Policy
Office of the Secretary of the Air Force Assistant Secretary (Reserve Affairs & Airman Readiness) SAF/MRR, Rm 5D742,
Pentagon Washington, DC 20330
O: 703-693-9512
C: 404-405-6109

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

From: Soper, Martha P CIV USAF SAF-MR (US)

Sent: Monday, July 31, 2017 9:27 AM

To: Brooks, Mark J Col USAF 59 MDW (US) <mark.j.brooks3.mil@mail.mil>; Decker, Elizabeth A Col USAF AFMOA (US) <elizabeth.a.decker4.mil@mail.mil>; Kelly, Colleen M Col USAF (US) <colleen.m.kelly.mil@mail.mil>

Cc: Miller, Robert I Brig Gen USAF AFMOA (US) <robert.i.miller.mil@mail.mil>; Cheatham, Thomas N Col USAF AFMSA (US) <thomas.n.cheatham2.mil@mail.mil>; Fiedler, Joyce P Col USAF AF-SG (US) <joyce.p.fiedler.mil@mail.mil>;

Downes, Karen M Lt Col USAF SAF-MR (US) <karen.m.downes2.mil@mail.mil>; Fedrigo, John A SES USAF SAF-MR (US) <john.a.fedrigo.civ@mail.mil>; Zeh, Gianna R Col USAF (US) <gianna.r.zeh.mil@mail.mil>

Subject: FW: Follow up TG Accessions email (UNCLASSIFIED)

Good morning,

I'm sharing some guidance that our Army counterparts shared. Until we receive clear guidance from OSD and HA, please pause efforts on surgeries and gender marker changes. We will continue to provide mental/behavioral health care and hormone therapy.

Deliberative

Deliberative

MMDT Team - please acknowledge receipt of this message.

Best,
Martie

Martie Soper, RN, MSHS
Assistant Deputy, Health Policy
Office of the Secretary of the Air Force Assistant Secretary (Reserve Affairs & Airman Readiness) SAF/MRR, Rm 5D742,
Pentagon Washington, DC 20330
O: 703-693-9512
C: 404-405-6109

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

From: Krueger, Mary V COL USARMY HQDA ASA MRA (US)

Sent: Wednesday, July 26, 2017 7:49 PM

To: Place, Michael L COL USARMY MEDCOM MAMC (US) <michael.l.place3.mil@mail.mil>; Mullen, Lawrence E CIV DHA DIR SUPPORT (US) <lawrence.e.mullen.civ@mail.mil>

Cc: Page, Neil E COL USARMY HQDA OTSG (US) <neil.e.page.mil@mail.mil>; Soper, Martha P CIV USAF SAF-MR (US)

<martha.p.soper.civ@mail.mil>; Pelzner, Michael A (Mike) COL USARMY NG NGB (US)

<michael.a.pelzner.mil@mail.mil>; Teneza, Brigilda C COL USARMY OSD USMEPCOM (US)

<brigilda.c.teneza.mil@mail.mil>; Kemp, David S CAPT USN OSD USMEPCOM (US) <david.s.kemp.mil@mail.mil>

Subject: Re: Follow up TG Accessions email (UNCLASSIFIED)

Guidance from OSD is pause surgeries and gender marker change. All else is pending guidance.

P

John McCain

U.S. Senator ~ Arizona

<http://www.mccain.senate.gov/public/index.cfm/home>

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Jul 26 2017

STATEMENT BY SASC CHAIRMAN JOHN MCCAIN ON TRANSGENDER AMERICANS IN THE MILITARY (<https://www.mccain.senate.gov/public/index.cfm/press-releases?ID=80124D36-EF8B-4CBD-A75A-9C6C697CA235>)

Washington, D.C. – U.S. Senator John McCain (R-AZ), Chairman of the Senate Armed Services Committee, released the following statement today on President Trump’s tweet regarding transgender Americans in the military:

“The President’s tweet this morning regarding transgender Americans in the military is yet another example of why major policy announcements should not be made via Twitter.

“The statement was unclear. The Department of Defense has already decided to allow currently-serving transgender individuals to stay in the military, and many are serving honorably today. Any American who meets current medical and readiness standards should be allowed to continue serving. There is no reason to force service members who are able to fight, train, and deploy to leave the military—regardless of their gender identity. We should all be guided by the principle that any American who wants to serve our country and is able to meet the standards should have the opportunity to do so—and should be treated as the patriots they are.

“The Department of Defense is currently conducting a study on the medical obligations it would incur, the impact on military readiness, and related questions associated with the accession of transgender individuals who are not currently serving in uniform and

Case 1:17-cv-01597-CKK Document 128-16 Filed 05/14/18 Page 3 of 5
wish to join the military, it will not be relevant to any new policy decision. It is appropriate until that study is complete and thoroughly reviewed by the Secretary of Defense, our military leadership, and the Congress.

“The Senate Armed Services Committee will continue to follow closely and conduct oversight on the issue of transgender individuals serving in the military.”

###

Permalink: <https://www.mccain.senate.gov/public/index.cfm/2017/7/statement-by-sasc-chairman-john-mccain-on-transgender-americans-in-the-military>
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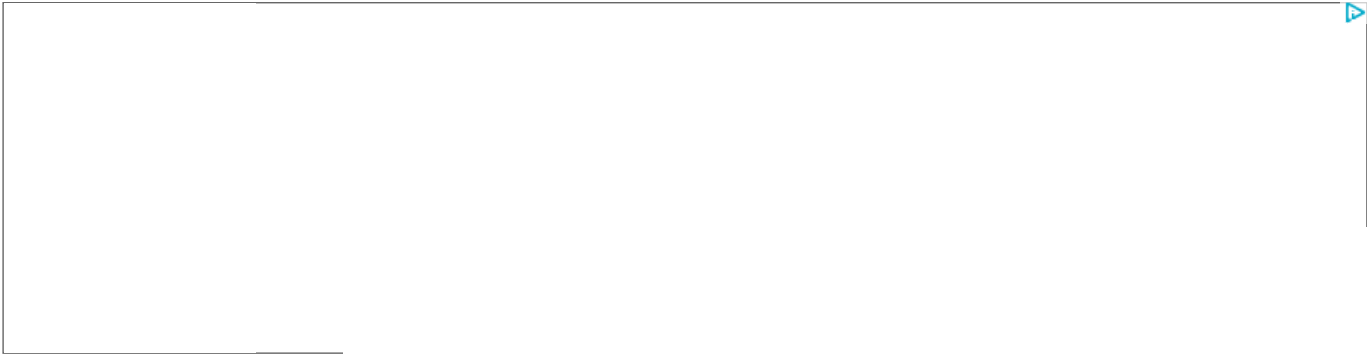
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Ernst breaks with Trump on transgender military ban

Jason Noble, jnoble2@dmreg.com Published 11:44 a.m. CT July 26, 2017 | Updated 12:02 p.m. CT July 26, 2017



(Photo: Nicki Kohl/Dubuque Telegraph Herald)

U.S. Sen. Joni Ernst on Wednesday broke with President Donald Trump's call to bar transgender Americans from serving in the military, telling the Des Moines Register that anyone qualified should be allowed to serve.

But Ernst, a Republican, a 20-year military veteran and a member of the Senate's Armed Services Committee, also said the government should not pay for gender reassignment, as it does under an Obama-era policy currently in effect.

"She believes what is most important is making sure service members can meet the physical training standards, and the willingness to defend our freedoms and way of life," Ernst spokeswoman Brook Hougesen wrote in an email to the Register. "While she believes taxpayers shouldn't cover the costs associated with a

gender reassignment surgery, Americans who are qualified and can meet the standards to serve in the military should be afforded that opportunity."

That position is at odds with Trump's announcement on Twitter Wednesday morning that the government would not "accept or allow" transgender people (</story/news/politics/2017/07/26/trump-no-transgender-individuals-military/511858001/>) to serve "in any capacity" in the military.

Donald J. Trump
@realDonaldTrump

After consultation with my Generals and military experts, please be advised that the United States Government will not accept or allow.....

8:55 AM - Jul 26, 2017

121K 65.8K people are talking about this

Donald J. Trump
@realDonaldTrump

....Transgender individuals to serve in any capacity in the U.S. Military. Our military must be focused on decisive and overwhelming.....

9:04 AM - Jul 26, 2017

131K 87.5K people are talking about this

 **Donald J. Trump**
@realDonaldTrump

...victory and cannot be burdened with the tremendous medical costs and disruption that transgender in the military would entail. Thank you

9:08 AM - Jul 26, 2017

135K 113K people are talking about this

The announcement has yet to be formalized by an executive order or other legal action. It could ultimately turn out thousands of transgender people currently serving in the military and block others from enlisting.

U.S. Sen. Chuck Grassley, meanwhile, declined to take a position on the new policy while offering deference to Ernst's view as a veteran and member of the Armed Services Committee.

"I have great deference to what the people who run the military have to say about some of these things. And I haven't studied their view on that," Grassley said in a call with Iowa reporters on Wednesday. He added a moment later, "I give deference to things that Sen. Ernst would say since she's been in the military and I never have."

When told of Ernst's statement, Grassley reiterated his trust in her views and experience on military issues.

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Sen. Chuck Grassley (R-Iowa) holds a meeting with voters in Centerville Friday, July 7, 2017. (Photo: Zach Boyden-Holmes/The Register)

"I have respect for what she has to say and I think I would let it go at that until I've looked into it deeper and had conversations with her," he said. "But I also would have conversations with people at the head of our military as well as besides her."

U.S. Rep. Steve King, meanwhile, was quoted by the Associated Press saying the order would win praise from Trump's supporters.

"We don't need to be experimenting with the military," King said. "Plus there's no reason to take on that kind of financial burden."

Read or Share this story: <http://dmreg.co/2v8uZCb>

R

Neller Gen Robert B

From: Neller Gen Robert B
Sent: Sunday, August 06, 2017 15:23
To: Dunford Gen Joseph F
Cc: (b)(6) Walters Gen Glenn M
Subject: Re: Draft Transgender Memo (UNCLASSIFIED)

(b)(5)

V/R Neller

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message

From: Dunford, Joseph F Jr Gen USMC JS (US)
Sent: Monday, August 7, 2017 6:06 AM
To: Neller Gen Robert B
Cc: (b)(6) Walters Gen Glenn M
Subject: RE: Draft Transgender Memo (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Commandant, ACMC--

(b)(5)

(b)(5) More to follow as this develops ... I saw it yesterday and immediately asked that it be forwarded to the Chiefs.

VR
Joe

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

From: Neller Gen Robert B [mailto:(b)(6)]
Sent: Saturday, August 5, 2017 9:50 PM
To: Dunford, Joseph F Jr Gen USMC JS (US)
<(b)(6)>

Neller Gen Robert B

From: Neller Gen Robert B
Sent: Saturday, August 05, 2017 21:50
To: Dunford, Joseph F Jr Gen USMC JS (US)
Cc: (b)(6) Walters LtGen Glenn M (b)(6)
Subject: FW: Draft Transgender Memo
Attachments: Draft PM -- Transgender in Military 4 Aug 2017.docx; Warning.txt; Warning.txt; Warning.txt

Chairman,
Read the statement. Have not discussed with the POTUS but only with the SECDEF.

(b)(5)

Getting ready to land on Guadalcanal.
Will check in later.
Understand min distribution/close hold.
V/R Neller

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

From: (b)(6)
Sent: Sunday, August 06, 2017 8:04 AM
To: Neller Gen Robert B <(b)(6)>

Pages 3 through 4 redacted for the following reasons:

Not an Agency Record
Not an Agency Record

CJCS_00001082

USDOE00037690

Subject: Fw: Draft Transgender Memo

Commandant

Attached is the draft PM to SD.

(b)(5)

CJCS requested min distro

Very Respectfully

(b)(6)

**Headquarters, U.S. Marine Corps
Military Secretary to the Commandant of the Marine Corps**

Office: (b)(6)

Cell: (b)(6)

Tanberg (b)(6)

NIPR: (b)(6)

SIPR: (b)(6)

From: (b)(6)

< (b)(6)

Sent: Saturday, August 5, 2017 9:42 AM

To: (b)(6)

(b)(6)

Cc: (b)(6)

Subject: Fwd: Draft Transgender Memo

Gentlemen,

**Please see below for closehold information for your bosses'.
Likely this is a final draft and will be released soon.**

**Our legal team has had a chance to review but the Chairman
wanted you all to have visibility.**

Please protect with minimal distribution.

V/r

(b)(6)

(C)+ (b)(6)

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

From: Dunford, Joseph F Jr Gen USMC JS (US)

Sent: Saturday, August 5, 2017 12:51 PM

To: Kremer, Kyle J Brig Gen USAF JS J1 (US)

<(b)(6)>

<mailto:(b)(6)>

Cc: Selva, Paul J Gen USAF JS OCJCS (US)

<(b)(6)>

>; (b)(6)

<(b)(6)>

<mailto:(b)(6)>

(b)(6)

(b)(6)

>; Crandall, Darse E

Jr RDML USN JS OCJCS (US) (b)(6)

(b)(6)

Subject: Re: Draft Transgender Memo (UNCLASSIFIED)

Kyle, All

I don't have additional changes to the memo beyond those from LC and I understand Del's assessment of paragraph 3.

I'll defer to OSD from here. Please make sure the Chiefs have an opportunity to review.

VR & Thanks

JFD

Begin forwarded message:

Resent-From: (b)(6)

(b)(6)

From: [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

Date: August 5, 2017 at 9:47:04 AM EDT

To: "Selva, Paul J Gen USAF JS OCJCS (US)"

[redacted] (b)(6)

>, "Dunford, Joseph F Jr Gen USMC JS (US)"

[redacted] (b)(6)

[redacted] (b)(6)

Cc: [redacted] (b)(6), (b)(7)(C)

[redacted] (b)(6), (b)(7)(C)

>, "Crandall, Darse E

Jr RDML USN JS OCJCS (US)"

[redacted] (b)(6)

"Kremer, Kyle J Brig

Gen USAF JS J1 (US)"

[redacted] (b)(6)

[redacted] (b)(6)

Subject: Fwd: Draft Transgender Memo

Chairman, Vice Chairman,

Given the articulated timeline and high profile nature of this issue, I am flat tracking it to you directly and a slightly broader team to ensure full visibility.

Pending guidance,

V/r

[redacted signature block] (b)(6)

Begin forwarded message:

From: [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

Date: August 4, 2017 at 10:26:51 PM EDT

To: [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6) **Philip SD Raymond**

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

Cc: [redacted] (b)(6)

< [redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

[redacted] (b)(6)

Subject: Draft Transgender Memo

DoD colleagues,

Attached, please find a close-hold draft of the POTUS memo on transgender. Per APNSA McMaster's promise to Secretary Mattis, we wanted to make sure you have seen it before going final.

I understand that OGC has already reviewed. We are waiting on DOJ review by noon tomorrow, before POTUS considers it. If you have any concerns, can you please let us know prior to noon tomorrow?

Again, I respectfully ask for your help in protecting this.

Many thanks

[redacted] (b)(6)

From: [Neller Gen Robert B](#)
To: [Dunford Gen Joseph F](#)
Subject: RE: Transgender policy message (UNCLASSIFIED)
Date: Thursday, July 27, 2017 11:07:00 AM

Can you talk today?

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

From: Dunford, Joseph F Jr Gen USMC JS (US) (b)(6)
Sent: Thursday, July 27, 2017 10:57 AM
To: Milley, Mark A GEN USARMY HQDA CSA (US); Richardson ADM John M; Neller Gen Robert B; Goldfein, David L Gen USAF AF-CC (US); Lengyel, Joseph L Gen USAF NG NGB (US)
Subject: RE: Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

P.S. When asked, I will state that I was not consulted ... expect that question will come NLT than my September hearing.

VR
Joe

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

From: Dunford, Joseph F Jr Gen USMC JS (US)
Sent: Thursday, July 27, 2017 7:55 AM
To: Milley, Mark A GEN USARMY HQDA CSA (US) (b)(6) 'Richardson, John M ADM CNO' (b)(6) 'Neller Gen Robert B' (b)(6) Goldfein, David L Gen USAF AF-CC (US) (b)(6) Lengyel, Joseph L Gen USAF NG NGB (US) (b)(6)
Subject: Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Chiefs,

I know yesterday's announcement was unexpected. The message below is provided in advance of an official letterhead memo from me. It's as much as we can say right now. I'd ask that you ensure widest dissemination ...

VR
Joe

From: CJCS
To: Service Chiefs, Commanders and Senior Enlisted Leaders

I know there are questions about yesterday's announcement on the transgender policy by the President. There will be no modifications to the current policy until the President's direction has been received by the Secretary of Defense and the Secretary has issued implementation guidance.

In the meantime, we will continue to treat all of our personnel with respect. As importantly, given the current fight and the challenges we face, we will all remain focused on accomplishing our assigned missions.

CLASSIFICATION: UNCLASSIFIED
CLASSIFICATION: UNCLASSIFIED

CJCS_00001087

USDOE00037695

From: [Neller Gen Robert B](#)
To: [Dunford, Joseph F Jr Gen USMC JS \(US\)](#); [Milley, Mark A GEN USARMY HQDA CSA \(US\)](#); [Richardson ADM John M; Goldfein, David L Gen USAF AF-CC \(US\)](#); [Lengyel, Joseph L Gen USAF NG NGB \(US\)](#)
Cc: [Walters LtGen Glenn M \(b\)\(6\)](#); [Laster LtGen James B; Brilakis LtGen Mark A; Ewers MaiGen John R; Hogue SES Robert D \(b\)\(6\)](#); [Wissler LtGen John E; Berger LtGen David H \(b\)\(6\)](#); [McMillian LtGen Rex C \(b\)\(6\)](#); [Kennedy BGen Paul J \(b\)\(6\)](#); [Renforth BGen Austin E; Jurney BGen William M](#)
Subject: RE: Transgender policy message (UNCLASSIFIED)
Date: Thursday, July 27, 2017 8:59:00 AM

Roger over.
V/R Neller

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

From: [Dunford, Joseph F Jr Gen USMC JS \(US\)](#) (b)(6)
Sent: Thursday, July 27, 2017 7:55 AM
To: [Milley, Mark A GEN USARMY HQDA CSA \(US\)](#); [Richardson ADM John M; Neller Gen Robert B; Goldfein, David L Gen USAF AF-CC \(US\)](#); [Lengyel, Joseph L Gen USAF NG NGB \(US\)](#)
Subject: Transgender policy message (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Chiefs,

I know yesterday's announcement was unexpected. The message below is provided in advance of an official letterhead memo from me. It's as much as we can say right now. I'd ask that you ensure widest dissemination ...

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In the meantime, we will continue to treat all of our personnel with respect. As importantly, given the current fight and the challenges we face, we will all remain focused on accomplishing our assigned missions.

CLASSIFICATION: UNCLASSIFIED

CJCS_00001088

USDOE00037696

S

From: USAF Pentagon SAF-MR Mailbox AF Central Coordination Cell
Sent: Wednesday, August 2, 2017 3:52 PM
To: USAF Pentagon SAF-MR Mailbox AF Central Coordination Cell
Cc: Cook, June M Col USAF (US); Sarlay, Robert Jr Col USAF (US); GREATHOUSE, NATHANIEL; Coates, William W (Will) JR CIV USAF SAF-MR (US); Downes, Karen M Lt Col USAF SAF-MR (US); Jackson, Jacqueline F Lt Col USAF AF-A3 (US); Kelly, Colleen M Col USAF (US); Brooks, Mark J Col USAF 59 MDW (US); Decker, Elizabeth A Col USAF AFMOA (US); Cheatham, Thomas N Col USAF AFMSA (US); McWhirter, Matthew A Maj USAF AF-A1 (US); Ashmore, Margarete P CIV USAF AF-JA (US); Snyder, Lisa K Col USAF NGB SG (US); Jackson, Jacqueline F Lt Col USAF AF-A3 (US)
Subject: NO SCCC Meeting this week - 03 AUG 17

Good afternoon everyone,

We WILL NOT have an SCCC meeting tomorrow. There has been a flurry of activity regarding the release of the President's tweet. Several of the Service AO's were sequestered to participate in an OSD AO TG WG until yesterday. We worked to develop COAs in response to the tweet anticipating OSD being asked for policy recommendations. This included the AO's addressing the Service questions discussed in the DSD and VCJCS meeting with the Services on 14 July 17. Of the 47 questions submitted, they were able to address the first 15. This left quite a list for us to finish.

As of now - there have been no changes to current policy regarding in-service transition for transgender Service members. The Services will continue with current policy, the only caveat we are waiting for is an update from Health Affairs regarding surgical procedures. Army has put out a pause on surgery. I am working with our SG for official guidance until HA publishes guidance. This may be a deferred decision pending official White House or SecDef policy release.

My visit to the MMDT went extremely well. Be assured, we have a very professional and educated staff working medical issues for our transgender Airmen. The MMDT continues to review medical treatment plans for our Airmen, I'll continue to work with Col Brooks (59th MDW) and Col Kelly (AFMOA) for an update next week.

I've fielded many emails to the SCCC regarding policy questions. Those that came through the OSD SCCC have official tasker numbers. BL - the response is that we will continue with business as usual until there is new policy.

New items:

#099_ a gender marker question from the NYANG. They have a member transitioning in their unit however the member does not intend to change their gender marker in MILPDS. The commander asked if there was an ETP to allow this, it wasn't clear in the policy. I responded, and included the ANG SG and A1 POCs on the response, stating transgender Airmen who wished to transition must follow through with a gender marker change. DoD is a binary system, we do not allow for gender fluidity.

#100_ETP request for Morel - fitness testing in their preferred gender. The Airman did not have evidence of a fitness failure, the package was returned to the unit citing the policy process for fitness assessment ETP requests. I included the NGB A1 and SG reps and the MMDT for their SA and review of the documentation.

I will be out of the office until Monday with limited email capability.

Thanks everyone,
Martie

Case 1:17-cv-01597-CKK Document 128-19 Filed 05/11/18 Page 3 of 3
Martie Soper, RN, MSHS
Assistant Deputy, Health Policy
Office of the Secretary of the Air Force Assistant Secretary (Reserve Affairs & Airman Readiness) SAF/MRR, Rm 5D742,
Pentagon Washington, DC 20330
O: 703-693-9512
C: 404-405-6109

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The White House

Office of the Press Secretary

For Immediate Release

August 25, 2017

Presidential Memorandum for the Secretary of Defense and the Secretary of Homeland Security

MEMORANDUM FOR THE SECRETARY OF DEFENSE

THE SECRETARY OF HOMELAND SECURITY

SUBJECT: Military Service by Transgender Individuals

Section 1. Policy. (a) Until June 2016, the Department of Defense (DoD) and the Department of Homeland Security (DHS) (collectively, the Departments) generally prohibited openly transgender individuals from accession into the United States military and authorized the discharge of such individuals. Shortly before President Obama left office, however, his Administration dismantled the Departments' established framework by permitting transgender individuals to serve openly in the military, authorizing the use of the Departments' resources to fund sex-reassignment surgical procedures, and permitting accession of such individuals after July 1, 2017. The Secretary of Defense and the Secretary of Homeland Security have since extended the deadline to alter the currently effective accession policy to January 1, 2018, while the Departments continue to study the issue.

In my judgment, the previous Administration failed to identify a sufficient basis to conclude that terminating the Departments' longstanding policy and practice would not hinder military effectiveness and lethality, disrupt unit cohesion, or tax military resources, and there remain meaningful concerns that further study is needed to ensure that continued implementation of last year's policy change would not have those negative effects.

(b) Accordingly, by the authority vested in me as President and as Commander in Chief of the Armed Forces of the United States under the Constitution and the laws of the United States of America, including Article II of the Constitution, I am directing the Secretary of Defense, and the Secretary of Homeland Security with respect to the U.S. Coast Guard, to return to the longstanding policy and practice on military service by transgender individuals that was in place prior to June 2016 until such time as a sufficient basis exists upon which to conclude that terminating that policy and practice would not have the negative effects discussed above. The Secretary of Defense, after consulting with the Secretary of Homeland Security, may advise me at any time, in writing, that a change to this policy is warranted.

Sec. 2. Directives. The Secretary of Defense, and the Secretary of Homeland Security with respect to the U.S. Coast Guard, shall:

(a) maintain the currently effective policy regarding accession of transgender individuals into military service beyond January 1, 2018, until such time as the Secretary of Defense, after consulting with the Secretary of Homeland Security, provides a recommendation to the contrary that I find convincing; and

(b) halt all use of DoD or DHS resources to fund sex reassignment surgical procedures for military personnel, except to the extent necessary to protect the health of an individual who has already begun a course of treatment to reassign his or her sex.

Sec. 3. Effective Dates and Implementation. Section 2(a) of this memorandum shall take

effect on January 1, 2018. Sections 1(b) and 2(b) of this memorandum shall take effect on March 23, 2018. By February 21, 2018, the Secretary of Defense, in consultation with the Secretary of Homeland Security, shall submit to me a plan for implementing both the general policy set forth in section 1(b) of this memorandum and the specific directives set forth in section 2 of this memorandum. The implementation plan shall adhere to the determinations of the Secretary of Defense, made in consultation with the Secretary of Homeland Security, as to what steps are appropriate and consistent with military effectiveness and lethality, budgetary constraints, and applicable law. As part of the implementation plan, the Secretary of Defense, in consultation with the Secretary of Homeland Security, shall determine how to address transgender individuals currently serving in the United States military. Until the Secretary has made that determination, no action may be taken against such individuals under the policy set forth in section 1(b) of this memorandum.

Sec. 4. Severability. If any provision of this memorandum, or the application of any provision of this memorandum, is held to be invalid, the remainder of this memorandum and other dissimilar applications of the provision shall not be affected.

Sec. 5. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register*.



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U

IMMEDIATE RELEASE

Statement by Secretary of Defense Jim Mattis on Military Service by Transgender Individuals

Press Operations

Release No: NR-312-17

Aug. 29, 2017

The Department of Defense has received the Presidential Memorandum, dated August 25, 2017, entitled "Military Service by Transgender Individuals." The department will carry out the president's policy direction, in consultation with the Department of Homeland Security. As directed, we will develop a study and implementation plan, which will contain the steps that will promote military readiness, lethality, and unit cohesion, with due regard for budgetary constraints and consistent with applicable law. The soon arriving senior civilian leadership of DOD will play an important role in this effort. The implementation plan will address accessions of transgender individuals and transgender individuals currently serving in the United States military.

Our focus must always be on what is best for the military's combat effectiveness leading to victory on the battlefield. To that end, I will establish a panel of experts serving within the Departments of Defense and Homeland Security to provide advice and recommendations on the implementation of the president's direction. Panel members will bring mature experience, most notably in combat and deployed operations, and seasoned judgment to this task. The panel will assemble and thoroughly analyze all pertinent data, quantifiable and non-quantifiable. Further information on the panel will be forthcoming.

Once the panel reports its recommendations and following my consultation with the secretary of Homeland Security, I will provide my advice to the president concerning implementation of his policy direction. In the interim, current policy with respect to currently serving members will remain in place. I expect to issue interim guidance to the force concerning the president's direction, including any necessary interim adjustments to procedures, to ensure the continued combat readiness of the force until our final policy on this subject is issued.

V



DEPARTMENT OF DEFENSE
HEADQUARTERS, UNITED STATES MILITARY ENTRANCE PROCESSING COMMAND
2834 GREEN BAY ROAD
NORTH CHICAGO, ILLINOIS 60064-3091

MECD

DEC 08 2017

MEMORANDUM FOR SECTOR COMMANDERS
BATTALION COMMANDERS
MEPS COMMANDERS
DIRECTORS AND SPECIAL STAFF OFFICERS

SUBJECT: Policy Memorandum 2-5, Transgender Applicant Processing

References:

- (a) Deputy Secretary of Defense Memorandum, "Medical Standards for Appointment, Enlistment, or Induction of Transgender Applicants into the Military Services," dated December 8, 2017.
- (b) DoDI 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services."
- (c) DoDI 1300.28, "In-Service Transition for Transgender Service Members," dated June 30, 2016.
- (d) USMEPCOM Regulation 40-1, "Medical Qualification Program," dated July 24, 2017.
- (e) Army Regulation 601-270/OPNAVINST 1100.4C CH-2/AFI 36-2003/MCO 1100.75/COMDTINST M. 1100.2E, "Military Entrance Processing Station," RAR dated September 13, 2011.

PURPOSE. This memorandum provides interim policy guidance for processing transgender applicants for military service in accordance with Reference (a). This policy memorandum supersedes Policy Memorandum 2-5 dated August 11, 2016. This policy memorandum shall remain in effect until expressly revoked.

APPLICABILITY. This policy applies to all USMEPCOM personnel and activities.

BACKGROUND. The medical accession standards set forth in reference (a) will be implemented on January 1, 2018. The new standard permits accession of qualified transgender applicants. Implementation of the new standard, effective January 1, 2018, is mandatory. Prior to that date, the civilian and military team of USMEPCOM must prepare to implement the necessary procedural adjustments to ensure a seamless processing experience for transgender applicants. Based on references (a) – (e), this policy memorandum establishes standard operating procedures and specific processing guidance that will be applied across the command. It is an administrative tool, not a health management tool or health policy document and does not confer rights, procedural or substantive, for applicants. Any provision of USMEPCOM or individual Military Entrance Processing Station (MEPS) policy or guidance inconsistent with this memorandum is hereby superseded. The following guidance will remain in effect until expressly revoked.

USMEPCOM mission requirements and physical space limitations often will not afford the opportunity for completely private screening procedures. All applicants, including those who are transgender, may express concern about privacy in bathrooms, ortho-neuro rooms, applicant hotel rooms, or similar venues. In these cases, Commanders may employ reasonable alternate measures to provide greater privacy, should daily capacity allow. Commanders or their representatives should review standard operating procedures during the morning Commander's brief, highlighting the rights, sensitivities, and privacy needs of all applicants, while acknowledging that the daily production environment may limit a Commander's ability to provide individual screening procedures.

As always, every applicant will be treated with dignity and respect. Applicants will be evaluated per established DoD standards for the purpose of qualifying for Military Service. Out of respect for all applicants, an individual's gender identity history should not be disclosed without his/her permission, unless disclosure is made for official use in accordance with applicable law and policy. Requests for privacy should be reviewed and adjudicated so as to avoid stigmatizing of any applicant.

I have the utmost confidence that the actions of the USMEPCOM team will continue to exemplify our core values of Integrity, Teamwork, Professionalism, and Respect. Ultimately, Commanders are responsible for upholding and maintaining the high standards of the U. S. military at all times, and in all places.

POLICY.

Identity Validation: Per reference (e), identity validation is the responsibility of Military Service recruiting command personnel. To ensure appropriate enrollment in the Defense Enrollment Eligibility Reporting System (DEERS) following accession, for transgender applicants, Service recruiting command personnel are responsible for notifying USMEPCOM (or the servicing MEPS) of an individual's identity, using one of the following documents to validate an applicant's gender, consistent with reference (c): a certified true copy of a state birth certificate reflecting preferred gender, a certified true copy of a court order reflecting preferred gender, or a U.S. Passport reflecting preferred gender.

Processing: Due to the complexity of this new medical standard, during the routine preliminary screening of applicants required by reference (e), recruiters shall refrain from screening out transgender applicants based on the information contained in the Accessions Medical Prescreen Report (DD Form 2807-2), and will instead allow the MEPS medical provider to perform a medical pre-screening of all transgender applicants for military service.

For the purposes of military entrance processing, the applicant's preferred gender will be used on all forms asking for the "sex" of the applicant. For example, if the applicant was born male but currently identifies as female, female will be selected in the "sex" category. The only form on which any difference between birth sex and preferred gender will be indicated is the DD Form 2807-2.

For applicants who do not identify with either male or female, their birth sex will be used on all forms when asking for the "sex" of the applicant. For example: if applicant was born male and does not identify as male or female, male will be selected in the "sex" category.

Services will submit the USMEPCOM Form 680-3A-E, Request for Examination (UMF 680-3A-E), indicating in block 6 the preferred gender with which the applicant identifies, not the applicant's birth sex. If an applicant's preferred gender is different than the applicant's birth sex, recruiters must verify the applicant's preferred gender through review of the applicant's birth certificate, court order, or passport. These three means to verify a gender change are the only valid means by which to do so, per reference (c) and this policy guidance.

Pending release of the updated DD Form 2807-2, the current DD Form 2807-2 "SECTION III-APPLICANT COMMENTS" will be used to identify transgender applicants to the medical department. The following annotations will be placed in Section III for ALL APPLICANTS, "Birth Sex: (male or female)" and "Preferred Gender: (male or female)." If birth sex and preferred gender are different, the recruiter will:

- a. Verify preferred gender using only a birth certificate, court order, or passport, per reference (c) and this policy guidance.
- b. Obtain the letter/s from the appropriate licensed medical provider/s, attesting that the applicant has been medically stable according to the standards prescribed in reference (a).
- c. Include with the prescreen submission the letter/s and all related medical documents provided by the applicant (e.g., documentation of counseling, surgery, hormone treatments) that facilitated the applicant's gender transition.

All projections and processing actions will be based on the preferred gender of the applicant. Transgender applicants will be addressed by their preferred gender name and pronoun. To avoid confusion, MEPS personnel will ask the applicant for his/her preferred name.

A transgender male (birth sex female, preferred gender male) will be projected by the Services as a male; a transgender female (birth sex male, preferred gender female) will be projected by the Services as a female. Room assignment, height/weight standards, ortho-neuro exam, specimen observation, underwear requirements, chaperone, and bathroom assignments will be made based on the applicant's preferred gender identified by the sponsoring Service. However, although an individual might identify with a preferred gender, he/she may retain the anatomical characteristics of their birth sex. Medical examinations and labs may need to be tailored to the specific anatomical characteristics presented by the applicant.

Transgender male applicants who have not undergone surgical/hormone therapy will wear undergarments consistent with their physical anatomy (as per routine in the USMEPCOM regulations for all applicants), will be administered a pregnancy test, and will receive medical review and examination specific to female anatomical characteristics during the physical examination portion of processing.

Transgender female applicants who have not undergone surgical/hormone therapy will wear undergarments consistent with their physical anatomy (as per routine in the USMEPCOM regulations for all applicants), will not be administered a pregnancy test, and will receive medical review and examination specific to male anatomical characteristics during the physical examination portion of processing.

The gender of the chaperone will be the same as the applicant's preferred gender. The examining provider must confirm whether the applicant "does" or "does not" want a chaperone before beginning the medical examination (where the applicant will be in a state of undress). When the gender of the examiner is the opposite of the applicant's preferred gender, a chaperone must be provided while the applicant is in a state of undress. When the examiner's gender is the same as the applicant's preferred gender, a chaperone will be provided on request of either the applicant or the medical provider. The applicant or medical provider may request a chaperone at any time, and the examination will not proceed further until a chaperone is provided.

FOR MEPS MEDICAL DEPARTMENT

In accordance with Reference (a):

a. As to a transgender male (birth sex female, preferred gender male), a history of sex reassignment surgery or major genital reconstruction is disqualifying, unless, as certified by a licensed surgeon whose scope of practice includes the attested surgical procedure(s) (to include OB/GYN, urology, or plastic surgery):

1) A period of 18 months has elapsed since the date of the most recent of any such surgery during which period no further surgical follow-up or monitoring was required; and

2) No functional limitations or complications persist, nor is any additional surgery required;
and

3) The applicant is not experiencing clinically significant distress or impairment in social, occupational, or other important areas of functioning.

b. As to a transgender female (birth sex male, preferred gender female), a history of sex reassignment surgery or major genital reconstruction is disqualifying, unless, as certified by a licensed surgeon whose scope of practice includes the attested surgical procedure(s) (to include urology or plastic surgery):

1) A period of 18 months has elapsed since the date of the most recent of any such surgery, during which period no further surgical follow-up or monitoring was required; and

2) No functional limitations or complications persist, nor is any additional surgery required;
and

3) The applicant is not experiencing clinically significant distress or impairment in social, occupational, or other important areas of functioning.

c. As to any transgender applicant, a history of medical treatment associated with gender transition is disqualifying, unless, as certified by a licensed medical provider who treats gender dysphoria, such as a primary care provider, endocrinologist, or licensed mental health provider (psychiatrist, clinical psychologist, clinical social worker with a master's degree or doctorate in clinical social work, or psychiatric nurse practitioner):

1) The applicant has completed all elements of a medical treatment plan associated with the applicant's gender transition; and

2) The applicant has been stable, without clinically significant distress or impairment in social, occupational, or other important areas of functioning, in the preferred gender for the previous 18 months; and

3) If the applicant is presently receiving cross-sex hormone therapy post gender transition, the individual has been stable without adverse side effects, functional limitations, or complications on such hormones for at least the 18 consecutive months immediately preceding examination by the MEPS medical department.

d. As to any transgender applicant, a history of gender dysphoria is disqualifying, unless, as certified by a licensed mental health provider (psychiatrist, clinical psychologist, clinical social worker with a master's degree or doctorate in clinical social work, or psychiatric nurse practitioner) who treats gender dysphoria, the applicant has been stable without clinically significant distress or impairment in social, occupational, or other important areas of functioning for at least the 18 consecutive months immediately preceding examination by the MEPS medical department.

e. Licensed medical provider is defined as "a health care professional who is licensed, credentialed, and granted clinical practice privileges to provide health care services within the provider's scope of practice, in a medical treatment facility."

f. For the purpose of accession, transgender applicants must be stable in the preferred gender for a period of 18 consecutive months post gender transition. "Stable in the preferred gender" is defined as "medical and surgical interventions for gender transition are complete, with the exception of continued use of a stable cross-sex hormone protocol, if applicable, no functional limitations or complications persist, and the individual is not experiencing clinically significant distress or impairment in social, occupational, or other important areas of functioning."

g. The following action will be taken for applicants, who during processing at the MEPS, disclose that they are transgender, but who have not taken the legal and/or medical steps to transition to their preferred gender or to demonstrate stability in their preferred gender as defined in this guidance: Applicant will be interviewed by a MEPS medical provider. If the applicant discloses to the MEPS medical provider that his/her preferred gender is other than the applicant's birth sex, as recorded on the applicant's DD Form 2807-2, or discloses additional medical information that calls into question whether stability in their preferred gender has been demonstrated, the applicant will be placed in open status (S-O), if medical treatment records are requested; or in temporary disqualified status (S-3T), if medical treatment records substantiate stability, but do not substantiate that the applicant meets the requirement that he/she be stable for 18

months in the preferred gender. In the latter case, the applicant will be given a Reevaluation Believed Justified (RBJ) date on the DD Form 2808 of 18 months minus the period of previously documented stability. In addition, in cases in which a transgender applicant is temporarily disqualified because he/she does not meet the 18 month stability requirement in the preferred gender, the sponsoring Service may request a Medical Exception to Policy (ETP), using the procedures in reference (d) to submit the applicant for consideration for a medical waiver by the Service Medical Waiver Review Authority (SMWRA), as authorized by reference (a).

h. The following action will be taken for applicants, who during prescreening, disclose that they are transgender, but who have not taken the legal and/or medical steps to transition to their preferred gender or to demonstrate stability in their preferred gender as defined this guidance: The MEPS medical provider will determine if Processing is Authorized (PA) in accordance with paragraph 2-3 of reference (d). If medical treatment records substantiate stability, but do not substantiate that the applicant meets the requirement that he/she is stable for 18 months in the preferred gender, the applicant will be given a Return Justified (RJ) date on the DD Form 2807-2 of 18 months minus the period of previously documented stability. In cases during prescreening in which an RJ date has been assigned, or in cases in which the MEPS medical provider has determined Processing is Not Justified (PNJ), the SMWRA (upon request of the Service) may Request Processing (PRW) in accordance with the procedures contained in paragraph 2-3 of reference (d).

i. For consistency, as USMEPCOM implements this new standard, and given the complexity and inter-dimensionality of medical qualification decisions, copies of the medical processing records: DD Form 2807-2, Report of Medical History (DD Form 2807-1), Report of Medical Examination (DD Form 2808), and the supporting medical records for all transgender applicant will be submitted to the USMEPCOM Medical Plans and Policy Directorate (J-7) for review after MEPS medical providers have rendered a medical qualification determination in regard to that applicant. The J-7 review is instituted to ensure consistency in the application of the new standard and to gather best practices and lessons learned as they pertain to this guidance. Supplemental guidance may be provided following J-7 review. J-7 review will not delay accession of transgender applicants determined to be qualified under the foregoing standards.

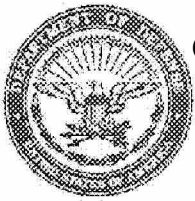
j. The Services must submit DD Form 2807-2 with substantiating and supporting medical documents, as specified in the USMEPCOM Medical Prescreen Documents List, together with all other documentation requested by the MEPS provider, for an applicant to be considered for a medical examination at the MEPS, IAW USMEPCOM Regulation, Medical Qualification Program (UMR 40-1), para 2-2c.

The point of contact for operational aspects of this policy is the Accession Division, J-3/MEOP-AD, (847) 688-3680 ext. 7519, email osd.north-chicago.usmepcom.list.hq-j3-meop-accession-division@mail.mil. The point of contact for all medical related questions is the Clinical Operations Division, J-7/MEMD-COD, (847) 688-3680 ext. 7132, email osd.north-chicago.usmepcom.list.hq-j7-memd-clinical-ops-div@mail.mil.



David S. Kemp
CAPT, USN
Commanding

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9/14/17

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDANT, U.S. COAST GUARD
DEPUTY CHIEF MANAGEMENT OFFICER
CHIEF, NATIONAL GUARD BUREAU
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF
DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTOR, STRATEGIC CAPABILITIES OFFICE
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Military Service by Transgender Individuals - Interim Guidance

The Department of Defense ("DoD") has received the Presidential Memorandum, *Military Service by Transgender Individuals*, dated August 25, 2017 ("Presidential Memorandum"). DoD will carry out the President's policy and directives in consultation with the Department of Homeland Security ("DHS") with respect to the U.S. Coast Guard. Not later than February 21, 2018, I will present the President with a plan to implement the policy and directives in the Presidential Memorandum. Consistent with military effectiveness and lethality, budgetary constraints, and applicable law, the implementation plan will establish the policy, standards and procedures for transgender individuals serving in the military. The Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff, supported by a panel of experts ("Panel"), shall propose for my consideration recommendations supported by appropriate evidence and information.

To comply with the Presidential Memorandum, ensure the continued combat readiness of the force, and maximize flexibility in the development of the implementation plan, the attached Interim Guidance takes effect immediately and will remain in effect until I promulgate DoD's final policy in this matter. By agreement with the Acting Secretary of Homeland Security, this Interim Guidance also applies to the U.S. Coast Guard.

Attachment:
As stated

cc:
Secretary of Homeland Security



OSD011321-17/CMD015105-17

Interim Guidance

First and foremost, we will continue to treat every Service member with dignity and respect.

Accessions: The procedures set forth in Department of Defense Instruction (DoDI) 6130.03, *Medical Standards for Appointment, Enlistment, or Induction in the Military Services*, dated April 28, 2010 (Change 1), which generally prohibit the accession of transgender individuals into the Military Services, remain in effect because current or history of gender dysphoria or gender transition does not meet medical standards, subject to the normal waiver process.

Medical Care and Treatment: Service members who receive a gender dysphoria diagnosis from a military medical provider will be provided treatment for the diagnosed medical condition. As directed by the Memorandum, no new sex reassignment surgical procedures for military personnel will be permitted after March 22, 2018, except to the extent necessary to protect the health of an individual who has already begun a course of treatment to reassign his or her sex.

In-Service Transition for Transgender Service Members: The policies and procedures set forth in DoDI 1300.28, *In-Service Transition for Transgender Service Members*, dated July 1, 2016, remain in effect until I promulgate DoD's final guidance in this matter.

Separation and Retention of Transgender Service members:

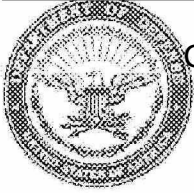
Service members who have completed their gender transition process and whose gender marker has been changed in DEERS will continue to serve in their preferred gender while this Interim Guidance remains in effect.

An otherwise qualified transgender Service member whose term of service expires while this Interim Guidance remains in effect, *may*, at the Service member's request, be re-enlisted in service under existing procedures.

As directed by the Memorandum, no action may be taken to involuntarily separate or discharge an otherwise qualified Service member solely on the basis of a gender dysphoria diagnosis or transgender status. Transgender Service members are subject to the same standards as any other Service member of the same gender; they may be separated or discharged under existing bases and processes, but not on the basis of a gender dysphoria diagnosis or transgender status.

Reestablishment of the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) Central Coordination Cell: The OUSD(P&R) will reestablish the Central Coordination Cell (CCC) to provide expert advice and assistance to the Military Departments and Services and to commanders with regard to this Interim Guidance. The CCC may be reached at <https://ra.sp.pentagon.mil/DoDCCC/SitePages/HomePage.aspx>.

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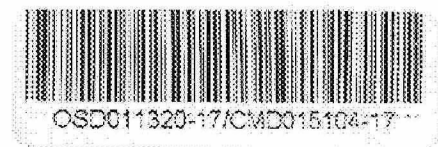
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
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SUBJECT: Terms of Reference - Implementation of Presidential Memorandum on Military Service by Transgender Individuals

Reference: Military Service by Transgender Individuals -- Interim Guidance

I direct the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff to lead the Department of Defense (DoD) in developing an Implementation Plan on military service by transgender individuals, to effect the policy and directives in Presidential Memorandum, *Military Service by Transgender Individuals*, dated August 25, 2017 ("Presidential Memorandum"). The implementation plan will establish the policy, standards and procedures for service by transgender individuals in the military, consistent with military readiness, lethality, deployability, budgetary constraints, and applicable law.

The Deputy Secretary and the Vice Chairman, supported by a panel of experts drawn from DoD and the Department of Homeland Security (DHS) ("Panel"), shall propose for my consideration recommendations supported by appropriate evidence and information, not later than January 15, 2018. The Deputy Secretary and the Vice Chairman will be supported by the Panel, which will be comprised of the Military Department Under Secretaries, Service Vice Chiefs, and Service Senior Enlisted Advisors. The Deputy Secretary and Vice Chairman shall



designate personnel to support the Panel's work to ensure Panel recommendations reflect senior civilian experience, combat experience, and expertise in military operational effectiveness. The Panel and designated support personnel shall bring a comprehensive, holistic, and objective approach to study military service by transgender individuals, focusing on military readiness, lethality, and unit cohesion, with due regard for budgetary constraints and consistent with applicable law. The Panel will be chaired by the Under Secretary of Defense for Personnel and Readiness and will report to the Deputy Secretary and the Vice Chairman at least every 30 days and address, at a minimum, the following three areas:

Accessions: The Presidential Memorandum directs DoD to maintain the policy currently in effect, which generally prohibits accession of transgender individuals into military service. The Panel will recommend updated accession policy guidelines to reflect currently accepted medical terminology.

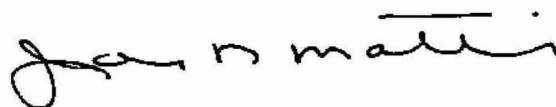
Medical Care: The Presidential Memorandum halts the use of DoD or DHS resources to fund sex-reassignment surgical procedures for military personnel, effective March 23, 2018, except to the extent necessary to protect the health of an individual who has already begun a course of treatment to reassign his or her sex. The implementation plan will enumerate the specific surgical procedures associated with sex reassignment treatment that shall be prohibited from DoD or DHS resourcing unless necessary to protect the health of the Service member.

Transgender Members Serving in the Armed Forces: The Presidential Memorandum directs that the Department return to the longstanding policy and practice on military service by transgender individuals that was in place prior to June 2016. The Presidential Memorandum also allows the Secretary to determine how to address transgender individuals currently serving in the Armed Forces. The Panel will set forth, in a single policy document, the standards and procedures applicable to military service by transgender persons, with specific attention to addressing transgender persons currently serving. The Panel will develop a universal retention standard that promotes military readiness, lethality, deployability, and unit cohesion.

To support its efforts, the Panel will conduct an independent multi-disciplinary review and study of relevant data and information pertaining to transgender Service members. The study will be planned and executed to inform the Implementation Plan. The independent multi-disciplinary review and study will address aspects of medical care and treatment, personnel management, general policies and practices, and other matters, including the effects of the service of transgender persons on military readiness, lethality, deployability, and unit cohesion.

The Panel may obtain advice from outside experts on an individual basis. The recommendations of the Deputy Secretary and the Vice Chairman will be coordinated with senior civilian officials, the Military Departments, and the Joint Staff.

All DoD Components will cooperate fully in, and will support the Deputy Secretary and the Vice Chairman in their efforts, by making personnel and resources available upon request in support of their efforts.



cc:
Secretary of Homeland Security