

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

DEE FULCHER, GIULIANO SILVA,) )  
and TRANSGENDER AMERICAN ) )  
VETERANS ASSOCIATION, ) )  
 ) )  
Petitioners, ) )  
 ) 17-1460  
v. ) )  
 ) )  
SECRETARY OF VETERANS ) )  
AFFAIRS, ) )  
 ) )  
Respondent. ) )

NOTICE OF FILING OF INDEX OF RECORD

Pursuant to Federal Circuit Rule 17(b)(3), David J. Shulkin, Secretary of Veterans Affairs, files the attached index of the record relating to the agency's consideration of petitioners' May 9, 2016 petition for rulemaking.

Respectfully submitted,

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Acting Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.  
Director

/s/Allison Kidd-Miller  
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March 21, 2017

Attorneys for Respondent

**Index Of Record Of Department Of Veterans Affairs'  
Consideration Of Petitioners' May 9, 2017 Petition For Rulemaking**

1. Petition For Rulemaking To Promulgate Regulations Governing Provision Of Sex Reassignment Surgery To Transgender Veterans, May 9, 2016.
2. Department of Veterans Affairs, RIN 2900-AP69, "Removing Exclusion of Gender Alterations from the Medical Benefits Package," Spring 2016.
3. Letter from 30 members of Congress to The Honorable Robert McDonald, Secretary, U.S. Department of Veterans Affairs, June 22, 2016.
4. Office of the Secretary, 00REG, "Economic Impact Analysis for RIN 2900-AP69, Removing Gender Alterations Restriction from the Medical Benefits Package," July 29, 2016.
  - a. Attachment 1: Impact Analysis for RIN 2900 AP69/WP2015-003, June 22, 2016.
  - b. Attachment 2: Department of Veterans Affairs Memorandum from VHA Chief Financial Officer to Chief Impact Analyst, Office of Regulation Policy and Management, Office of the General Counsel, "Impact Analysis for RIN 2900-AP69, Removing Gender Alterations Restriction from the Medical Benefits Package; Lesbian, Gay, Bisexual, and Transgender (LGBT) Program," July 24, 2016.
5. Letter from six members of the House of Representatives to The Honorable Robert McDonald, Secretary, U.S. Department of Veterans Affairs, September 12, 2016.
6. Letter from 11 members of the Senate to The Honorable Robert McDonald, Secretary, U.S. Department of Veterans Affairs, September 12, 2016.
7. Collection of letters from David J. Shulkin to members of Congress, November 10, 2016.

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on this 21st day of March, 2017, a copy of the foregoing “NOTICE OF FILING OF INDEX OF RECORD” was filed electronically.

**X** This filing was served electronically to all parties by operation of the Court’s electronic filing system.

/s/Eric P. Bruskin