

1 Defendants respectfully give notice to the Court of completing their submission of 500
 2 additional randomly selected documents withheld solely on the basis of the deliberative process
 3 privilege for *in camera* review pursuant to the Court’s June 24, 2020 Order.¹ ECF No. 536. All
 4 documents subject to *in camera* review have been stamped “Confidential” and “PRIVILEGED
 5 — Produced for In Camera Review Only.” Where relevant, parent and related documents have
 6 been produced for the limited purpose of providing context for the documents subject to *in*
 7 *camera* review. Paralegals will send via Federal Express three binders containing hard copies of
 8 Defendants’ privilege log and the 500 randomly selected documents withheld solely on the basis
 9 of the deliberative process privilege to the Court.²

10 Defendants have attached to this Notice a privilege log for all documents within the
 11 sample set. *See* Exhibit A. The end of the privilege log consists of a list of the parent documents
 12 that were submitted to the Court to provide context for the documents subject to *in camera*
 13 review. *See id.* Defendants will provide the privilege log in Excel format via email to chambers.
 14

15 Defendants’ Answers to the Court’s Questions of June 24, 2020

16 Further, Defendants provide the following response to the Court’s questions issued on
 17 June 24, 2020. ECF No. 536 at 4.
 18

19 **Question 1:** How did the markings get on the document?

20 **Defendants’ Answer:** These documents were already marked with the cited language when
 21 collected in response to Plaintiffs’ discovery requests. The attorneys who reviewed these

22 ¹ Defendants reviewed, in order, 965 documents from the list Plaintiffs provided to reach this set
 23 of 500 documents. Of those 965 documents, Defendants removed 321 documents because they
 24 were subject to RFP Nos. 15 or 29; 30 documents because they were subject to other privileges
 25 (*e.g.*, attorney client privilege, attorney work product); 6 documents because they were
 26 encrypted; 1 document that the document review platform could not load; 16 documents that
 27 were previously submitted for *in camera* review; and 90 documents for which Defendants have
 28 withdrawn their privilege assertion. Defendants have included the 90 documents for which
 Defendants have withdrawn their privilege assertion at the end of the documents submitted for
in camera review and will produce those 90 documents to Plaintiffs in an upcoming production.

² Defendants have not included the 90 documents where the Government has withdrawn their
 privilege assertions in the three binders sent to the Court via Federal Express.

1 documents and determined whether they should be withheld under the deliberative process
2 privilege or any other privilege (either from the Department of Justice, Department of Defense
3 (“DoD”) Office of General Counsel, or Judge Advocate General (“JAG”) Officers from the
4 Military Services), did not apply these markings. The markings were generated by an individual
5 who created or revised the document (the “author”).

6
7 **Question 2:** Who applied the markings and which standard was used by the entity doing the
8 marking?

9 **Defendants’ Answer:** Unless the text of an email indicates the author of the document with a
10 marking, it is not possible to confirm the author of every document with such a marking without
11 contacting every individual who distributed these documents. However, as indicated in the
12 response to Question 1, these marking were not generated by the reviewing attorneys in
13 connection to this litigation. Accordingly, these documents were to be marked in accordance
14 with the standards set forth in DoD and Service-specific guidance that were applicable at the time
15 the documents were marked. Although it is not possible to definitively ascertain who initially
16 applied these markings or exactly what standard they used at that time, DoDM 5200.01, Vol 4
17 regulates the handling of information that is “For Official Use Only,” or FOUO. Information is
18 FOUO when disclosure to the public would reasonably be expected to cause a foreseeable harm
19 to an interest protected by one or more of FOIA Exemptions (2) through (9). DoDM 5400.07
20 provides guidance on these FOIA exemptions. FOIA exemption (5)—inter- or intra-agency
21 memoranda or letters containing information considered privileged in civil litigation—includes
22 documents protected by the deliberative process privilege. Under these regulations, the
23 originator of a document is responsible for determining at origination whether to apply
24 appropriate markings to the document. Competent authority, such as officials higher in the chain
25 of command, may modify these markings. Thus, the document’s author (the originator or
26 subsequent reviewer) was responsible for applying or maintaining markings such as “Draft
27 Deliberative Document” or “Draft/Working Papers/Pre-Decision/For Official Use” if the author
28 determined the document’s content included material protected by FOIA exemption (5).

1
2 **Question 3:** Is there a formal military policy for applying such markings on documents? If so,
3 attach a copy of that policy in your response to this Order.

4 **Defendants' Answer:** The policies referenced above are published online and attached to this
5 notice as Exhibits B and C. These policies provide official guidance to DoD and the Military
6 Services regarding when such markings should be applied, by whom, and under what
7 circumstances.

8
9 **Question 4:** What inference, if any, should the Court take from the markings?

10 **Defendants' Answer:** The Court should draw no inference from the presence of a marking,
11 other than the author believed the document included protected information and was required to
12 comply with the applicable guidance, and the reviewing Government attorney would consider
13 that the document was marked "draft" in determining whether, in fact, the document was in draft
14 form. However, the above regulations and guidance recognize that marking information does
15 not automatically qualify documents for exemption from public release, and here, Government
16 attorneys independently reviewed all withheld documents and determined whether any privileges
17 applied based on the substance of the documents and the context in which they were created.

18
19 **Question 5:** What inference, if any, should the Court take from the absence of any such marking?

20 **Defendants' Answer:** The Court should draw no inference from the absence of a marking.
21 Again, the above regulations recognize that the absence of markings does not automatically
22 mean the information should be released. A document's substance and context, not markings
23 applied by its author, determine whether the document is deliberative and pre-decisional. *See*
24 *Nat'l Wildlife Fed'n v. U.S. Forest Serv.*, 861 F.2d 1114, 1118–19 (9th Cir. 1988) (applying a
25 "process-oriented" or "functional" test in assessing whether documents are "a part of the
26 *deliberative process*" and thus covered by the privilege). The attorney reviewers understood
27 that a document that contains predecisional, deliberative information may be privileged even if
28 the document does not contain a marking. Conversely, the attorney reviewers also understood

1 that a marking alone does not render a document privileged if a privilege does not otherwise
2 apply.

3
4 **Timeline of Relevant Events in Policy Development**

5 The Defendants also provide the following timeline pertaining to DoD’s policy regarding
6 military service by transgender individuals and individuals diagnosed with or having a history of
7 gender dysphoria.

8 1. In approximately March 2014, the DoD Office of the Under Secretary of Personnel and
9 Readiness (“USD (P&R)”) began reviewing its policies for accession and retention of
10 transgender individuals and individuals diagnosed or having a history of gender dysphoria in
11 light of the 2013 updates to the Diagnostic and Statistical Manual of Mental Disorders (5th ed.)
12 (“DSM-5”). *See Doe v. Esper*, 20-cv-10530 (D. Mass), Statement of Undisputed Material Facts,
13 Dkt. No. 36-17, Ex. D ¶¶ 4-5; *see, e.g.*, DoD00019052; DoD00005490.

14 2. In April 2015, DoD’s Accessions Medical Standards Working Group (AMSWG), held
15 formal meetings to provide recommendations pertaining to the revision of the military entry
16 standards for individuals diagnosed with or having a history of gender dysphoria to USD (P&R).
17 *See* Ex. D ¶ 11.

18 3. In July 2015, then-Secretary of Defense Ashton Carter ordered the creation of a working
19 group “to study over the next six months the policy and readiness implications of welcoming
20 transgender persons to serve openly,” and instructed it to “start with the presumption that
21 transgender persons can serve openly without adverse impact on military effectiveness and
22 readiness.” Ex. D ¶ 13.

23 4. The Joint Chiefs of Staff contacted the Office of the Secretary of Defense after Secretary
24 Carter made the July 2015 announcement that ordered the creation of the working group. The
25 Joint Chiefs of Staff asked for a briefing on the forthcoming policy review. Ex. D ¶ 14; *see, e.g.*,
26 DoD0004347 (briefing materials).

1 5. The Carter Transgender Service Review Working Group (“Carter TSRWG”) met at least
2 13 times between August 2015 and February 2016. *See Doe v. Esper*, 20-cv-10530 (D. Mass),
3 Declaration of Lernes Hebert (“Hebert Decl.”), Dkt. No. 36-9, Ex. E ¶ 7.

4 6. In September 2015, DoD commissioned the RAND National Defense Research Institute
5 (“RAND”) to conduct a study to “(1) identify the health care needs of the transgender population,
6 transgender service members’ potential health care utilization rates, and the costs associated with
7 extending health care coverage for transition-related treatments; (2) assess the potential readiness
8 impacts of allowing transgender service members to serve openly; and (3) review the experiences
9 of foreign militaries that permit transgender service members to serve openly.” Ex. D ¶ 18.³

10 7. RAND provided at least three briefings to the Carter TSRWG in January, February, and
11 March 2016. *See, e.g.*, Ex. E ¶¶ 13-14.

12 8. RAND answered several follow up questions from DoD (including questions directly
13 from then-Secretary Carter) between March 2016 and June 2016. *See, e.g.*, DoD00003726.

14 9. Representatives from the Military Services and the Service Surgeon Generals provided
15 multiple inputs and recommendations to the Carter TSRWG and to Secretary Carter between July
16 2015 and June 2016. Ex. D ¶¶ 21-22.

17 10. The Carter TSRWG provided inputs, draft policy language, and policy recommendation
18 to USD (P&R) and to then-Secretary Carter between July 2015 and June 2016. *See, e.g.*, Ex. E ¶
19 7-11, 16-20.

20
21
22 ³ At page 5 of its June 24 Order, the Court notes that the Government and RAND employees
23 may have been aware by February 6, 2016 that the RAND Report and Carter Policy would
24 ultimately be made public. Regardless of the accuracy of this date, there is no evidence that
25 any of these employees or officials believed that pre-decisional drafts related to the RAND
26 Report or Carter Policy would be made public at any time. The anticipated confidentiality of
27 those predecisional documents, rather than the anticipated publication of a final product, is the
28 relevant fact for purposes of the deliberative process privilege. Indeed, a rule that predecisional
and deliberative documents are not privileged if they relate to a policy or document that will
ultimately be published cannot be reconciled with Ninth Circuit precedent. *See Nat’l Wildlife
Fed’n v. U.S. Forest Serv.*, 861 F.2d 1114, 1120 (9th Cir. 1988) (affirming agency withholding
of draft documents where documents “in final form” were made available to the public).

1 11. On June 30, 2016, Secretary Carter approved the publication of Directive-type
2 Memorandum (“DTM”) 16-005, entitled “Military Service of Transgender Service Members.”
3 DTM 16-005 (“the Carter policy”). Ex. D ¶ 23; *see, e.g.*, DoD00003606, DoD00003589 (policy
4 drafts).

5 12. Between approximately February 2016 and July 2016, USD (P&R) drafted DoDI
6 1300.28 entitled In-Service Transition for Transgender Service Members. *See*
7 https://dod.defense.gov/Portals/1/features/2016/0616_policy/DoD-Instruction-1300.28.pdf; *see,*
8 *e.g.*, DoD00003588 (draft of DoDI 1300.28).

9 13. Between approximately June 2016 and September 30, 2016, DoD worked on and
10 drafted Transgender Service in the U.S. Military: an Implementation Handbook. *See*
11 https://dod.defense.gov/Portals/1/features/2016/0616_policy/DoDTGHandbook_093016.pdf;
12 *see, e.g.*, DoD00011999; DoD00013379; DoD00003328 (draft of the handbook with
13 comments).

14 14. Between approximately May 2016 and July 29, 2016, the Office of the Assistant
15 Secretary of Defense for Health Affairs drafted guidance for the treatment of gender dysphoria
16 for active and reserve component service members. *See*
17 [https://dod.defense.gov/Portals/1/features/2016/0616_policy/Guidance_for_Treatment_of_Gen](https://dod.defense.gov/Portals/1/features/2016/0616_policy/Guidance_for_Treatment_of_Gender_Dysphoria_Memo_FINAL_SIGNED.pdf)
18 [der_Dysphoria_Memo_FINAL_SIGNED.pdf](https://dod.defense.gov/Portals/1/features/2016/0616_policy/Guidance_for_Treatment_of_Gender_Dysphoria_Memo_FINAL_SIGNED.pdf); *see, e.g.*, DoD00121670 (comment matrix on
19 draft document).

20 15. From approximately April 2016 until it was released on March 30, 2018, DoD and the
21 Military Services reviewed and revised multiple sections of its Medical Standards for
22 Appointment, Enlistment, or Induction into the Military Services (DoDI 6130.03). *See*
23 <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/613003p.pdf>; *see, e.g.*,
24 Army_10010763.0002, Army_10010764.0002, Army_10019520.0001; Army_10001230,
25 Army_10008850, Army_10010763.0002, Army_10010764.0002 (drafts of DoDI 6130.03 and
26 Army revisions and comments on those drafts).

27 16. Between July 2016 and April 2017, the Military Services developed Service specific
28 implementation guidance and Service specific force and unit training materials regarding the

1 Carter policy. *See, e.g.*, [https://health.mil/Reference-Center/Policies/2016/10/06/Air-Force-](https://health.mil/Reference-Center/Policies/2016/10/06/Air-Force-Policy-for-InService-Transition-for-Airmen-Identifying-as-Transgender)
2 [Policy-for-InService-Transition-for-Airmen-Identifying-as-Transgender](https://health.mil/Reference-Center/Policies/2016/10/06/Air-Force-Policy-for-InService-Transition-for-Airmen-Identifying-as-Transgender) (Air Force
3 implementing guidance); [https://www.public.navy.mil/bupers-](https://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/lgbt/Documents/CO%20Toolkit%20USN_Transgender%20and%20Transitioning%20Command%20Officers%20Toolkit_V23.pdf)
4 [npc/support/21st_Century_Sailor/lgbt/Documents/CO%20Toolkit%20USN_Transgender%20a](https://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/lgbt/Documents/CO%20Toolkit%20USN_Transgender%20and%20Transitioning%20Command%20Officers%20Toolkit_V23.pdf)
5 [nd%20Transitioning%20Command%20Officers%20Toolkit_V23.pdf](https://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/lgbt/Documents/CO%20Toolkit%20USN_Transgender%20and%20Transitioning%20Command%20Officers%20Toolkit_V23.pdf) (Navy Transgender and
6 Gender Transition Commanding Officers Toolkit); [https://www.public.navy.mil/bupers-](https://www.public.navy.mil/bupers-npc/reference/messages/Documents2/NAV2016/NAV16248.txt)
7 [npc/reference/messages/Documents2/NAV2016/NAV16248.txt](https://www.public.navy.mil/bupers-npc/reference/messages/Documents2/NAV2016/NAV16248.txt) (describing Navy specific
8 training regarding the Carter policy).

9 17. Between January 2017 and May 2017 then-Secretary Mattis met with several of the
10 Military Service Chiefs regarding potential revisions to the Carter policy. April 26, 2018 Senate
11 Testimony of Secretary James N. Mattis, Ex. F at 6.

12 18. On May 8, 2017, then-Deputy Secretary of Defense Robert Work directed the Military
13 Services to assess the Department's readiness to begin accessing transgender applicants into
14 military service on July 1, 2017. Ex. E ¶ 22

15 19. In response to the request from then-Deputy Secretary of Defense Robert Work, each of
16 the Military Services formally recommended a delay of the Carter accessions standards
17 between May 2017 and June 2017. Ex. E ¶ 22; *see, e.g.*, Army_10001449; Army_10010266;
18 Army_10010381; AF_CTRL_00000172; AF_00014734_AF2; AF_00014734_AF2;
19 AF_00014734_AF2.

20 20. On June 30, 2017, then-Secretary Mattis, approved the Services' recommendation to
21 delay the implementation of the Carter accessions standards. Ex. E ¶ 23.

22 21. Also on June 30, 2017, then-Secretary Mattis established a study group that included the
23 representatives of the Service Secretaries and senior military officers, many with combat
24 experience, to conduct a six-month review of the impact of the Carter accessions standards on
25 military readiness and lethality. Ex. E ¶ 23; *see, e.g.*, Army_10001243.0001; Army_10010529.

26 22. While that review was ongoing, the President stated on Twitter on July 26, 2017 that "the
27 United States Government will not accept or allow transgender individuals to serve in any
28 capacity in the U.S. Military." Ex. D ¶ 38.

1 23. Between July 26, 2017 and August 25, 2017, DoD and the Military Services deliberated
2 regarding how the President's statements on Twitter would affect military policy. *See, e.g.*,
3 AF_00025946_AF2, AF_CTRL_00000014.

4 24. On August 25, 2017, the President issued a memorandum calling for "further study" into
5 the risks of maintaining the Carter policy and adherence to current accession standards while that
6 review was ongoing. Ex. D ¶¶ 39-40.

7 25. Between August 25, 2017 and September 14, 2017, DoD and the Military Services
8 drafted Interim Guidance as part of its response to the President's memorandum. Ex. D ¶ 41;
9 *see, e.g.*, Army_10004330.0001; Army_10003796.0001.

10 26. On September 14, 2017, then-Secretary Mattis established a Panel of Experts ("Panel")
11 to "conduct an independent multi-disciplinary review and study of relevant data and information
12 pertaining to transgender Service members." Ex. D ¶ 41.

13 27. In 13 separate meetings over the span of 90 days, the Panel met with military and civilian
14 medical professionals, military and civilian personnel experts, commanders of transgender
15 service members, and transgender service members themselves. Ex. D ¶ 44.

16 28. Once the Panel finalized its recommendations, then-Under Secretary of
17 Defense, Robert Wilkie, Mr. Kurta, and Mr. Hebert presented those recommendations to the
18 Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff and to then-
19 Secretary Mattis. Ex. E ¶ 31.

20 29. Between October 30, 2017 and January 1, 2018, DoD and the Military Services reviewed
21 their ability to implement the Carter accessions standards as required by multiple Court orders.
22 *See, e.g.*, ECF No. 103.

23 30. After considering the Panel's recommendations, along with additional information, then-
24 Secretary Mattis, with the agreement of the Secretary of Homeland Security, sent the President
25 a memorandum on February 22, 2018 proposing a new policy consistent with the Panel's
26 conclusions. Ex. D. ¶ 51.

27 31. The Mattis Memorandum was accompanied by a 44-page report setting forth in detail the
28 bases for the DoD's recommended new policy. Ex. D. ¶ 52.

1 32. On March 23, 2018, the President accepted then-Secretary Mattis's recommendation and
2 withdrew his August 25, 2017 Memorandum. Ex. E. ¶ 31.

3 33. Between January 22, 2019 and March 12, 2019, DoD and the Military services drafted
4 the standards to implement Secretary Mattis's February 2018 Memorandum and the
5 accompanying DoD Report. Ex. D. ¶ 67.

6 34. On March 12, 2019, DoD issued DTM 19-004 which implements Secretary Mattis's
7 February 2018 Memorandum and the accompanying DoD Report. Ex. D. ¶ 67; *see*
8 [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM%2019-](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM%2019-004.PDF?ver=2020-03-17-140438-090)
9 [004.PDF?ver=2020-03-17-140438-090](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM%2019-004.PDF?ver=2020-03-17-140438-090).

10 35. On March 19, 2019, the Navy issued Service specific guidance regarding DTM 19-004.
11 Ex. D. ¶ 71.

12 36. On August 15, 2019, the Air Force issued Service specific guidance regarding DTM 19-
13 004 entitled AFPM2019-36-02, Air Force Policy Memorandum *Military Service by Transgender*
14 *Persons and Person's with Gender Dysphoria*.

15 37. On March 17, 2020, DoD issued a revised version of DTM 19-004. *See*
16 [https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM%2019-](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM%2019-004.PDF?ver=2020-03-17-140438-090)
17 [004.PDF?ver=2020-03-17-140438-090](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dtm/DTM%2019-004.PDF?ver=2020-03-17-140438-090)

18 38. Further, as the military's transgender and gender dysphoria policies developed, DoD and
19 the Military Services engaged in deliberations regarding the application of then-current policy to
20 specific situations and individuals, often discussing creating and revising Service specific
21 guidance on the application of DoD policy for their respective Military Service. *See e.g.*,
22 DoD00126805, DoD00126821 (emails seeking and receiving comments on draft implementation
23 papers); DoD00129712 (deliberations regarding the creation of briefing materials to updated
24 then-Secretary Carter and USD (P&R) on implementation of the Carter policy);
25 Army_10003651& 10003652 (deliberations regarding possible change to Army policy based on
26 a change to DOJ policy); Army_10010283.0001 (draft US Military Academy ("USMA")
27 transgender accession policy talking points and deliberations discussing the effect of the Army's
28 transgender accessions policy on USMA policy); Army_10010287 (deliberations regarding the

1 application of transgender policy on USMA accessions); AF_00014681_AF2 (draft Air Force
2 guidance regarding then-Secretary Carter's July 2015 announcement regarding military service
3 by transgender individuals); AF_00024136_AF2 (draft Air Force implementing guidance
4 regarding the Carter policy); AF_00018214_AF2 (draft transgender awareness training for the
5 Air Force); AF_00035845_AF2 (draft talking points regarding implementation of the Mattis
6 policy).

7
8 Dated: July 1, 2020

Respectfully submitted,

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EXHIBIT A

Karnoski v. Trump,
No. 17-cv-1297

In Camera Production Privilege Log

7/1/2020

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
AF_00011779_AF2	PrivWithhold00 005772	PrivWithhold 00005781	7/18/2016	HOLLINGSWORTH, DINAH N Maj USAF HAF U S AIR FORCE HQ/CIO A6CF		Draft Air Force Guidance Memorandum for Currently Serving Transgender Airmen. Labeled "DRAFT -- NOT FOR IMPLEMENTATION OR COMPLIANCE." Contains deliberations concerning the Air Force's implementation of policies and procedures for units, supervisors, commanders, transgender Airmen and the medical community to provide a construct by which transgender Airmen may transition gender while serving and outlines policies for accessing, separating, and retaining transgender Airmen.	DP - Deliberative Process	Deliberations regarding the implementation of transgender policy
AF_00015510_AF2	PrivWithhold00 005782	PrivWithhold 00005800	6/3/2016	Stephanie Barna		Draft Department of Defense Instruction ("DoDI") titled "IN-SERVICE TRANSITION FOR SERVICE MEMBERS IDENTIFYING AS TRANSGENDER." Contains a watermark on each page stating "DRAFT." Contains draft proposal concerning how transgender service members can transition while serving, how service members can change their gender markers in DEERS, and how service members can obtain medical treatment.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
AF_00016956_AF2	PrivWithhold00 005801	PrivWithhold 00005808	12/2/2016	PARKHILL, ELISHA N Maj MIL USAF SG3		Draft Air Force slides re: development of two training modules for total force awareness of transgender service. Contains speaker notes.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Undated draft slides regarding development of training modules, implementing the Carter policy, implementing medical policy, and data collection. Contains speaker notes. The slide deck is incomplete, missing the opening slides and closing slides.
AF_00017041_AF2	PrivWithhold00 005809	PrivWithhold 00005826	3/14/2016	Eric R. Holmes		Joint Chiefs of Staff draft PowerPoint titled "Transgender Service" with speaker notes and comments. Labeled "FOUO//Draft//Predecisional/Not for public release." Contains comments for recommended edits.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
AF_00017134_AF2	PrivWithhold00 005827	PrivWithhold 00005827	2/7/2017	Anthony Kurta		Excel spreadsheet tracking proposed training standards, methods, and timelines.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
AF_00017139_AF2	PrivWithhold00 005828	PrivWithhold 00005828	10/19/2016	IZAWA, EMI GS-14 USAF HAF U S AIR FORCE HQ/AF/A1P		Draft of excel spreadsheet to track milestones from Oct 16-Dec 17.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
AF_00019209_AF2	PrivWithhold00 005829	PrivWithhold 00005842	6/23/2017	George Gregory, USAF		Draft TFAT Audio/Narration Script for Transgender Awareness Training. Contains track changes and comments by Matthew McWhirter (USAF) with recommended changes.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

Karłoski v. Trump,
No. 17-cv-1297
In Camera Production Privilege Log
7/1/2020

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
AF_00021839_AF2	PrivWithhold00 005843	PrivWithhold 00005845	1/21/2011	DANIEL R. SITTERLY, SES, DAF	AF/A1P Workflow <afdpp.workflow@pentagon.af.mil>; AF/A1PA Workflow <af a1pa@pentagon.af.mil>; AF/A1PP Workflow <afdppp.workflow@pentagon.af.mil>; AF/A1PT Workflow <Dppt.Workflow@pentagon.af.mil>; Ryan, Gerard F Lt Col MIL USAF AF/A1PP <Gerard.Ryan@pentagon.af.mil>	Email chain concerning Don't Ask Don't Tell.	DP - Deliberative Process	Deliberations regarding the development of training on the repeal of Don't-Ask-Don't-Tell. This email, dated 21 January 2011, seeks coordination and recommendations on proposed training.
AF_00022282_AF2	PrivWithhold00 005846	PrivWithhold 00005852	2/25/2013	Strickland, Tina CIV USAF AF/A1PT <Tina.Strickland@pentagon.af.mil>	Romer, Robert Lt Col MIL USAF AF/A1PA <Robert.Romer@pentagon.af.mil>	Email chain concerning Don't Ask Don't Tell.	DP - Deliberative Process	Deliberations regarding the implementation of the repeal of Don't-Ask-Don't-Tell. This email, dated 25 March 2013, discusses potential changes to service regulations regarding military benefits for same sex domestic partner.
AF_00022309_AF2	PrivWithhold00 005853	PrivWithhold 00005854	10/10/2013	John T. Park, SES, DAF		Not clearly relevant to any transgender policy. Document concerning coordination among Air Force commanders containing comment on Air Force Instruction (AFI) 36-3003. AFI 36-3003 was titled "Military Leave Program - Permissive (TDY) - Marriage (TMT)." Contains recommendation on whether to approve the AFI and reasons for that recommendation.	DP - Deliberative Process	Deliberations regarding the formulation Air Force Instruction 36-3003
AF_00022824_AF2	PrivWithhold00 005855	PrivWithhold 00005855	10/21/2013	JOHN T. PARK, SES, DAF		Not clearly relevant to any transgender policy. Consolidated comment matrix for "Interim Change(IC)1 for AFI 36-3003, Military Leave Program." Contains a recommendation on whether to approve the change to the Air Force Instruction.	DP - Deliberative Process	Deliberations regarding the formulation of Air Force Instruction

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
AF_00027289_AF2	PrivWithhold00 005856	PrivWithhold 00005858	4/6/2017	Snyder, Lisa K Col USAF NGB SG (US)	Packler, Deborah A Lt Col USAF (US) <deborah.a.packler.mil@ mail.mil>Champion, Trent J Maj USAF NGB A1 (US) <trent.j.champion.mil@m ail.mil>; Decker, Elizabeth A Col USAF AFMOA (US) <elizabeth.a.decker4.mil &@mail.mil>; Champion, Trent J Maj USAF NGB A1 (US) <trent.j.champion.mil@m ail.mil>; Derwacter, Dennis D CMSgt USAF (US) <dennis.d.derwacter.mil@ mail.mil>; Doyle, Lyndy R Lt Col USAF NG NGB (US) <lyndy.r.doyle.mil@mail. mil>; Kupcho, Daniel J CMSgt USAF (US) <daniel.kupcho.1@us.af. mil>; Navas, Stephanie J Col USAF NGB SG (US) <stephanie.j.navas.mil@m ail.mil>	E-mail requesting input on draft ADLS transgender training with the content of the training as an attachment	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
AF_00027923_AF2	PrivWithhold00 005859	PrivWithhold 00005862	9/13/2016	Snyder, Lisa K Col USAF 181 MDG (US)	Desko, Robert C (Bob) Col USAF NGB SG (US) <robert.c.desko.mil@mail .mil>	E-mail circulating working draft of the AFPM on Transgender (including attachment)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
AF_00029378_AF2	PrivWithhold00 005863	PrivWithhold 00005864	7/21/2016	Fedrigo, John A SES USAF SAF- MR (US)	Sitterly, Daniel R SES USAF SAF-MR (US) <daniel.r.sitterly.civ@mail .mil>	Email chain deliberating on who would develop training and seeking transgender working group recommendations regarding development of training.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
AF_00036002_AF2	PrivWithhold00 005865	PrivWithhold 00005865	Undated	Martha Soper, GS-15		SSS template of ETP form, AF Form 1768. Form concerns an Exception to Policy (ETP) for Dress and Appearance / Use of Facilities. Contains a description of the Airman's request for an ETP and recommendations concerning review and approval. Form has placeholders and personal notes for later edits, and does not contain signatures from reviewers.	DP - Deliberative Process	Deliberations regarding the implementation of transgender policy

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AF_00036011_AF2	PrivWithhold00 005866	PrivWithhold 00005866	Undated	Martha Soper, GS-15		SSS template of ETP form, AF Form 1768. Form concerns an Exception to Policy (ETP) for Dress and Appearance / Use of Facilities. Contains a description of the Airman's request for an ETP and recommendations concerning review and approval. Form has placeholders and personal notes for later edits, and does not contain signatures from reviewers.	DP - Deliberative Process	Deliberations regarding the implementation of transgender policy
AF_00037900_AF2	PrivWithhold00 005867	PrivWithhold 00005870	3/11/2018	Ann M Col USAF SAF-MR (US)	"Sams, Kelly M Lt Col USAF AF-A1 (US) <kelly.m.sams.mil@mail.mil>"	Email dated 3/11/18 between SAF/MR and AF/A1 discussing answer to CSAF request for updates regarding progress of transgender policy at DoD level.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy.
AF_00037950_AF2	PrivWithhold00 005871	PrivWithhold 00005874	3/11/2018	Sams, Kelly M Lt Col USAF AF-A1 (US) <kelly.m.sams.mil@mail.mil>	Gen USAF SAF-LL (US) <steven.l.basham.mil@mail.mil>; Pletcher, John M Maj Gen USAF SAF-FM (US) <john.m.pletcher.mil@mail.mil>; Igl, Ann M Col USAF SAF-MR (US) <ann.m.igl.mil@mail.mil>; Grosso, Gina M Lt Gen USAF AF-A1 (US) <gina.m.grosso.mil@mail.mil>; Labrutta, Robert D Maj Gen USAF AF-A1 (US) <robert.d.labrutta.mil@mail.mil> Van Ovost, Jacqueline D Lt Gen USAF AF-CVA (US) <jacqueline.d.vanovost.mil@mail.mil>; Nolta, Noel Christina (Christy) SES USAF AF-CVA (US) <noel.c.nolta.civ@mail.mil>; Jenkins Sellers, Cotina R Lt Col USAF AF-CVA (US) <cotina.r.jenkinsellers.mil@mail.mil>; Glisson, Amy M Lt Col USAF (US)	"Email dated 3/11/18 from SAF/MR to many AF organizations answering questions posed by CSAF regarding a housing allowance policy with no application to transgender personnel. One of CSAF's questions pertains to status of transgender policy, however, there is no further discussion of the topic in this email."	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy.
Army_10000069	PrivWithhold00 005875	PrivWithhold 00005880	12/14/2017	Michael J. Fediaczko		Draft order re TG Policy implementation	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Predecisional, draft Army order (EXORD 029-17), "Implementation of Army Policy on Military Service of Transgender (TG) Soldiers."
Army_10000981.0001	PrivWithhold00 005881	PrivWithhold 00005894	4/27/2017	Elizabeth (Lisa) Davis, Office of People Analytics		Presentation titled "2016 Workplace and Gender Relations Survey of Active Duty Members (2016 WGRA)." Draft slides that include handwritten notes. Labeled "FOIA Exempt/Pre-decisional/For Official Use Only."	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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Army_10001099.0002	PrivWithhold00 005895	PrivWithhold 00005896	9/18/2017	Golden, Kerrie J COL MIL USA ASA MRA		DOD press guidance	DP - Deliberative Process	Deliberations regarding the implementation and formulation of transgender policy interim guidance. Draft DoD press guidance on the Interim Guidance.
Army_10001113.0003	PrivWithhold00 005897	PrivWithhold 00005897	8/8/2017	US Army user		VCSA draft message	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy; draft message to the force regarding the development of the implementation plan.
Army_10001126.0001	PrivWithhold00 005898	PrivWithhold 00005898	8/11/2017	US Army HQDA		Draft Army HQDA document on transgender accessions guidance for commanders submitted for reviewer feedback and comment. Labeled "DRAFT/PREDECISIONAL."	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy; draft Army document that provides guidance to commanders concerning transgender policy pending issuance of implementation plan.
Army_10001164	PrivWithhold00 005899	PrivWithhold 00005899	8/11/2017	Krueger, Mary V COL USARMY HQDA ASA MRA (US) [mary.v.krueger.mil@mail.mil]K rueger, Mary V COL USARMY HQDA ASA MRA (US)	Golden, Kerrie J COL USARMY HQDA ASA MRA (US) [kerrie.j.golden.mil@mail. mil]	Discussion by SCCC members about decision making process.	DP - Deliberative Process	Email containing a discussion concerning the decision-making process with respect to a TSIG update.
Army_10001187	PrivWithhold00 005900	PrivWithhold 00005901	8/9/2017	Salo, Donald G Jr SES USARMY HQDA ASA MRA (US) [donald.g.salo2.civ@mail.mil]Sa lo, Donald G Jr SES USARMY HQDA ASA MRA (US)	Rado, Mark A CIV USARMY HQDA ASA MRA (US) [mark.a.rado.civ@mail.mil] Freeman, Julie J COL USARMY HQDA ASA MRA (US) [julie.j.freeman.mil@mail. mil];Frazier, Scott T LTC USARMY HQDA ASA MRA (US) [scott.t.frazier.mil@mail. mil];Golden, Kerrie J COL USARMY HQDA ASA MRA (US) [kerrie.j.golden.mil@mail. mil];Krueger, Mary V COL USARMY HQDA ASA MRA (US) [mary.v.krueger.mil@mail. mil]	Email exposes part of the SCCC member's deliberative process.	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy; email chain discussing a draft product that addresses transgender policy development and implementation.
Army_10001211.0001	PrivWithhold00 005902	PrivWithhold 00005910	7/21/2017	McTigue, Daniel C LTC MIL USA DCS G-1		Document contains pre-decisional information considered by SCCC members.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; slide deck containing predecisional, deliberative information concerning the assessment of readiness impacts of transgender service members
Army_10001239.0002	PrivWithhold00 005911	PrivWithhold 00005964	7/14/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US)		Draft PowerPoint titled "Transgender Service Q&As Transgender Senior Implementation Group Meeting - July 14, 2017." Labeled "Not for distribution/Draft Deliberative Document." Also an apparent draft because the closing remarks have not been filled in. Also includes recommendations from Navy and questions from Army.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Draft PowerPoint presentation that contains predecisional, deliberative information with respect to transgender policy, titled "Transgender Service Q&As: Transgender Senior Implementation Group Meeting--July 14, 2017." Draft includes service recommendations and questions.

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Army_10001243.0002	PrivWithhold00 005965	PrivWithhold 00005967	7/15/2017	Diane M. Randon, Senior Official Performing the Duties of the Assistant Secretary of the Army (Manpower and Reserve Affairs)		Draft (unsigned) memorandum with the subject "Update on Transgender Service Implementation Group (TSIG)." Provides clarification as to membership of Army TSIG and purpose and next steps of TSIG.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Draft memorandum that establishes processes for and responsibilities of the Transgender Service Implementation Group.	
Army_10001396	PrivWithhold00 005968	PrivWithhold 00005972	7/7/2017	US Air Force		Document re Information/Background paper provided to the Sec. of the Air Force outlining questions/concerns from DoD components/Services to OUSD (P&R) regarding accessions policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy. Background paper for Secretary of the Air Force that includes questions and concerns regarding the transgender policy; and discusses draft Department of Defense guidance and the need for clarifying policy guidance.	
Army_10001469	PrivWithhold00 005973	PrivWithhold 00005991	4/25/2017	Briski, Julie C CIV DHA CMD GRP (US)		Draft version of DHA IPM 17-00x, Guidance for Medical Care of Transgender (TG) Active Duty Service Members (ADSMS) with a Diagnosis of Gender Dysphoria (GD)	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy; draft of DHA IPM 17-00x ("Interim Procedures Memorandum 17-00x, Guidance for Medical Care of Transgender (TG) Active Duty Service Members (ADSMS) with a Diagnosis of Gender Dysphoria (GD)."	
Army_10001686	PrivWithhold00 005992	PrivWithhold 00005994	11/30/2017	Krueger, Mary V COL USARMY HQDA ASA MRA (US)	COL USARMY MEDCOM WINN (US) [christopher.h.warner.mil @mail.mil];Sarmiento, Dennis M LTC USARMY MEDCOM (US) [dennis.m.sarmiento.mil @mail.mil];Pelzner, Michael A (Mike) COL USARMY NG NGB (US) [michael.a.pelzner.mil@m ail.mil];Page, Neil E COL USARMY HQDA OTSG (US) [neil.e.page.mil@mail.mil] ;Meyering, Christopher D LTC USARMY USAREC (US) [christopher.d.meyering. mil@mail.mil];Fontaine, Laurie Ann CIV USARMY HQDA (US) [laurie.a.fontaine.civ@mai l.mil];Freeman, Julie J COL USARMY HQDA ASA MRA (US) [julie.j.freeman.mil@mail. mil];Teneza, Brigilda C COL USARMY OSD USMEPCOM (US)		Email with subject "TG Accessions considerations for waiver authorities (UNCLASSIFIED)." Contains deliberations of accessions of transgender individuals pursuant to court- ordered preliminary injunctions.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy. Email concerning preparations for accessions of, and the waiver process for, transgender individuals based on court-ordered preliminary injunctions.
Army_10002380	PrivWithhold00 005995	PrivWithhold 00005995	5/3/2017	US Army		Draft media guidance regarding Army's implementation of the TG policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy; draft media guidance on Army's implementation of transgender policy	

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Army_10002403	PrivWithhold00 005996	PrivWithhold 00005997	8/25/2016	Turro, VR		Draft policy regarding implementation of the TG policy. Marked "For Official Use Only - Predecisional" and has a watermark labeled "DRAFT." Contains draft Army guidance on gender transition for soldiers.	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy. Draft Army Directive on "Gender Transition for Active Duty Soldiers."
Army_10002480	PrivWithhold00 005998	PrivWithhold 00005999	7/1/2016	Army Directorate of Military Personnel Management (DMPM)		"(draft) in-service transition flowchart and additional information for decision makers at various levels [""current as of 26 June 2016""]"	DP - Deliberative Process	Deliberations regarding formulation and implementation of transgender policy. Draft Army flowchart titled "In Service Transition" that provides predecisional guidance on the in-service transition process.
Army_10002560	PrivWithhold00 006000	PrivWithhold 00006002	7/17/2017	Diane M. Randon Senior Official Performing the Duties of the Assistant Secretary of the Army (Manpower and Reserve Affairs)		Draft (unsigned) document pertaining to implementation group.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Draft memorandum that establishes processes for and responsibilities of the Transgender Service Implementation Group.
Army_10003246.0002	PrivWithhold00 006003	PrivWithhold 00006005	12/11/2017	US Army		PowerPoint with the file name "PoE Addendum Slides - Overview of DoDI and Implementation Plan 11 Dec 17___.pptx." Slides contain explanation and status of policy development process to include discussion of Panel of Experts.	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy. PowerPoint slides that include predecisional topics of discussion pertaining to implementing accessions after January 1, 2018 under the new policy and the requirement to develop additional policy for implementation in the context of the U.S. Military Academy
Army_10003305.0001	PrivWithhold00 006006	PrivWithhold 00006008	11/17/2017	US Army user		Draft document contains information submitted for feedback and comment.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Draft slide on transgender military service that discusses gender marker changes under the transgender policy and the possible effect of a court order on transgender policy.

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Army_10003736	PrivWithhold00 006009	PrivWithhold 00006010	9/15/2017	Golden, Kerrie J COL USARMY HQDA ASA MRA (US) [kerrie.j.golden@mail.mil]G olden, Kerrie J COL USARMY HQDA ASA MRA (US)	USARMY HQDA ASA MRA (US) [mary.v.krueger.mil@mail .mil];Salo, Donald G Jr SES USARMY HQDA ASA MRA (US) [donald.g.salo2.civ@mail. mil];Calloway, Joseph R BG USARMY HQDA DCS G- 1 (US) [joseph.r.calloway.mil@m ail.mil];Stephens, Ronald T BG USARMY MEDCOM (US) [ronald.t.stephens.mil@m ail.mil]MCTIGUE, Daniel C LTC USARMY HQDA DCS G- 1 (US) [daniel.c.mctigue.mil@ma il.mil];Thum, Andreas M (Andy) COL USARMY HQDA DCS G-1 (US) [andreas.m.thum.mil@ma il.mil];Patoir, Maanvi M CIV (US) [maanvi.m.patoir.civ@mai l.mil];Murphy, Dustin Patrick MAJ USARMY	Email containing feedback on TG policy formulation document	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy. Email chain discussing and requesting review of an attached, draft product on the interim guidance.
Army_10003900.0001	PrivWithhold00 006011	PrivWithhold 00006011	8/8/2017	US Army user		Draft message to the force regarding the announcement of the revised policy and the goals to achieve via the policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy. Draft message to Army leaders concerning the development of the implementation plan.
Army_10004637.0001	PrivWithhold00 006012	PrivWithhold 00006013	10/23/2017	OTJAG Administrative Law		Draft document on transgender policy implementation submitted for feedback. Contains comments for recommended edits.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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Army_10008091	PrivWithhold00 006014	PrivWithhold 00006019	9/15/2017	Winski, Brian E BG USARMY HQDA OCLL (US) [brian.e.winski.mil@mail.mil]W inski, Brian E BG USARMY HQDA OCLL (US)	USARMY HQDA CSA (US) [mark.a.milley.mil@mail. mil];McCarthy, Ryan D HON USARMY HQDA SECARMY (US) [ryan.d.mccarthy3.civ@m ail.mil]Anderson, Olga M COL USARMY HQDA OCLL (US) [olga.m.anderson.mil@m ail.mil];Whiteside, Jacob A MAJ USARMY HQDA CSA (US) [jacob.a.whiteside.mil@m ail.mil];Ryan, Joseph A COL USARMY HQDA CSA (US) [joseph.a.ryan4.mil@mail. mil];Reilly, Heather M MAJ USARMY HQDA SECARMY (US) [heather.m.reilly6.mil@m ail.mil];McGuigan, Patrick M MAJ USARMY HQDA SECARMY (US) [patrick.m.mcguigan.mil@ mail.mil];Vowell, Joel B (JB) COL USARMY HQDA	Email traffic ref: pre-confirmation office calls.	DP - Deliberative Process	Deliberations regarding potential issues that could occur during confirmation hearing.
Army_10008530	PrivWithhold00 006020	PrivWithhold 00006021	6/7/2017	Stitt, Douglas F COL USARMY HQDA DCS G-1 (US)	Calloway, Joseph R BG USARMY HQDA DCS G-1 (US) [joseph.r.calloway.mil@m ail.mil]Turner, John Steven (Steve) JR COL USARMY HQDA DCS G-1 (US) [john.s.turner26.mil@mail .mil];Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mi l];Dietz, Jeffrey S LTC USARMY HQDA OTJAG (US) [jeffrey.s.dietz2.mil@mail.	Discusses senior-level responses to service-specific feedback on implementation timeline	DP - Deliberative Process	Email chain concerning predecisional deliberations of the services and DoD on the decision to delay implementation of the Carter accessions standards.

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Army_10008584	PrivWithhold00 006022	PrivWithhold 00006023	7/27/2017	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mil]Aswell, Paul L CIV USARMY HQDA DCS G-1 (US)	USARMY HQDA DCS G-1 (US) [joseph.r.calloway.mil@mail.mil]MCTIGUE, Daniel C LTC USARMY HQDA DCS G-1 (US) [daniel.c.mctigue.mil@mail.mil];Granger, Susie J COL USARMY HQDA DCS G-1 (US) [susie.j.granger.mil@mail.mil];Salo, Donald G Jr SES USARMY HQDA ASA MRA (US) [donald.g.salo2.civ@mail.mil];Krueger, Mary V COL USARMY HQDA ASA MRA (US) [mary.v.krueger.mil@mail.mil];Stclair, Linden H CIV USARMY HQDA ASA MRA (US) [linden.h.stclair.civ@mail.mil];Green, Alphonsa D CIV USARMY HQDA DCS G-1 (US) [alphonsa.d.green.civ@mail.mil];Stallings, Megan B	Document contains talking points, strategies, and recommendations for how to communicate transgender policy to the media. Document also seeks reviewer feedback and comment on transgender policy formulation.	DP - Deliberative Process	Email chain containing predecisional, deliberative discussion of development and implementation of transgender policy following the President's July 26, 2017 statement on Twitter
Army_10008697.0006	PrivWithhold00 006024	PrivWithhold 00006025	5/15/2017	USARMY APG ATEC Mailbox G3 Distribution [usarmy.apg.atec.mbx.g3-distribution@mail.mil]USARMY APG ATEC Mailbox G3 Distribution	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mil]	Email providing observations and assessments regarding the impact of transgender service.	DP - Deliberative Process	Email chain containing predecisional deliberations regarding the readiness of the Army to implement accession of transgender applicants.
Army_10008830	PrivWithhold00 006026	PrivWithhold 00006028	2/3/2017	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US)	Daniels, Jesse E CIV USARMY HQDA DCS G-3-5-7 (US) [jesse.e.daniels2.civ@mail.mil]	Pre decisional email chain discussing TG policy.	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy. Email chain discussing predecisional changes to an Army order concerning transgender policy training for contractors.

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Army_10008860	PrivWithhold00 006029	PrivWithhold 00006031	1/24/2017	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US)	USARMY HQDA DCS G-1 (US) [joseph.g.henry10.civ@mail. mil];Kennedy, Michele R LTC USARMY HQDA ASA MRA (US) [michele.r.kennedy2.mil@ mail.mil];Granger, Susie J COL USARMY HQDA DCS G- 1 (US) [susie.j.granger.mil@mail. mil];Stephenson, Charles Gregory (Greg) LTC USARMY HQDA DCS G-1 (US) [charles.g.stephenson2.mi l@mail.mil];Rado, Mark A CIV USARMY HQDA ASA MRA (US) [mark.a.rado.civ@mail.mil];Golya, Lorri A COL USARMY HQDA (US) [lorri.a.golya.mil@mail.mi l];Doyle, Andrew E COL USARMY HQDA OTSG (US) [andrew.e.doyle.mil@mail .mil];Adams, Kathryn L CIV USARMY HQDA OTSG (US)	Email chain with discussion of suggestions to TG policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy. Email chain concerning a discussion of pending DoD changes to accession medical fitness standards.
Army_10008863.0002	PrivWithhold00 006032	PrivWithhold 00006045	1/24/2017	Livingood, Lisa J LTC MIL USA TRADOC		Draft Q&A white paper on TG policy. Contains comments for recommended revisions.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
Army_10008890.0002	PrivWithhold00 006046	PrivWithhold 00006048	12/15/2016	Paul Aswell		FY 2018 posture paper titled "POLICY IMPLEMENTATION ON THE MILITARY SERVICE OF TRANSGENDER SOLDIERS." Contains anticipated questions from Congressional committees and recommended answers.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
Army_10009005.0003	PrivWithhold00 006049	PrivWithhold 00006063	10/31/2016	Livingood, Lisa J LTC MIL USA TRADOC		Draft document on TG policy submitted for feedback or approval	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Draft US Army Training and Doctrine Command Lesson Plan on Army policy on military service of transgender soldiers

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Army_10009551	PrivWithhold00 006064	PrivWithhold 00006065	11/15/2016	Kennedy, Michele R LTC USARMY HQDA ASA MRA (US) [michele.r.kennedy2.mil@mail.mil] Kennedy, Michele R LTC USARMY HQDA ASA MRA (US)	USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mil];Granger, Susie J COL USARMY HQDA DCS G-1 (US) [susie.j.granger.mil@mail.mil];Grace, Laura A MAJ USARMY HQDA OTJAG (US) [laura.a.grace2.mil@mail.mil];Eisenberg, Richard B CIV (US) [richard.b.eisenberg2.civ@mail.mil];Doyle, Andrew E COL USARMY HQDA OTSG (US) [andrew.e.doyle.mil@mail.mil];MCTIGUE, Daniel C LTC USARMY HQDA DCS G-1 (US) [daniel.c.mctigue.mil@mail.mil];Kramer, Christine M COL USARMY HQDA ASA MRA (US) [christine.m.kramer12.mil@mail.mil];Stitt, Douglas F COL USARMY HQDA DCS G-1 (US)	Email soliciting input regarding proposed courses of action for TG accessions.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy. Email from Army (DCS G-1) soliciting input regarding proposed courses of action, for Army leadership consideration, concerning developing transgender policy with respect to applicants for enlistment and participants in officer producing programs.
Army_10010293	PrivWithhold00 006066	PrivWithhold 00006067	5/8/2017	Campbell, LaCher M LTC USARMY HQDA DCS G-1 (US) [lacher.m.campbell.mil@mail.mil] Campbell, LaCher M LTC USARMY HQDA DCS G-1 (US)	Taylor, Randy L LTC USARMY HQDA DCS G-1 (US) [randy.l.taylor20.mil@mail.mil];Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mil];Minitrez, H C (Hank) CIV USARMY HQDA DCS G-1 (US) [henry.c.minitrez.civ@mail.mil];Prince, Paul D CIV USARMY HQDA DCS G-1 (US) [paul.d.prince.civ@mail.mil]	Email chain containing discussions re implementation of TG policy	DP - Deliberative Process	Deliberations regarding the implementation of the Carter policy. Email chain discussing the implementation of the policy in the context of the U.S. Military Academy, and providing a response to a question concerning what would happen if Department of Defense policy changes.
Army_10010360.0001.001	PrivWithhold00 006068	PrivWithhold 00006070	5/17/2017	White, Randy J MSG MIL NG NGB		Coordination page with the subject "CRITICAL CORRESPONDENCE: Readiness of Military Departments to Implement Accession of Transgender Applicants into Military Service." Contains notes and advice on TG policy implementation, as well as directive to assess readiness.	DP - Deliberative Process	Predecisional document regarding the military services' assessment whether they are ready to implement accessions of transgender applicants.

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DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
Army_10010455	PrivWithhold00 006071	PrivWithhold 00006071	7/18/2017	Granger, Susie J COL USARMY HQDA DCS G-1 (US) [susie.j.granger@mail.mil]G ranger, Susie J COL USARMY HQDA DCS G-1 (US)	USARMY HQDA DCS G-1 (US) [daniel.c.mctigue@mail.mil]; Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mil]; Krueger, Mary V COL USARMY HQDA ASA MRA (US) [mary.v.krueger@mail.mil]; Doyle, Andrew E COL USARMY HQDA OTSG (US) [andrew.e.doyle@mail.mil]; Castorina, Susan A LTC USARMY HQDA OTJAG (US) [susan.a.castorina@mail.mil]; Patoir, Maanvi M CIV (US) [maanvi.m.patoir.civ@mail.mil]; Daniels, Jesse E CIV USARMY HQDA DCS G-3-5-7 (US) [jesse.e.daniels2.civ@mail.mil]; Mahoney, Michael T SES USARMY HQDA DCS G-3-5-7 (US)	Pre decisional comments/suggestions on TG policy.	DP - Deliberative Process	Email proposing a topic to be discussed by the Transgender Service Implementation Group concerning the implementation of transgender policy.

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Army_10010528	PrivWithhold00 006072	PrivWithhold 00006077	7/7/2017	Krueger, Mary V COL USARMY HQDA ASA MRA (US) [mary.v.krueger.mil@mail.mil]Krueger, Mary V COL USARMY HQDA ASA MRA (US)	(Rick) CDR USN JS J1 (US) [richard.a.knight1.mil@mail.mil];Soper, Martha P CIV USAF SAF-MR (US) [martha.p.soper.civ@mail.mil];Granger, Susie J COL USARMY HQDA DCS G-1 (US) [susie.j.granger.mil@mail.mil];Merriweather, Jason A CAPT USCG (US) [jason.a.merriweather@uscg.mil];Bristol, Janet M CAPT USN (US) [janet.m.bristol.mil@mail.mil];McWaters, William J CIV USMC MANDR AFFAIRS (US) [william.mcwaters@usmc.mil];Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mil];Gearhart, Lee P COL USARMY OSD OUSD P-R (US) [lee.p.gearhart.mil@mail.mil];Jenkins, Mary E CAPT	Email discusses explanation of development of transgender policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy. Email chain regarding the medical non-availability/non-deployability rates among TG servicemembers for the purpose of assessing the impact of accessions under the Carter Policy on readiness.
Army_10010537	PrivWithhold00 006078	PrivWithhold 00006081	7/7/2017	Turner, John Steven (Steve) JR COL USARMY HQDA DCS G-1 (US) [john.s.turner26.mil@mail.mil]Turner, John Steven (Steve) JR COL USARMY HQDA DCS G-1 (US)	Krueger, Mary V COL USARMY HQDA ASA MRA (US) [mary.v.krueger.mil@mail.mil]Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mil];Granger, Susie J COL USARMY HQDA DCS G-1 (US) [susie.j.granger.mil@mail.mil]	Email contains comments on the impact of transgender accessions policy development.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; email chain discussing medical non-availability and non-deployability rates among transgender service members in order to assess the impact of accessions under the Carter policy on military readiness.
Army_10010596.0001	PrivWithhold00 006082	PrivWithhold 00006087	8/19/2016	Turro, VR		Draft policy regarding implementation of the TG policy. Subject line is "Army Directive 2016-XX (Army Policy on Military Service of Transgender Soldiers)." Marked "For Official Use Only - Predecisional" and has a watermark labeled "DRAFT." Contains draft Army guidance on gender transition for soldiers.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Predecisional, draft Army directive on Army policy on military service of transgender soldiers.

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
Army_10010596.0003	PrivWithhold00 006088	PrivWithhold 00006089	8/19/2016	Turro, VR		Draft policy regarding implementation of the TG policy. Marked "For Official Use Only - Predecisional" and has a watermark labeled "DRAFT." Contains draft Army guidance on gender transition for soldiers in the	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy. Predecisional, draft version of Army directive on Gender Transition for Soldiers Serving in the Standby Reserve, The Individual Ready Reserve, or the Retired Reserve
Army_10010620.0001	PrivWithhold00 006090	PrivWithhold 00006110	8/3/2016	Paul Aswell		Draft Army directive on TG policy. Contains the proposed Army directive concerning the administrative requirements that transgender soldiers must meet after they have completely transitioned or are in the process of transitioning. Shows coordination and recommendations from various Army leaders.	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy. Draft Army directive on Army Policy on Military Service of Transgender Soldiers and Staffing Form providing guidance in staffing and review of draft policy.
Army_10010643	PrivWithhold00 006111	PrivWithhold 00006115	10/3/2016	Green, Alphonsa D CIV USARMY HQDA DCS G-1 (US)	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell civ@mail.mil]	Email chain with suggestions to implementation of TG policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Email chain concerning making changes to accession medical forms, discussing changes to these forms in regards to the accession of transgender applicants.
Army_10010722	PrivWithhold00 006116	PrivWithhold 00006119	10/14/2016	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US)	(US) [richard.b.eisenberg2 civ@mail.mil]; Kennedy, Michele R LTC USARMY HQDA ASA MRA (US) [michele.r.kennedy2.mil@mail.mil]; Grace, Laura A MAJ USARMY HQDA OTJAG (US) [laura.a.grace2.mil@mail.mil]; Granger, Susie J COL USARMY HQDA DCS G-1 (US) [susie.j.granger.mil@mail.mil]; Golya, Lorri A COL USARMY HQDA (US) [lorri.a.golya.mil@mail.mil]; Doyle, Andrew E COL USARMY HQDA OTSG (US) [andrew.e.doyle.mil@mail.mil]; MCTIGUE, Daniel C LTC USARMY HQDA DCS G-1 (US) [daniel.c.mctigue.mil@mail.mil] Kramer, Christine M COL USARMY HQDA ASA MRA (US) [christine.m.kramer12.mil]	Email chain with suggestions and comments on the implementation of TG policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Email chain concerning a predecisional, proposed measure for screening applicants for a medical history of gender transition

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
Army_10010727.0002	PrivWithhold00 006120	PrivWithhold 00006126	10/14/2016	US Army		Draft, predecisional order re Army policy on military service of TG soldiers that discusses how the Army will implement DoD's directive. Document is titled "HQDA EXORD XXX-16 IMPLEMENTATION OF ARMY POLICY ON MILITARY SERVICE OF TRANSGENDER SOLDIERS" and has a watermark stating "DRAFT" on each page. Labeled "For Official Use Only - Predecisional."	DP - Deliberative Process	Predecisional draft of Army order on the "Implementation of Army Policy on Military Service of Transgender Soldiers".
Army_10010744.0004	PrivWithhold00 006127	PrivWithhold 00006132	10/21/2016	Fediaczko, Michael J Mr CIV US USA DCS G-3/5/7		Draft training plan on TG policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Draft Annex to Army order, titled "Education and Training Plan for the Policy on Military Service of Transgender Soldiers."
Army_10010746.0001	PrivWithhold00 006133	PrivWithhold 00006157	10/21/2016	Livingood, Lisa J LTC MIL USA TRADOC		Draft document on TG policy submitted for feedback or approval	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Draft Army training materials on "Policy on the Military Service of Transgender Soldiers."
Army_10010761.0003	PrivWithhold00 006158	PrivWithhold 00006163	10/31/2016	Fediaczko, Michael J Mr CIV US USA DCS G-3/5/7		Draft document on TG policy submitted for feedback or approval	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Draft Annex to Army order, titled "Education and Training Plan for the Implementation of Army Policy on Military Service of Transgender Soldiers." Draft annex concerns developing training materials, training the force, and sustaining training in order to implement transgender policy.
Army_10010766.0001	PrivWithhold00 006164	PrivWithhold 00006174	7/21/2016	Army Directorate of Military Personnel Management (DMPM)		PowerPoint titled "TSIG Mission Analysis Briefing Template (Transgender Implementation)." Draft briefing summarizes the current courses of action and status of policy development	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Slide deck on Transgender Implementation, which discusses developing policies and procedures for gender transition in order to implement the transgender policy.
Army_10010772	PrivWithhold00 006175	PrivWithhold 00006177	8/16/2016	Evans, Jason T MG USARMY HQDA DCS G-1 (US) [jason.t.evans3.mil@mail.mil]E vans, Jason T MG USARMY HQDA DCS G-1 (US)	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mil]; Golya, Lorri A COL USARMY HQDA (US) [lorri.a.golya.mil@mail.mil]; Stitt, Douglas F COL USARMY HQDA DCS G-1 (US) [douglas.f.stitt.mil@mail.mil]; Granger, Susie J COL USARMY HQDA DCS G-1 (US) [susie.j.granger.mil@mail.mil]	Email containing feedback and planning analysis for TG policy formulation	DP - Deliberative Process	Email chain containing predecisional, deliberative information concerning the development and implementation of transgender policy, including the drafting of an Army directive and training materials.

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
Army_10010773	PrivWithhold00 006178	PrivWithhold 00006181	8/16/2016	Evans, Jason T MG USARMY HQDA DCS G-1 (US) [jason.t.evans3.mil@mail.mil]E vans, Jason T MG USARMY HQDA DCS G-1 (US)	USARMY HQDA ASA MRA (US) [leslie.a.purser.mil@mail. mil]Cruz, David MSG USARMY HQDA ASA MRA (US) [david.cruz10.mil@mail.m il];Granger, Susie J COL USARMY HQDA DCS G-1 (US) [susie.j.granger.mil@mail. mil];Salo, Donald G Jr SES USARMY HQDA ASA MRA (US) [donald.g.salo2.civ@mail. mil];Whitlock, Warren S SES (US) [warren.s.whitlock.civ@m ail.mil];Usrey, Jack L COL USARMY HQDA ASA MRA (US) [jack.l.usrey.mil@mail.mil];Chancellor, Glen D COL USARMY NG NGB (US) [glen.d.chancellor.mil@m ail.mil];Delancy, Pamela Y COL USARMY (US) [pamela.y.delancy.mil@m	Email containing feedback and planning analysis for TG policy formulation	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy. Email containing a predecisional deliberative discussion of required tasks for the development and implementation of transgender policy based on an update provided by the Transgender Service Implementation Group.
Army_10020443.0008.0 005	PrivWithhold00 006182	PrivWithhold 00006182	1/19/2018	DHA Specialty Care @ EngilityCorp [DHA.SpecialtyCare@engil itycorp.com];Nelson, Michael R (Mike Nelson) COL USARMY HQDA OTSG (US) [michael.r.nelson4.mil@m ail.mil]	DHA Specialty Care @ EngilityCorp [DHA.SpecialtyCare@engil itycorp.com];Nelson, Michael R (Mike Nelson) COL USARMY HQDA OTSG (US) [michael.r.nelson4.mil@m ail.mil]	F-M SRS evaluation checklis_19 JAN 18_TG IPT revised v1 docx; draft Supplemental Health Care Program Checklist Female to Male Sex Reassignment Surgery Evaluation Waiver	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy. Predecisional draft checklist for female to make sex reassignment surgery evaluation waiver, which includes visible comments of reviewer.
Army_10022667.0001	PrivWithhold00 006183	PrivWithhold 00006187	6/19/2017	McTigue, Daniel C LTC MIL USA DCS G-1		Draft slide show on TG accessions policy.	DP - Deliberative Process	Presentation that contains predecisional deliberations regarding whether to request a delay of accessions of transgender applicants under the Carter Policy.

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
Army_10028781	PrivWithhold00 006188	PrivWithhold 00006190	2/20/2018	Reoyo, Paul J CIV USARMY TRADOC (US)	USARMY OSD USMEPCOM (US) [brigilda.c.teneza.mil@ma il.mil];Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) [paul.l.aswell.civ@mail.mi l]Krueger, Mary V COL USARMY HQDA ASA MRA (US) [mary.v.krueger.mil@mail .mil];Mullen, Lawrence E CIV DHA DIR SUPPORT (US) [lawrence.e.mullen.civ@ mail.mil];Golden, Kerrie J COL USARMY HQDA ASA MRA (US) [kerrie.j.golden.mil@mail. mil];MCTIGUE, Daniel C LTC USARMY HQDA DCS G- 1 (US) [daniel.c.mctigue.mil@ma il.mil];Green, Alphonsa D CIV USARMY HQDA DCS G- 1 (US) [alphonsa.d.green.civ@m ail.mil];Bouren, Kevin D	Email discussion between various medical staff officers regarding how to interpret and implement medical fitness standards for TG accessions, and discussing proposed interpretations.	DP - Deliberative Process	Deliberations regarding the formulation and implementation of the transgender policy; Deliberations regarding the implementation of the transgender policy. Email discussion between various medical staff officers regarding how to interpret and implement medical fitness standards for transgender accessions, and discussing issues and concerns with various proposed interpretations.
Army_10034484	PrivWithhold00 006191	PrivWithhold 00006192	2/16/2018	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US)	Krueger, Mary V COL USARMY HQDA ASA MRA (US) [mary.v.krueger.mil@mail .mil];Green, Alphonsa D USA CIV (US) [alphonsa.d.green.civ@m ail.mil]	Email discussion between various medical staff officers regarding how to interpret and implement medical fitness standards for TG accessions, and discussing issues/concerns with various proposed interpretations.	DP - Deliberative Process	Email chain including deliberations concerning the applicatin of DoD medical accessions standards with respect to a specific applicant
Army_10035297	PrivWithhold00 006193	PrivWithhold 00006196	1/31/2018	Robert Burns		Attachment to emails discussing proposed changes to transgender policies. No decision was made.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
Army_10038384	PrivWithhold00 006197	PrivWithhold 00006197	3/7/2018	MCTIGUE, Daniel C LTC USARMY HQDA DCS G-1 (US)	Thum, Andreas M (Andy) COL USARMY HQDA DCS G- 1 (US) [andreas.m.thum.mil@ma il.mil]	Email discussing and deliberating policy on medical waiver authority	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy. Predecisional email providing a topic for TSIG consideration regarding whether to renew a policy that applied to transgender applicants.
DHA_00000153	PrivWithhold00 006198	PrivWithhold 00006257	7/24/2017	Mullen, Lawrence E CIV DHA DIR SUPPORT (US)	Soper, Martha P CIV USAF SAF-MR (US); Cc: Teneza, Brigilda C COL USARMY OSD USMEPCOM (US); Kemp, David S CAPT USN OSD USMEPCOM (US); Bcc: Dalitsch, Walter W III CAPT USN NAVMED EAST (US); Drummond, Samuel C (Sam) CIV DODHRA HQ (US)	Intradepartment email concerning deliberations on implementation of transgender policy, including questions and answers. Subject of email is "Fwd: Transgender Policy Action Officer Working Group 25- 28 JUL 17 (UNCLASSIFIED)."	DP - Deliberative Process	Predecisional and deliberative internal agency document created as part of the agency's process of developing courses of action for implementing DoD's policy on the services and accessions of military personnel and the continuous process of assessing the policy's impact on military readiness.

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DHA_00000361	PrivWithhold00 006258	PrivWithhold 00006320	7/24/2017	Mullen, Lawrence E CIV DHA DIR SUPPORT (US)	Soper, Martha P CIV USAF SAF-MR (US); Cc: Teneza, Brigilda C COL USARMY OSD USMEPCOM (US); Kemp, David S CAPT USN OSD USMEPCOM (US); Bentz, Kevin R MAJ USARMY OSD OUSD P-R (US); Brown, Gary W LTC USARMY OSD OUSD P-R (US); Lowry, Cheryl L Col USAF AF-SG (US); Miller, David C Lt Col USAF AFMSA (US); Bcc: Weber, John P CIV (US); Najjar, Donna M CIV DHA DHA CS MGT (US); Stinson, Samantha R CIV (US); Auces, Chiquita A MSG USARMY (US)	Intradepartment email concerning implementation of DoD transgender policy	DP - Deliberative Process	Predecisional and deliberative internal agency document created as part of the agency's process of developing courses of action for implementing DoD's policy on the services and accessions of military personnel and the continuous process of assessing the policy's impact on military readiness.
DoD00000238	PrivWithhold00 006321	PrivWithhold 00006322	9/20/2017	Martie Soper, RN, MSHS, Assistant Deputy, Health Policy, Office of the Secretary of the Air Force	Mailbox AF Central Coordination Cell <usaf.pentagon.saf- mr.mbx.af-central- coordination- cell@mail.mil>Cook, June M Col USAF (US) <june.cook.2@us.af.mil>; Gaudette, Carol CIV USAF AF-A4 (US) <carol.gaudette.civ@mail. mil>; Snyder, Lisa K Col USAF NGB SG (US) <lisa.k.snyder2.mil@mail. mil>; Jackson, Jacqueline F Lt Col USAF AF-A3 (US) <jacqueline.f.jackson2.mil @mail.mil>; Brooks, Mark J Col USAF 59 MDW (US) <mark.j.brooks3.mil@mail .mil>; Kelly, Colleen M Col USAF (US) <colleen.m.kelly.mil@mail .mil>; Brooks, Mark J Col USAF 59 MDW (US) <mark.j.brooks3.mil@mail .mil>; Decker, Elizabeth A Col USAF AFMOA (US)	Email with subject "NO SCCC meeting tomorrow 21 Sept 2017." Contains deliberations concerning service members' requests for exceptions to policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00000616	PrivWithhold00 006323	PrivWithhold 00006323	12/28/2017	Arendt, Christopher P CIV OSD OUSD P-R (US)		Excel file with file name "Active - My_ My Team 2017-12-28 13_15_31Z.xlsx." Contains status of pending assignments and items for follow-up, including assignments related to the transgender service policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy

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DoD00000960	PrivWithhold00 006324	PrivWithhold 00006324	12/13/2017	Kemp, David S CAPT USN OSD USMEPCOM (US) <david.s.kemp.mil@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>Arendt, Christopher P CIV OSD OSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Bentz, Kevin R MAJ USARMY OSD OSD P-R (US) <kevin.r.bentz.mil@mail. mil>; Cunningham, Joanne T CIV OSD USMEPCOM (US) <joanne.t.cunningham2.ci v@mail.mil>	Deliberative email conversation regarding a Transgender applicant at MEPS	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00002126	PrivWithhold00 006325	PrivWithhold 00006329	10/4/2017	Hatchell, Jared, CIV, DHA		Draft version of the questions and answers for a hearing on DoD Manpower and reserve affairs which includes information on the implementation of the Transgender policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00002254	PrivWithhold00 006330	PrivWithhold 00006330	8/30/2017	Lernes Hebert		Powerpoint of the 2017 TG policy review with timeline and recommended deliverables	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00002308	PrivWithhold00 006331	PrivWithhold 00006332	9/15/2017	MILLER, Stephanie P SES OSD OUSD P-R (US)	Haverstick, Paul R Jr LTC USARMY OSD PA (US) <paul.r.haverstick.mil@m ail.mil>Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Lovisone, Gail R CIV (US) <gail.r.lovisone.civ@mail. mil>	Email with the subject "Re: TG interim guidance."	DP - Deliberative Process	Deliberations regarding DoD's and Army's responses to issues with MAVNI and DACA
DoD00002337	PrivWithhold00 006333	PrivWithhold 00006335	9/11/2017	Eric Wetzel		Document containing proposed study involving transgender service members.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00002402	PrivWithhold00 006336	PrivWithhold 00006338	8/31/2017	MILLER, Stephanie P SES OSD OUSD P-R (US)	Arendt, Christopher P CIV OSD OUSD P-R (US) (christopher.p.arendt.civ @mail.mil); Wellman, Aaron C LTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@m ail.mil>; Brown, Gary W LTC USARMY OSD OUSD P- R (US) (gary.w.brown.mil@mail. mil)	Email with subject line "FW: DRAFT Transgender Implementation Guidance for SD Signature Friday 1 Sep (UNCLASSIFIED)." Contains deliberations on the draft guidance and draft terms of reference.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy

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DoD00002435	PrivWithhold00 006339	PrivWithhold 00006341	8/25/2017	Stephanie Barna		Document with file name SD TG INTERIM POLICY 8-25.docx. Draft Interim Guidance. Labeled "Draft - For official use only" and has a "DRAFT" watermark.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00002462	PrivWithhold00 006342	PrivWithhold 00006343	8/28/2017	MILLER, Stephanie P SES OSD OUSD P-R (US)	Wellman, Aaron C LTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@mail.mil>Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>	RE: Secondary email address - DoD Central Coordination Cell (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the process used by the SCCC
DoD00002634	PrivWithhold00 006344	PrivWithhold 00006345	8/2/2017	Julian, David A CIV OSD OUSD P-R (US) <david.a.julian.civ@mail.mil>	Laughlin, Colleen R CIV OSD OUSD POLICY (US) <colleen.r.laughlin.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>Chojnacki, Kip M MAJ USARMY OSD OUSD POLICY (US) <kip.m.chojnacki.mil@mail.mil>; Pixton, Ashley A CIV OSD OUSD POLICY (US)	Deliberative email conversation between DoD personnel regarding the proper point of contact to assist with Departmental gender issues.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00002657	PrivWithhold00 006346	PrivWithhold 00006346	7/28/2017	Stephanie MILLER		Draft memo on Transgender Service Member and Unit Readiness. File name: TG Service Members and Unit Readiness 31 July 17 - DJG.docx. Contains track changes and comments for recommended edits.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00002826	PrivWithhold00 006347	PrivWithhold 00006349	7/19/2017	Medve, John VACO <John.Medve@va.gov>	Wellman, Aaron CLTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@m ail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>Wilson, Elizabeth F SES OSD OUSD P-R (US) <elizabeth.f.wilson civ@m ail.mil>; Kauth, Michael (HOU) <Michael.Kauth@va.gov>; Carson, Laurine, VBAVACO <Laurine.Carson@va gov> >; Flohr, Cheryl R CIV (US) <cheryl.flohr@va.gov>; Crenshaw, Anna, VBAVACO <Anna.Crenshaw@va gov >; Zais, Christina C CIV (US) <christina zais@va.gov>; Ryan, Carla <Carla.Ryan@va.gov>	Deliberative email conversation between DoD and VA regarding working groups focused on Transgender medical care and benefits	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00002832	PrivWithhold00 006350	PrivWithhold 00006351	7/17/2017	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil >	USARMY HQDA DAS (US) <gary.h.cheek.mil@mail. mil>; Randon, Diane M SES USARMY HQDA ASA MRA (US) <diane.m.randon.civ@mai l.mil>; Burke, Robert P VADM USN CNO (US) <robert.p.burke@navy.mil >; Woods, Robert L SES USN ASSTSECNAV MRA DC (US) <robert.l.woods@navy.mi l>; Brilakis, Mark A LtGen USMC MANDR AFFAIRS (US) <mark.brilakis@usmc.mil> >; Sitterly, Daniel R SES USAF SAF-MR (US) <daniel.r.sitterly.civ@mail .mil>; Grosso, Gina M Lt Gen USAF AF-A1 (US) <gina.m.grosso.mil@mail. mil>; Mckinley, Andrew S RDML USCG HQS (US) <andrew s.mckinley@usc g.mil>; Allan, Thomas G Jr CAPT USCG (US)	TG SIG Follow-on Actions (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00002869	PrivWithhold00 006352	PrivWithhold 00006354	7/8/2017	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Jarrett, Michael R (Rich) CDR USN OSD OUSD P-R (US) <michael.r.jarrett2.mil@mail.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail.mil>; Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Casciotti, John A SES OSD OGC (US)	Email with the subject "RE: Updated Slides (UNCLASSIFIED)." Email contains deliberations concerning medical accessions standards.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00002871	PrivWithhold00 006355	PrivWithhold 00006357	7/8/2017	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Jarrett, Michael R (Rich) CDR USN OSD OUSD P-R (US) <michael.r.jarrett2.mil@mail.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail.mil>; Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Casciotti, John A SES OSD OGC (US)	Email re: cadets and midshipmen and TG accessions policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00002935	PrivWithhold00 006358	PrivWithhold 00006359	6/29/2017	Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Email and FW: Draft DTM-17-008 (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003025	PrivWithhold00 006360	PrivWithhold 00006364	6/20/2017	Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>	Email re: draft DTM and deployability and accessions	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00003049	PrivWithhold00 006365	PrivWithhold 00006366	6/8/2017	Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail .mil>	Caggins, Myles B III LTC USARMY OSD PA (US) <myles.b.caggins.mil@mail .mil>Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>; Michael, Johnny I Jr CIV OSD PA (US) <johnny.i.michael2.civ@m ail.mil>; Cooper, Willie L (Will) III Lt Col USAF OSD OASD LA (US) <willie.l.cooper10.mil@m ail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail. mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>	RE: Early DRAFT -- Transgender Accessions Toplines (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00003051	PrivWithhold00 006367	PrivWithhold 00006367	6/8/2017	Caggins, Myles B III LTC USARMY OSD PA (US) <myles.b.caggins.mil@mail.mil >	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>Gearhart, Lee P COL USARMY OSD OUSD P- R (US) <lee.p.gearhart.mil@mail. mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Michael, Johnny I Jr CIV OSD PA (US) <johnny.i.michael2.civ@m ail.mil>; Cooper, Willie L (Will) III Lt Col USAF OSD OASD LA (US) <willie.l.cooper10.mil@m ail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail. mil>	Early DRAFT -- Transgender Accessions Toplines (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00003053	PrivWithhold00 006368	PrivWithhold 00006370	6/7/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>; Mulcahy, Patricia SES OSD OUSD P-R (US) <patricia.mulcahy.civ@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@	Email with subject "RE: Hot - TG Taskings (UNCLASSIFIED)." Contains deliberations concerning whether new studies impact DoD's policy and whether individuals can deploy to CENTCOM.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00003119	PrivWithhold00 006371	PrivWithhold 00006374	5/16/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>	email RE: Navy views on readiness of TG policy and coordination with DOD	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003127	PrivWithhold00 006375	PrivWithhold 00006378	5/12/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>	Email conversation regarding Navy's coordination on the DoD Transgender Policy tasker	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00003138	PrivWithhold00 006379	PrivWithhold 00006380	5/10/2017	Caggins, Myles B III LTC USARMY OSD PA (US) <myles.b.caggins.mil@mail.mil>	Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@ mail.mil>; MILLER, Stephanie P SES OSD OSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail. mil>; Washington, Keithen A Lt Col USAF OSD OUSD P- R (US) <keithen.a.washington.mil @mail.mil>Michael, Johnny I Jr CIV OSD PA (US) <johnny.i.michael2.civ@m ail.mil>; Ochoa, Laura C CIV OSD PA (US) <laura.c.ochoa.civ@mail. mil>; Cooper, Willie L (Will) III Lt Col USAF OSD OASD LA (US) <willie.l.cooper10.mil@m ail.mil>	Email re: USA Today - FW: transgender cadets	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00003191	PrivWithhold00 006381	PrivWithhold 00006381	4/14/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Clark, Robert E CIV OSD OSD P-R (US) <robert.e.clark114.civ@m ail.mil>Arendt, Christopher P CIV OSD OSD P-R (US) <christopher.p.arendt.civ @mail.mil>; MILLER, Stephanie P SES OSD OSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Washington, Keithen A Lt Col USAF OSD OSD P-R (US) <keithen.a.washington.mil @mail.mil>; Lovison, Gail R CIV (US) <gail.r.lovisone.civ@mail. mil>	Staffer Day Slides providing and update on transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy

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DoD00003218	PrivWithhold00 006382	PrivWithhold 00006383	3/4/2017	Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Arendt, Christopher P CIV OSD OSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>	FW: DoDI 6130 draft next steps and responses	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00003266	PrivWithhold00 006384	PrivWithhold 00006384	10/24/2016	Anthony Kurta		Excel doc re: Service TG Training Policies Update_0207.xlsx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00003378	PrivWithhold00 006385	PrivWithhold 00006386	9/14/2016	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Kurta, Anthony M SES OSD OSD P-R (US) <anthony.m.kurta.civ@m ail.mil>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>	RE: Army Directive on Transgender (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00003411	PrivWithhold00 006387	PrivWithhold 00006387	8/18/2016	Aaron Wellman		Doc of Weekly TG Q&A rollup 19 AUG 16.docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00003463	PrivWithhold00 006388	PrivWithhold 00006388	6/30/2016	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Kurta, Anthony M SES OSD OSD P-R (US) <anthony.m.kurta.civ@m ail.mil>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Wellman, Aaron C LTC USARMY OSD OSD P-R (US) <aaron.c.wellman.mil@m ail.mil>	Deliberative email conversation regarding a DoD working group discussing reserve accessions	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00003501	PrivWithhold00 006389	PrivWithhold 00006391	6/29/2016	Stephanie MILLER		Draft memo titled "Transgender Policy Implementation: A Note to Commanders." Contains handwritten notes with recommended edits.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00003510	PrivWithhold00 006392	PrivWithhold 00006440	6/28/2016	Gearhart, Lee P COL USARMY OSD OUSD P-R (US)		Draft edits to DOD TG implemenatation Handbook	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00003529	PrivWithhold00 006441	PrivWithhold 00006445	6/28/2016	Stephanie MILLER		Doc with Examples of Challenging Transgender Cases v2 (1800 28JUN2016).docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00003592	PrivWithhold00 006446	PrivWithhold 00006456	6/16/2016	Carroll, Katherine SES SD		Draft document titled "Transgender Hard Q&A for Rollout." Labeled "FOR OFFICIAL USE ONLY / PRE- DECISIONAL INFORMATION." Provides questions concerning the policy and draft responses. Includes comments for recommended edits.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003594	PrivWithhold00 006457	PrivWithhold 00006469	6/15/2016	Carroll, Katherine SES SD		Hard transgender QA 14 June (SAB)(pk1) jws.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00003607	PrivWithhold00 006470	PrivWithhold 00006487	6/14/2016	Rachael DeNale		Doc of DRAFT DoDI (as of 14 June).docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003674	PrivWithhold00 006488	PrivWithhold 00006488	4/13/2016	Delaune, Jules, CIV, OASD/HA		AMSWG recommendations regarding Transgender.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003684	PrivWithhold00 006489	PrivWithhold 00006505	5/27/2016	Rachael DeNale		Draft doc of DoDI 20 May (DRAFT to WG) USCG Comments.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003693	PrivWithhold00 006506	PrivWithhold 00006506	5/26/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail.mil>	Fw: Navy Service Comments on TG DoDI and DTM	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003722	PrivWithhold00 006507	PrivWithhold 00006524	5/20/2016	Rachael DeNale		Doc of DoDI 19 May (DRAFT to WG) ksg.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003760	PrivWithhold00 006525	PrivWithhold 00006525	5/15/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail.mil>	Deliberative email conversation regarding notes and comments based on review of several talking papers on the Transgender policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003762	PrivWithhold00 006526	PrivWithhold 00006542	5/15/2016	Rachael DeNale		DoDI 15 May (DRAFT) .docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00003763	PrivWithhold00 006543	PrivWithhold 00006545	5/13/2016	Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail.mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	Email RE: Request Review: TG In-Service Transition DoDI (DRAFT)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003791	PrivWithhold00 006546	PrivWithhold 00006562	5/11/2016	Rachael DeNale		Draft doc of DoDI 11 May (amk_1) docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00003800	PrivWithhold00 006563	PrivWithhold 00006566	5/6/2016	Joseph E. Pedone III		Doc of DOD P&R Response to Army SG TG Info Paper.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00004010	PrivWithhold00 006567	PrivWithhold 00006569	12/22/2015	Rogers, Alexandra (Sasha) CIV SD		Transgender Issue Paper Template 12-21-15 (HSE edits).docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00004013	PrivWithhold00 006570	PrivWithhold 00006572	12/17/2015	Eisenberger, Hershel S CIV OSD OUSD P-R (US) <hershel.s.eisenberger.civ@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	RE: Transgender Accessions COA 1 Re-Write	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00004016	PrivWithhold00 006573	PrivWithhold 00006574	12/13/2015	Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>	USN USUHS (US) <lisa.m.cartwright3.mil@mail.mil>; Clyde, Patrick W CAPT USN DHA NCR MEDICAL DIR (US) <patrick.w.clyde.mil@mail.mil>; Raney, Lance C COL USARMY MEDCOM HQ (US) <lance.c.raney.mil@mail.mil>; Simmer, Edward D CAPT USN DHA TRICARE HP (US) <edward.d.simmer.mil@mail.mil>; Jones, George E Jr CIV DHA HEALTH OPNS DIR (US) <george.e.jones48.civ@mail.mil>; Jackonis, Michael J Jr CIV DHA OGC (US) <michael.j.jackonis2.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Doss, Thomas L CAPT USPHS (US) <thomas.l.doss.mil@mail.mil>; Zelif, Barbara H CIV	Email re summary of meeting and discussion of transgender medical treatment plans and care	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00004057	PrivWithhold00 006575	PrivWithhold 00006575	12/2/2015	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>	Email re: Gender Transition plans and service draft edits	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00004062	PrivWithhold00 006576	PrivWithhold 00006579	11/19/2015	Anthony Kurta		Gender Transition Plan (Army edits ver2) docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00004112	PrivWithhold00 006580	PrivWithhold 00006581	11/4/2015	Gearhart, Lee P COL USARMY OSD OUSD P-R (US)		Doc DRAFT_Understanding Transitioning Gender in the Workplace as of 30 September 2015.pdf	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00004245	PrivWithhold00 006582	PrivWithhold 00006582	9/10/2015	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Beyler, Juliet M SES OSD OUSD P-R (US) <juliet.m.beyler.civ@mail.mil>	Draft Agenda_TSRWG September 16	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00004275	PrivWithhold00 006583	PrivWithhold 00006584	8/18/2015	Wark, Lawrence J CIV USARMY HQDA ASA MRA (US) <lawrence.j.wark.civ@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>	Email re: Army draft position on level of stability of individuals with GD	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00004323	PrivWithhold00 006585	PrivWithhold 00006587	7/21/2015	Beyler, Juliet M SES OSD OUSD P-R (US) <juliet.m.beyler.civ@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>	Email FW: Transgender directive on interim guidance during Carter policy review	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00004327	PrivWithhold00 006588	PrivWithhold 00006588	7/20/2015	COL Lee P. Gearhart, ASD(M&RA)/(MPP/OEPM)		Draft Action Memo for the Secretary of Defense from Brad Carson, Acting Under Secretary of Defense for Personnel and Readiness (but prepared by Col Lee Gearhart), with the subject "Response to Chairman Thornberry's Transgender Service Member Letter." Contains a recommendation for a response to a Congressman's letter.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00004681	PrivWithhold00 006589	PrivWithhold 00006592	7/8/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	'Raymond, Lacey CIV SD' <Lacey.Raymond@sd.mil>	Email chain concerning responding questions posed on several talking papers developed for the Transgender policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00004736	PrivWithhold00 006593	PrivWithhold 00006594	6/30/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	Cooper, Willie L (Will) III Lt Col USAF OSD OASD LA (US) <willie.l.cooper10.mil@mail.mil>Giambastiani, Pete CIV (US) <edmund.p.giambastiani2.civ@mail.mil>; Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod.civ@mail.mil>	Email concerning legislative proposals to transgender policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00004758	PrivWithhold00 006595	PrivWithhold 00006596	6/27/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	'Raymond, Lacey CIV SD' <Lacey.Raymond@sd.mil>	Email chain concerning Gender Marker Change Numbers (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00004768	PrivWithhold00 006597	PrivWithhold 00006597	6/27/2017	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Email conversation between DoD personnel concerning internal feedback on draft transgender policy points	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00004816	PrivWithhold00 006598	PrivWithhold 00006598	6/26/2017	Seamands, Thomas C LTG USARMY HQDA DCS G-1 (US) <thomas.c.seamands.mil@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Email chain concerning Transgender Questions - Service Chief Inputs (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00004885	PrivWithhold00 006599	PrivWithhold 00006599	6/23/2017	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail. mil>; Jarrett, Michael R (Rich) CDR USN OSD OUSD P-R (US) <michael.r.jarrett2.mil@	Email chain concerning the number of transgender service members within the services (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00004931	PrivWithhold00 006600	PrivWithhold 00006601	6/21/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>Jarrett, Michael R (Rich) CDR USN OSD OUSD P-R (US) <michael.r.jarrett2.mil@ mail.mil>; Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod.civ@m ail.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail. mil>	Email chain concerning TG and DODI update	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00004947	PrivWithhold00 006602	PrivWithhold 00006604	6/19/2017	Sweeney, Kevin SES SD <Kevin.Sweeney@sd.mil>	Raymond, Lacey D CIV (US) <lacey.raymond@sd.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>Bajraktari, Yil CIV OSD OSD (US) <yil.bajraktari@sd.mil>; Farris, Ryan CDR SD <Ryan.Farris@sd.mil>; Donnelly, Sally B SES (US) <sally.donnelly@sd.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail. mil>	Email chain concerning WH TG info memo (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00005001	PrivWithhold00 006605	PrivWithhold 00006606	6/8/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod.civ@m ail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>	Email chain concerning Early DRAFT -- Transgender Accessions Toplines (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00005127	PrivWithhold00 006607	PrivWithhold 00006607	5/2/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>	Email chain concerning Army input and the TG policy incolcing a TG waiver request(UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00005134	PrivWithhold00 006608	PrivWithhold 00006608	4/13/2017	Hinrichs, Kurt B RADM <Kurt.B.Hinrichs@uscg.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>Busch, Jerilyn B (Jeri) SES OSD OUSD P-R (US) <jerilyn.b.busch.civ@mail. mil>	Email concerning TG Accessions on July 1 and possible delay of deadline	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00005141	PrivWithhold00 006609	PrivWithhold 00006611	4/4/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	Barna, Stephanie (stephanie.a.barna.civ@m ail.mil); Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>	Email regarding medical care of transgender troops and question from outside 3rd party	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00005179	PrivWithhold00 006612	PrivWithhold 00006612	3/12/2017	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>	Email chain concerning SD TG Info Paper (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00005230	PrivWithhold00 006613	PrivWithhold 00006614	11/2/2016	Myles, Robert W Jr COL USARMY OSD OUSD P-R (US) <robert.w.myles.mil@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>	Email chain concerning White House Transgender Community Briefing	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00005314	PrivWithhold00 006615	PrivWithhold 00006616	6/22/2015	Kathleen Marsh		Document titled "Information Paper: Accession Medical Standards: Transgender." Labeled "Predecisional Information – FOIA EXEMPT." Provides Accession Medical Standards Working Group (AMSWG)'s recommendation for changes to DoDI 6130.03 Medical Standards for Appointment, Enlistment, or Induction in the Military Services related to transgender accession.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00005444	PrivWithhold00 006617	PrivWithhold 00006617	1/13/2015	William Horrigan		Electronic copy of file named ACLU Response - Transgender - 1-13- 15.doc	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00005494	PrivWithhold00 006618	PrivWithhold 00006622	12/10/2014	Carson, Brad R HON USARMY HQDA SECARMY (US) <brad.r.carson.civ@mail.mil>	OUSD P-R (US) <jessica.l.wright12.civ@mail.mil>; Wada, Debra S HON USARMY HQDA ASA MRA (US) <debra.s.wada.civ@mail.mil>; McConville, James C LTG USARMY HQDA DCS G-1 (US) <james.c.mcconville3.mil@mail.mil>; Allyn, Daniel B GEN USARMY HQDA VCSA (US) <daniel.b.allyn.mil@mail.mil>Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Junor, Laura J HON OSD OUSD P-R (US) <laura.j.junor.civ@mail.mil>; 'Michael.Linnington@osd.mil'; 'stephanie.miller@sd.mil'; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Christensen,	Email chain concerning Pending ALARACT re: Army retention of transgender service members	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00005498	PrivWithhold00 006623	PrivWithhold 00006626	12/9/2014	Christensen, Nathan J LCDR USN OSD PA (US) <nathan.j.christensen.mil@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>; Beyler, Juliet M SES OSD OUSD P-R (US) <juliet.m.beyler.civ@mail.mil>	Email chain concerning Pending ALARACT re: Army retention of transgender service members (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00005501	PrivWithhold00 006627	PrivWithhold 00006628	11/24/2014	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Beyler, Juliet M SES OSD OUSD P-R (US) <juliet.m.beyler.civ@mail.mil>Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Email chain concerning response to ACLU letter regarding transgender policies	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00005536	PrivWithhold00 006629	PrivWithhold 00006629	10/21/2014	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>	Smith, Jack W CIV (US) <jack.smith@ha.osd.mil> Smith, Jack W CIV (US) <jack.smith@ha.osd.mil>; Lockette, Warren E SES (US) <warren.lockette@ha.osd. mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>	Email regarding DOD review of transgender service members and possible upcoming guidance	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00005602	PrivWithhold00 006630	PrivWithhold 00006631	8/9/2017	Patel, Mili, CTR, DHA		Memorandum assessing state of the transgender policy and upcoming decision	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00005667	PrivWithhold00 006632	PrivWithhold 00006634	8/18/2017	Taylor, Maura R CTR USARMY MEDCOM WRAIR (US)		Doc of GC non Coord - UPR002424- 17 - Request Appro.. (1).pdf*DLIFLC Sexual Orientation Waiver_Response to .docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00005720	PrivWithhold00 006635	PrivWithhold 00006639	12/20/2016	Brown, Gary W LTC USARMY OSD OUSD P-R (US)	Findley, Andrew L Jr CIV (US) Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Adirim, Terry A SES OSD HA (US); Smith, Jack W CIV OSD HA (US)	Email re: Medical and Behavioral Standards Applying to TG accessions	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00005725	PrivWithhold00 006640	PrivWithhold 00006644	12/20/2016	Findley, Andrew L Jr CIV (US)	Brown, Gary W LTC USARMY OSD OUSD P-R (US) Cc: MILLER, Stephanie P SES OSD OUSD P-R (US); Adirim, Terry A SES OSD HA (US); Smith, Jack W CIV OSD HA (US)	Email concerning transgender medical policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00005739	PrivWithhold00 006645	PrivWithhold 00006645	12/13/2016	Fells, Quintin F CTR DHA CONTRACTING (US)	Findley, Andrew L Jr CIV (US) Cc: Adirim, Terry A SES OSD HA (US)	Email regarding a response to a congressional inquiry.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00005822	PrivWithhold00 006646	PrivWithhold 00006655	1/11/2017	Fells, Quintin F CTR DHA CONTRACTING (US)	Adirim, Terry A SES OSD HA (US); Cc: Smith, Jack W CIV OSD HA (US);	Email discussing transgender policy and coordination with P&R on medical and behavioral standards and TG accessions	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00005870	PrivWithhold00 006656	PrivWithhold 00006656	12/27/2017	Findley, Andrew L Jr CIV (US)	: Findley, Andrew L Jr CIV (US); To: Fells, Quintin F CTR DHA CONTRACTING (US); Cc: Adirim, Terry A SES OSD HA (US); Smith, Jack W CIV OSD HA (US);	Email regarding response to congressional inquiry about transgender policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00005933	PrivWithhold00 006657	PrivWithhold 00006657	7/17/2017	Demartino, Robert E CAPT USPHS (US)	Robinson-Haley, Patrice D CIV OSD OUSD P-R (US)Cc:Adirim, Terry A SES OSD HA (US); Findley, Andrew L Jr CIV (US)	GC non Coord - UPR002424-17 - Request Approval to Include Sexual Orientation and Transgender Question on the Benchmarking Behavioral Health and Wellness at the Defense Language Institute Foreign Language Center(Joint) Survey (DLIFLC Joint) (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00005984	PrivWithhold00 006658	PrivWithhold 00006658	7/18/2017	Lee Gearhart		Document titled "transgender Action Officer Work Group." Contains proposed timeline for policy review.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender
DoD00006008	PrivWithhold00 006659	PrivWithhold 00006660	8/2/2017	Doan, Paul S CIV DHA HEALTH OPNS (US)	Adirim, Terry A SES OSD HA (US); Kugler, John P CIV DHA HEALTH OPNS (US)Cc:Findley, Andrew L Jr CIV (US); Davison, John W III CIV (US)	Email conversation regarding sex reassignment surgery for a member of the Coast Guard	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00006011	PrivWithhold00 006661	PrivWithhold 00006662	11/29/2016	Golden, Kerrie J COL USARMY OSD OUSD P-R (US)	Adirim, Terry A SES OSD HA (US)	Email discussion about which individual should receive particular slides for a transgender briefing	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00006070	PrivWithhold00 006663	PrivWithhold 00006663	7/26/2017	Lee, Daniel E., Col. USAF, DHA, DHA, CS, MGT (US)	Adirim, Terry A SES OSD HA (US); Ortel, Jesse K COL USARMY OSD OUSD P- R (US)Cc:Chinn, Colin G RADM USN DHA RESEARCH-DEV (US); Kiyokawa, Guy T SES DHA DIR SUPPORT (US); Clark,Jeffrey B MG USARMY DHA HEALTH OPNS (US); Priest, Christopher D CIV DHA HEALTH OPNS DIR (US);Canestrini, Kenneth G CIV DHA TRICARE NORTH (US)	Email conversation regarding discussing questions surrounding POTUS transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00006182	PrivWithhold00 006664	PrivWithhold 00006666	7/24/2017	Jared Hatchell	Terry Adirim	Email regarding medications for transgender hormone therapy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00006325	PrivWithhold00 006667	PrivWithhold 00006668	12/27/2017	Rychalski, Jon J SES OSD HA (US)	Breen, Richard H Jr CIV (US); Roberts, Karen E CIV DHA CMD GRP (US); Casciotti, John A SES OSD OGC (US)Cc:Adirim, Terry A SES OSD HA (US); Lee, Michael R CTR (US); Kiyokawa, Guy T SES DHA DIR SUPPORT (US)	Email conversation RE: FOR REVIEW: Draft Statement on Transgender Email to Army	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00006355	PrivWithhold00 006669	PrivWithhold 00006722	7/14/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US)		Draft PowerPoint titled "Transgender Service Q&As Transgender Senior Implementation Group Meeting - July 14, 2017." Labeled "Not for distribution/Draft Deliberative Document." Also an apparent draft because the closing remarks have	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00006601	PrivWithhold00 006723	PrivWithhold 00006723	4/29/2016	Westover, David S Jr Lt Col USAF EUCOM ECCE (US)		Doc of Electronic copy of file named 28APR16 Transgender (2).docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00006665	PrivWithhold00 006724	PrivWithhold 00006728	3/25/2015	Lernes Hebert		Document titled "Information Paper: Armed Forces Accession Medical Standard Review Process" with file name AMSWG TP and QA – 24 March 2015 V3 docx. Labeled "Predecisional Information – FOIA EXEMPT." Contains details on the Department of Defense's ongoing review of medical standards for entry into the military.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00006962	PrivWithhold00 006729	PrivWithhold 00006729	6/28/2017	Lernes Hebert		Excel file named Copy of MPP Update 30 August.xlsx providing update on revision of TG policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00006979	PrivWithhold00 006730	PrivWithhold 00006731	1/3/2018	Hebert, Lernes J SES OSD OUSD P-R (US)		Draft document named CY2018 PR (MPP) Look-Ahead (003). Contains key events for Personnel & Readiness. All events are not filled in.	DP - Deliberative Process	Draft list of key events for DoD Personnel & Readiness
DoD00008381	PrivWithhold00 006732	PrivWithhold 00006735	9/8/2017	Mulcahy, Patricia SES OSD OUSD P-R (US) <patricia.mulcahy.civ@mail.mil>	OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>; Melillo, Michael R CIV OSD OUSD P-R (US) <michael.r.melillo4.civ@mail.mil>; Hofmann, Matthew T MAJ USARMY OSD OUSD P-R (US) <matthew.t.hofmann.mil@mail.mil>; Carnell, C M (Cherre) SMSgt USAF OSD OUSD P-R (US) <cherreonda.m.carnell.mil@mail.mil>; Bauer, Kent P CIV OSD OUSD P-R (US) <kent.p.bauer.civ@mail.mil>; Lust, Rebekah S (Becky) LTC USARMY OSD OUSD P-R (US) <rebekah.s.lust.mil@mail.mil>	Email chain concerning TG: Panel/Working Group Composition (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
DoD00008435	PrivWithhold00 006736	PrivWithhold 00006737	8/29/2017	Platan		Electronic copy of file named 15 - Transgender Integration Implementation (OK).docx. Document is titled "TRANSGENDER INTEGRATION IMPLEMENTATION" and contains track changes with recommended edits. Contains proposed talking points.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00008489	PrivWithhold00 006738	PrivWithhold 00006739	8/10/2017	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email chain concerning transgender medical policy and TG related surgeries (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00008621	PrivWithhold00 006740	PrivWithhold 00006742	6/9/2017	Salo, Donald G Jr SES USARMY HQDA ASA MRA (US) <donaald.g.salo2.civ@mail.mil>	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Krueger, Mary V COL USARMY HQDA ASA MRA (US) <mary.v.krueger.mil@mail.mil>; Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail.mil>	Deliberative email conversation regarding DoD participation in a meeting with foreign government personnel on the development of the Transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00008760	PrivWithhold00 006743	PrivWithhold 00006747	10/25/2016	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>	Email chain concerning DODEA in Germany	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00008807	PrivWithhold00 006748	PrivWithhold 00006748	10/5/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Beyler, Juliet M SES (US) <juliet.beyler@navy.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Ingram, Elena P CAPT USN ASSTSECNAV MRA DC (US) <elena.ingram@navy.mil>	Email chain concerning MC TG Training Plan	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00008808	PrivWithhold00 006749	PrivWithhold 00006749	10/5/2016	Beyler, Juliet SES ASN (M&RA), MMP <juliet.beyler@navy.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Ingram, Elena P CAPT USN ASSTSECNAV MRA DC (US) <elena.ingram@navy.mil>	Email concerning MC TG Training Plan	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00008847	PrivWithhold00 006750	PrivWithhold 00006751	9/22/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>; Weiler, Todd A HON OSD OUSD P-R (US) <todd.a.weiler.civ@mail. mil>; Milam, Charles E SES OSD OUSD P-R (US) <charles.e.milam.civ@mai l.mil>; Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod.civ@m ail.mil>; Jackson, Robert J Lt Col USAF OSD OUSD P-R (US) <robert.j.jackson13.mil@ mail.mil>	Email chain concerning TG Handbook Approval Scheme	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00008890	PrivWithhold00 006752	PrivWithhold 00006755	9/14/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil	Pahon, Eric J CIV OSD PA (US) <eric.j.pahon.civ@mail.mi l>Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>; Koffsky, Paul S SES OSD OGC (US) <paul.s.koffsky.civ@mail. mil>; Chandrasekaran, Rekha D CIV OSD OASD LA (US) <rekha.d.chandrasekaran. civ@mail.mil>; Sakrisson, Benjamin E Maj USAF OSD OSD (US) <benjamin.e.sakrisson.mil @mail.mil>; Sullivan, Dwight H SES OSD OGC (US) <dwight.h.sullivan.civ@m ail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>; Kantwill, Paul E CIV OSD OUSD P-R (US) <paul.e.kantwill.civ@mail. mil>	Email chain concerning [Non-DoD Source] Transition-related surgery request of Chelsea Manning	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00008987	PrivWithhold00 006756	PrivWithhold 00006757	8/15/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail.mil>Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Wellman, Aaron C LTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@mail.mil>	Email chain concerning Public TG Website Page Views	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00009012	PrivWithhold00 006758	PrivWithhold 00006759	8/9/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil	Fedrigo, John A SES USAF SAF-MR (US) <john.a.fedrigo.civ@mail.mil>; Beyler, Juliet M SES (US) <juliet.beyler@navy.mil>; Salo, Donald G Jr SES USARMY HQDA ASA MRA (US) <donald.g.salo2.civ@mail.mil>; Hinrichs, Kurt B RADM USCG (US) <kurt.b.hinrichs@uscg.mil>Wark, Lawrence J SES JS J1 (US) <lawrence.j.wark.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Email chain concerning DEERS Gender Marker Change Draft Guidance	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00009020	PrivWithhold00 006760	PrivWithhold 00006761	8/9/2016	Gearhart, Lee P COL USARMY OSD OUSD P-R (US)		Electronic copy of file named Military Service of Transgender Service Members_Update.docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00009031	PrivWithhold00 006762	PrivWithhold 00006765	8/5/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>Gearhart, Lee P COL USARMY OSD OUSD P- R (US) <lee.p.gearhart.mil@mail. mil>; Bentz, Kevin R MAJ USARMY OSD OUSD P-R (US) <kevin.r.bentz.mil@mail. mil>; Wellman, Aaron C LTC USARMY OSD OUSD P- R (US) <aaron.c.wellman.mil@m ail.mil>; Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mai l.mil>; Arendt, Christopher P CIV OSD OSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Hebert, Lernes J SES OSD OUSD P- R (US) <lernes.j.hebert.civ@mail.	Email chain concerning TG Accession Guidance to recruiting	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00009036	PrivWithhold00 006766	PrivWithhold 00006766	8/4/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil	<juliet.beyler@navy.mil>; Fedrigo, John A SES USAF SAF-MR (US) <john.a.fedrigo.civ@mail. mil>; Salo, Donald G Jr SES USARMY HQDA ASA MRA (US) <donald.g.salo2.civ@mail. mil>; Hinrichs, Kurt B RADM USCG (US) <kurt.b.hinrichs@uscg.mil >Wark, Lawrence J SES JS J1 (US) <lawrence.j.wark.civ@mai l.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P- R (US) <lee.p.gearhart.mil@mail. mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>	Email concerning DEERS Gender Marker Change Draft Guidance	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00009473	PrivWithhold00 006767	PrivWithhold 00006774	11/25/2016	Holstein, Peter, CTR, OASD(HA)/TMA		Electronic copy of file named MEDPERS - Transgender Update - Draft NOV2017.ppt	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00009504	PrivWithhold00 006775	PrivWithhold 00006775	10/16/2017	Blair, AK		Electronic copy of file named DSD Slides due 10-17 Slide 5 Talent Management.pptx	DP - Deliberative Process	Contains timelines and goals for ongoing review of Civilan HR Reform in DoD.
DoD00009713	PrivWithhold00 006776	PrivWithhold 00006781	8/23/2017	Stephanie Barna		Doc of Electronic copy of file draft INTERIM POLICY (SAB 22 Aug).docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00009879	PrivWithhold00 006782	PrivWithhold 00006785	7/28/2017	Clark, Robert E CIV OSD OUSD P- R (US) <robert.e.clark114 civ@mail.mil >	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert civ@mail. mil>Carnell, C M (Cherre) SMSgt USAF OSD OUSD P- R (US) <cherreonda.m.carnell.mil @mail.mil>; Hofmann, Matthew T MAJ USARMY OSD OUSD P-R (US) <matthew.t.hofmann.mil @mail.mil>; Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail. mil>	Email concerning APPROVAL -- FW: P&R Nomination Prep Tasker (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00010007	PrivWithhold00 006786	PrivWithhold 00006786	7/10/2017	Swartz, Esther S CIV (US)		Electronic copy of file named 3dDSD confirmation -	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00010096	PrivWithhold00 006787	PrivWithhold 00006789	6/2/2017	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert civ@mail. mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>; Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod civ@m ail.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail. mil>; Jarrett, Michael R (Rich) CDR USN OSD OUSD P-R (US) <michael.r.jarrett2.mil@	Email chain concerning TG Accession Standards (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00010109	PrivWithhold00 006790	PrivWithhold 00006790	5/30/2017	Kelly, Michael J CIV OSD OUSD P-R (US) <michael.j.kelly51.civ@mail.mil>	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail.mil>	Email concerning extensions of the transgender Directive Type Memorandum.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00010168	PrivWithhold00 006791	PrivWithhold 00006791	5/8/2017	Brendan Lewis		Electronic copy of file named Placemat Update - PR topics MPP Input.docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00010289	PrivWithhold00 006792	PrivWithhold 00006795	1/23/2017	Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail.mil>	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>	Email conversation regarding questions and answers in response to a media inquiry on the DoD Transgender Policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00010634	PrivWithhold00 006796	PrivWithhold 00006797	12/21/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Bauer, Kent P CIV OSD OUSD P-R (US) <kent.p.bauer.civ@mail.mil>	Deliberative email conversation concerning Inactive Ready Reserve and the DoD Transgender Policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011012	PrivWithhold00 006798	PrivWithhold 00006799	8/9/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>	"Email chain concerning TG ""Holding"" Letter (UNCLASSIFIED)"	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00011061	PrivWithhold00 006800	PrivWithhold 00006802	6/19/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>	Email chain concerning service inputs and new updates regarding TG studies	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00011088	PrivWithhold00 006803	PrivWithhold 00006803	11/3/2016	Hebert, Lernes J SES OSD OUSD P-R (US)	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>	Email forward concerning TG Training Plan Matrix	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011112	PrivWithhold00 006804	PrivWithhold 00006805	6/17/2016	Hebert, Lernes J SES OSD OUSD P-R (US)	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>	Email chain concerning TG Inputs from the service medical community discussion TG accession waiting periods	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011145	PrivWithhold00 006806	PrivWithhold 00006810	5/27/2016	Kate Ives		Electronic copy of file named DTM 20 May (DRAFT to WG) USCG Comments docxEmail concerning Template for a Directive-type Memorandum	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00011207	PrivWithhold00 006811	PrivWithhold 00006812	12/14/2015	Hebert, Lernes J SES OSD OUSD P-R (US)	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail. mil>Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail. mil>; Clark, Robert E CIV OSD OUSD P-R (US) <robert.e.clark114.civ@m	Email chain concerning Turnover - No need to read until you come into work!!	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00011434	PrivWithhold00 006813	PrivWithhold 00006817	8/23/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Bushman, William CIV SD <William.Bushman@sd.mi l>	Email chain concerning Draft SecDef Statement on Military Service by Transgender Individuals (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011547	PrivWithhold00 006818	PrivWithhold 00006819	6/8/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>Koprowski, Daniel C COL USARMY OSD OUSD P-R (US) <daniel.c.koprowski.mil@ mail.mil>; Kelly, Michael J CIV OSD OUSD P-R (US) <michael.j.kelly51.civ@m ail.mil>; Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail. mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>	Email concerning Early DRAFT -- Transgender Accessions Toplines (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011575	PrivWithhold00 006820	PrivWithhold 00006822	5/12/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Marshall, Paul CIV SECNAV, ADMIN <paul.marshall2@navy.mi l>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Arendt, Christopher P CIV OSD OSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail. mil>	Email chain concerning OSD005337- 17 / 2017- SECNAVGENCORRESPOND- 00000039 (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
DoD00011578	PrivWithhold00 006823	PrivWithhold 00006824	5/11/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>Arendt, Christopher P CIV OSD OSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail. mil>; Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail. mil>; Clark, Robert E CIV OSD OUSD P-R (US) <robert.e.clark114.civ@m ail.mil>	Email chain concerning TG Response Tasker (UNCLASSIFIED). Contains deliberations on how to respond to request to assist Navy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011586	PrivWithhold00 006825	PrivWithhold 00006826	4/25/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>Koprowski, Daniel C COL USARMY OSD OUSD P-R (US) <daniel.c.koprowski.mil@ mail.mil>; Kelly, Michael J CIV OSD OUSD P-R (US) <michael.j.kelly51.civ@m ail.mil>; MILLER, Stephanie P SES OSD OSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail. mil>	Email concerning URGENT: MEPCOM & DoDMERB Annual Medical Training: TG Accession Standards (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011660	PrivWithhold00 006827	PrivWithhold 00006832	11/2/2016	Hebert, Lernes J SES OSD OUSD P-R (US)	Kurta, Anthony M SES OSD OSD P-R (US) <anthony.m.kurta.civ@m ail.mil>	Email forward concerning Request for Gender Marker Change to Non- binary	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011695	PrivWithhold00 006833	PrivWithhold 00006833	9/23/2016	Hebert, Lernes J SES OSD OUSD P-R (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>; Weiler, Todd A HON OSD OUSD P-R (US) <todd.a.weiler.civ@mail. mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>	Email concerning USMC Bulletin in Transgender Service	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00011794	PrivWithhold00 006834	PrivWithhold 00006835	5/6/2016	Hebert, Lernes J SES OSD OUSD P-R (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>	Email forward concerning Transgender: Wash Post and status of TG policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
DoD00011826	PrivWithhold00 006836	PrivWithhold 00006836	1/8/2016	John Hawk		Electronic copy of file named PR Posture Hearing - Issue Paper- Transgender_7 JAN docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
					(US) <andrew.l.findley.civ@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Petry, Brian L CIV DHA TRICARE NORTH (US) <brian.l.petry.civ@mail.mil>; Donehoo, Jody W CIV DHA HP EXECUTION OPS (US) <jody.w.donehoo.civ@mail.mil>; Black, James N CIV DHA HEALTH OPNS DIR (US) <james.n.black.civ@mail.mil>; Whitton, James R CIV DHA (US) <james.r.whitton.civ@mail.mil>Frazer, Nicole L CAPT USPHS DHA HEALTH OPNS DIR (US) <nicole.l.frazer.mil@mail.mil>; Frazer, Nicole L CAPT USPHS DHA HEALTH OPNS DIR (US) <nicole.l.frazer.mil@mail.mil>			
DoD00011890	PrivWithhold00 006837	PrivWithhold 00006840	10/14/2016	Davison, John W III CIV (US) <john.w.davison2.civ@mail.mil>	<nicole.l.frazer.mil@mail.mil>	Email chain concerning Gender Dysphoria and TRICARE Prime Remote ADASM Supplemental Health Care Program	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00012028	PrivWithhold00 006841	PrivWithhold 00006841	8/30/2016	Mark Munson		Electronic copy of file named 2017 Transition Book Issue Paper_ Transgender HA 12 Aug 16- Dr J Smith docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
					Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Adirim, Terry A SES (US) <terry.a.adirim.civ@mail.mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>Davison, John W III CIV (US) <john.w.davison2.civ@mail.mil>			
DoD00012049	PrivWithhold00 006842	PrivWithhold 00006844	8/17/2016	Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mail.mil>		Email forward concerning TG conference to gather information on TG medical care	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00012064	PrivWithhold00 006845	PrivWithhold 00006846	8/12/2016	Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	DHA CMD GRP (US) <brandon.d.wilson8.civ@mail.mil>Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Adirim, Terry A SES (US) <terry.a.adirim.civ@mail.mil>; Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mail.mil>; DHA NCR Prog Integ List PI List <dha.ncr.prog-integ.list.pilist@mail.mil>; Kugler, John P CIV DHA HEALTH OPNS DIR (US) <john.p.kugler.civ@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Priest, Christopher D CIV DHA HEALTH OPNS DIR (US) <christopher.d.priest2.civ@mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma	Email chain regarding New Administration Transition Book	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00012097	PrivWithhold00 006847	PrivWithhold 00006847	10/29/2015	Christina Superina		Copy of Transgender Codes 6.8.2016.xlsx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00012178	PrivWithhold00 006848	PrivWithhold 00006866	4/26/2017	Briski, Julie C CIV DHA CMD GRP (US)		Doc of DHA-IPM 17-00x_Guidance for Medical Care of transgender ADSMs 20170417 v4.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00012199	PrivWithhold00 006867	PrivWithhold 00006868	4/26/2017	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email regarding [Non-DoD Source] Change in surgical policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00012251	PrivWithhold00 006869	PrivWithhold 00006871	3/13/2017	Adirim, Terry, SES, DHA		Doc of QA_Services_Concerns_transgende r_Accession_Med_Standards_FINAL.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00012281	PrivWithhold00 006872	PrivWithhold 00006874	3/3/2017	Chan, Edmund, CIV, OASD/HA		Doc draft of DoDI 6130 draft next steps and responses v3 docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00012284	PrivWithhold00 006875	PrivWithhold 00006876	3/2/2017	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro.ctr@mail.mil>; Graham, Elizabeth A CTR OSD HA (US) <elizabeth.a.graham50ctr@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Email regarding DoDI 6130 draft next steps and responses	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00012318	PrivWithhold00 006877	PrivWithhold 00006881	1/18/2017	Aslam, Saira N CAPT USN DHA (US) <saira.n.aslam.mil@mail.mil>	NAVVED EAST PORS VA (US) <gail.h.manos.mil@mail.mil>OBoyle, John D CAPT USN DHA DHSS (US) <john.d.oboyle.mil@mail.mil>; Roop, Stuart A COL USARMY DHA NCR MD (US) <stuart.a.roop.mil@mail.mil>; Heimall, Michael S COL USARMY DHA WRNMMC (US) <michael.s.heimall.mil@mail.mil>; Galitz, Michael S CDR USN NAVHOSP PORS VA (US) <michael.s.galitz.mil@mail.mil>; Alonso, Robert A CAPT USN NAVHLTHCLIN QUA VA (US) <robert.a.alonso2.mil@mail.mil>; Clark, Max A II CDR USN BUMED FCH VA (US) <max.a.clark.mil@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US)	Email chain regarding Walter Reed NMC TGCT POC	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00012449	PrivWithhold00 006882	PrivWithhold 00006885	8/24/2017	Stephanie Barna		Electronic copy of file named SD TG INTERIM POLICY.docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00012476	PrivWithhold00 006886	PrivWithhold 00006886	6/23/2017	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email concerning DRAFT DTM on TG Service 22 Jun 2017 - OGC Edits Comments	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00012520	PrivWithhold00 006887	PrivWithhold 00006888	2/8/2017	OBoyle, John D CAPT USN DHA DHSS (US) <john.d.oboyle@mail.mil>	HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Doyle, Andrew E COL USARMY HQDA OTSG (US) <andrew.e.doyle@mail.mil>; Cohen, Ronald H LTC USARMY HQDA OTSG (US) <ronald.h.cohen@mail.mil>; Alonso, Robert A CAPT USN NAVHLTHCLIN QUA VA (US) <robert.a.alonso2@mail.mil>; Clark, Max A II CDR USN BUMED FCH VA (US) <max.a.clark@mail.mil>; Cheatham, Thomas N Col USAF AFMSA (US) <thomas.n.cheatham2@mail.mil>; Decker, Elizabeth A Col USAF AFMOA (US) <elizabeth.a.decker4@mail.mil>; Aslam, Saira N CAPT USN DHA (US) <saira.n.aslam@mail.mil>; Welbourn, Barton R	Email chain concerning Request Service TG POCs for NCR and transgender service member care	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00012571	PrivWithhold00 006889	PrivWithhold 00006940	1/26/2017	Rachael DeNale		Electronic copy of file named Draft DoDI 6130.03 Jan 26 2017 docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00012588	PrivWithhold00 006941	PrivWithhold 00006945	7/19/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Clark, Max A II CDR USN BUMED FCH VA (US) <max.a.clark@mail.mil>	Email chain concerning Testicular / Erectile Prosthesis	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00012743	PrivWithhold00 006946	PrivWithhold 00006963	9/12/2016	G. D. MacPherson, CDR, USPHS		Coast Guard Memorandum titled "Gender Reassignment Treatment Plan for [REDACTED SERVICE MEMBER NAME]."	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy as it relates to a specific service member's treatment plan

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DoD00013197	PrivWithhold00 006964	PrivWithhold 00006964	7/27/2017	Fraine, Melissa C CTR DHA HEALTH OPNS (US) <melissa.c.fraine.ctr@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail. mil>Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil >	Email chain concerning number of TG personnel in the DoD	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013269	PrivWithhold00 006965	PrivWithhold 00006973	12/8/2016	Michael Labejsza		Draft PowerPoint titled "TRANSGENDER SERVICE POLICY Implementation Update."	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013287	PrivWithhold00 006974	PrivWithhold 00006975	11/17/2016	Davison, John W III CIV (US) <john.w.davison2.civ@mail.mil >	Fraine, Melissa C CTR DHA HEALTH OPNS (US) <melissa.c.fraine.ctr@mai l.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil >; Frazer, Nicole L CAPT USPHS DHA HEALTH OPNS DIR (US) <nicole.l.frazer.mil@mail. mil>; Rogut, Dori A CIV DHA HEALTH OPNS DIR (US) <dori.a.rogut.civ@mail.mi l>	Email concerning Request for data: Gender Dysphoria diagnoses	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013321	PrivWithhold00 006976	PrivWithhold 00006977	10/6/2016	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil >	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil >; Bienia, Krystyna M CTR DHA (US) <krystyna.m.bienia.ctr@m ail.mil>Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>	Email concerning TG Data Call and Capability Proposals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00013324	PrivWithhold00 006978	PrivWithhold 00006983	9/22/2016	Davies, William G CIV DHA HEALTH OPNS DIR (US) <william.g.davies4.civ@mail.mil>	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Nguyen, Phung T CDR USPHS DHA HEALTH OPNS (US) <phung.t.nguyen8.mil@mail.mil> Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; Hudak, Michele E LTC USARMY DHA INTEG UTILIZ (US) <michele.e.hudak.mil@mail.mil>; Jones, George E Jr CIV DHA HEALTH OPNS DIR (US) <george.e.jones48.civ@mail.mil>; Morales, Hector CIV DHA INTEG UTILIZ (US) <hector.morales8.civ@mail.mil>; Sood, Nita CAPT USPHS DHA HEALTH OPS DIR (US) <nita.sood.mil@mail.mil>	Email chain concerning request for information on Gender Reassignment	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013340	PrivWithhold00 006984	PrivWithhold 00006986	9/8/2016	Aslam, Saira N CDR USN DHA NCR MEDICAL DIR (US) <saira.n.aslam.mil@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; Doyle, Andrew E COL USARMY HQDA OTSG (US) <andrew.e.doyle.mil@mail.mil>; Alonso, Robert A CAPT USN NAVHLTHCLIN QUA VA (US) <robert.a.alonso2.mil@mail.mil>; Cheatham, Thomas N Col USAF AFMSA (US) <thomas.n.cheatham2.mil@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Bienia, Krystyna M CTR DHA (US) <krystyna.m.bienia.ctr@mail.mil>	Email chain concerning BH Question and what providers are included in TG conversation	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013363	PrivWithhold00 006987	PrivWithhold 00006989	9/27/2016	Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil> Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email chain concerning Version 19, TG Handbook	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00013370	PrivWithhold00 006990	PrivWithhold 00006991	9/23/2016	Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email chain concerning TG Handbook, Version 24	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00013463	PrivWithhold00 006992	PrivWithhold 00007010	10/5/2016	Doan, Paul, CIV, DHA		PowerPoint named "TGHC Module 1 Introduction to Policy Guidance and Concepts in Transgender Healthcare." Contains speaker notes.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00013505	PrivWithhold00 007011	PrivWithhold 00007012	10/4/2016	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	USARMY HQDA OTSG (US) <andrew.e.doyle.mil@mail.mil>; Aslam, Saira N CAPT USN DHA (US) <saira.n.aslam.mil@mail.mil>; Alonso, Robert A CAPT USN NAVHLTHCLIN QUA VA (US) <robert.a.alonso2.mil@mail.mil>; Welbourn, Barton R CIV DHA WRNMMC (US) <barton.r.welbourn.civ@mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; Cheatham, Thomas N Col USAF AFMSA (US) <thomas.n.cheatham2.mil@mail.mil>; Sahakian, Nancy M CAPT USPHS USCG HQS (US) <nancy.m.sahakian@uscg.mil>; Taylor, Gerald N CAPT USPHS (US) <gerald.n.taylor@uscg.mil>; Clark, Max A II LCDR USN BUMED FCH VA (US)	Email forward concerning [Non-DoD Source] RE: DoD/VA JIF SCAN ECHO on transgender (TG) care	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00013660	PrivWithhold00 007013	PrivWithhold 00007014	1/11/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Mentor, Marie L CIV DHA TRICARE NORTH (US) <marie.l.mentor.civ@mail.mil>Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email chain regarding TG implementation within the Air Force	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013698	PrivWithhold00 007015	PrivWithhold 00007020	10/19/2016	Montalvo, Miguel A CIV DHA TRICARE COS (US) <miguel.a.montalvo.civ@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email forward concerning TG Care Team Contact List (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00013739	PrivWithhold00 007021	PrivWithhold 00007021	6/21/2017	Black, James, CIV, DHA		Draft of proposed revisions to TRICARE SHCP	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013771	PrivWithhold00 007022	PrivWithhold 00007023	11/4/2016	Julian, David A CIV OSD OUSD P-R (US) <david.a.julian.civ@mail.mil>	OUSD P-R (US) <david.a.julian.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; Brady, Thomas M SES (US) <thomas.brady@hq.dodea.edu>; Godfrey, Michael CIV DODEA DODEA HQ (US) <michael.godfrey@hq.dodea.edu>; Booth, William H (Bill) SR SES DODHRA HQ (US) <william.h.booth.civ@mail.mil>; Keohane, Ronald T SES (US)	Email concerning Task Force on Transgender Military Dependents - Meeting #2	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013930	PrivWithhold00 007024	PrivWithhold 00007026	8/30/2017	Stephanie Barna		Draft version of the Interim Guidance to DoD on Military Service by Transgender Individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00013938	PrivWithhold00 007027	PrivWithhold 00007027	8/28/2017	Ed Chan, OASD(HA)		Electronic copy of a file named Action Memo for Interim Guidance for TG Care - Draft docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00014224	PrivWithhold00 007028	PrivWithhold 00007034	1/30/2017	Andrew Findley; Jack Smith		Document titled "COMMENTS MATRIX FOR: DHA-IPM 16-00x Guidelines for Medical Care of Transgender Active Duty Service Members with a Diagnosis of Gender Dysphoria." Reflects comments by two DoD officials providing recommended edits and rationale for those edits for a DHA document.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00014234	PrivWithhold00 007035	PrivWithhold 00007038	8/16/2016	SMITH-FORD, CRESTEN GS-07 USAF AFMOA AFMOA/CCO		Electronic copy of a file named Tab 2. AFMS Clinical Pathway for Care of Transgender Service Members.ppt	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
DoD00014344	PrivWithhold00 007039	PrivWithhold 00007046	1/23/2017	Doyle, Andrew E COL USARMY HQDA OTSG (US) <andrew.e.doyle.mil@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail. mil>; Graves, Peter J CTR DHA CMD GRP (US) <peter.j.graves10.ctr@ma il.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail. mil>Dwyer, Kevin J CIV DHA CMD GRP (US) <kevin.j.dwyer10.civ@mai l.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil >; Bienia, Krystyna M CTR DHA (US) <krystyna.m.bienia.ctr@m ail.mil>	Email chain regarding Transgender Surgeries -- Honolulu Star- Advertiser media inquiry (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00014349	PrivWithhold00 007047	PrivWithhold 00007050	11/8/2016	Sakrisson, Benjamin E Maj USAF OSD OSD (US) <benjamin.e.sakrisson.mil@mai l.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail. mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail. mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Wellman, Aaron C LTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@m	Email chain regarding [Non-DoD Source] Seeking comments + questions for article on transgender Army service members / DEADLINE 3 pm ET	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00014381	PrivWithhold00 007051	PrivWithhold 00007055	11/10/2016	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Hatchell, Jared J CIV DHA (US) <jared.j.hatchell.civ@mail .mil>; Speight, Cynthia P CIV DHA CMD GRP (US) <cynthia.p.speight.civ@mail .mil>DHA NCR Prog Integ List PI List <dha.ncr.prog-integ.list.pi- list@mail.mil>; Davison, John W III CIV (US) <john.w.davison2.civ@mail .mil>; Frazer, Nicole L CAPT USPHS DHA HEALTH OPNS DIR (US) <nicole.l.frazer.mil@mail. mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail .mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil >	Email chain regarding [Non-DoD Source] two DOD policy questions	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00014384	PrivWithhold00 007056	PrivWithhold 00007058	11/10/2016	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Davison, John W III CIV (US) <john.w.davison2.civ@mail .mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail .mil>; Frazer, Nicole L CAPT USPHS DHA HEALTH OPNS DIR (US) <nicole.l.frazer.mil@mail. mil>Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil >	Email forward concerning [Non- DoD Source] two DOD policy questions- TG care policy from the Hill	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00014410	PrivWithhold00 007059	PrivWithhold 00007061	8/16/2017	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Black, James N CIV DHA HEALTH OPNS (US) <james.n.black.civ@mail. mil>; D'Costa, Agatha L LCDR USPHS DHA DHSS CLINIC (US) <agatha.l.dcosta.mil@mail .mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail .mil>Simmer, Edward D CAPT USN DHA TRICARE HP (US) <edward.d.simmer.mil@ mail.mil>; Kugler, John P CIV DHA HEALTH OPNS (US) <john.p.kugler.civ@mail. mil>	Email chain regarding TG eval SHCP waivers from BUMED	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00014411	PrivWithhold00 007062	PrivWithhold 00007063	8/16/2017	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Black, James N CIV DHA HEALTH OPNS (US) <james.n.black.civ@mail. mil>; D'Costa, Agatha L LCDR USPHS DHA DHSS CLINIC (US) <agatha.l.dcosta.mil@mai l.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>; Simmer, Edward D CAPT USN DHA TRICARE HP (US) <edward.d.simmer.mil@ mail.mil>; Kugler, John P CIV DHA HEALTH OPNS (US) <john.p.kugler.civ@mail. mil>	Email chain regarding TG eval SHCP waivers from BUMED	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00014462	PrivWithhold00 007064	PrivWithhold 00007065	9/14/2017	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Gibson, Todd S CIV DHA J- 5 (US) <todd.s.gibson4.civ@mail. mil>; Rychalski, Jon J SES OSD HA (US) <jon.j.rychalski.civ@mail. mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>	Email forward concerning Fiscal Year 2018 Call for Studies Proposals, Suspense: August 31: OPA Pre-Coordination	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00014570	PrivWithhold00 007066	PrivWithhold 00007077	6/20/2017	Vythilingam CDR Meena <meena.vythilingam@usmc.mil>	AF-SG (US) <joyce.p.fiedler.mil@mail.mil>; Pflanz, Steven E Col USAF (US) <steven.e.pflanz.mil@mail.mil>; Decker, Elizabeth A Col USAF AFMOA (US) <elizabeth.a.decker4.mil@mail.mil>; Brent, Elizabeth L LTC USARMY DHA FORT BELVOIR (US) <elizabeth.l.brent.mil@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Rogut, Dori A CIV DHA HEALTH OPNS DIR (US) <dori.a.rogut.civ@mail.mil>; Yosick, Todd M LTC USARMY DHA HEALTH OPNS DIR (US) <todd.m.yosick.mil@mail.mil>; Cheatham, Thomas N Col USAF AFMSA (US) <thomas.n.cheatham2.mil@mail.mil>; Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@	Email chain regarding Request Mental Health recommendation on the Requirement of Real Life Experience prior to Genital Reconstructive Surgery for Transgender (TG) ADSMs	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00014607	PrivWithhold00 007078	PrivWithhold 00007081	10/26/2011	Navy BUMED		Electronic copy of file named TG SURG slides Benson(2).pptx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00014676	PrivWithhold00 007082	PrivWithhold 00007082	3/27/2017	Doan, Paul, CIV, DHA		Definitions for Medical Accessions docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00014701	PrivWithhold00 007083	PrivWithhold 00007084	1/9/2017	Donehoo, Jody W CIV DHA Health Opns Dir		Decision Paper-TPR auths for Gender Dysphoria.docx re: medical care and transgender population	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00018155	PrivWithhold00 007085	PrivWithhold 00007086	6/24/2017	Anthony Kurta		Draft Action Memo for the Secretary of Defense with the subject "Approval of Directive-type Memorandum (DTM) 17-0XX." Contains draft recommendation from A. M. Kurta, Performing the Duties of Under Secretary of Defense (Personnel and Readiness), to the Secretary of Defense as to whether to approve a DTM concerning transgender applicants into military service and reasons for that recommendation.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00018159	PrivWithhold00 007087	PrivWithhold 00007088	6/1/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	OUSD P-R (US) <david.j.smith152.civ@mail.mil>Rychalski, Jon J SES OSD HA (US) <jon.j.rychalski.civ@mail.mil>; Golden, Kerrie J COL USARMY OSD OUSD P-R (US) <kerrie.j.golden.mil@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; 'Raymond, Lacey CIV SD'	Email chain regarding TG info from ARmy (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00018178	PrivWithhold00 007089	PrivWithhold 00007093	8/18/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	Van Winkle, Elizabeth P SES OSD OUSD P-R (US) <elizabeth.p.vanwinkle.civ@mail.mil>Guieb, Rosendo T (Ross) COL USARMY OSD OUSD P-R (US) <rosendo.t.guieb.mil@mail.mil>; Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Boehmer, Matthew D (Matt) SES DODHRA OPA (US) <matthew.d.boehmer.civ@mail.mil>	Deliberative email conversation on the DoD response to a media article on the Transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy

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DoD00018196	PrivWithhold00 007094	PrivWithhold 00007094	Undated	Robert Work, Deputy Secretary of Defense		Memorandum from the Deputy Secretary of Defense for the Secretary of Defense with the subject "Recommended Transgender Way Ahead." Contains highlighting and handwritten notes from Secretary Mattis. Labeled "Deliberative Pre- decisional." Provides recommendations from the Deputy Secretary of Defense to Secretary Mattis concerning accessions of transgender individuals and	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00018207	PrivWithhold00 007095	PrivWithhold 00007097	6/26/2017	Kurta, Anthony M SES OSD OSD P-R (US)	USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail. mil>; Jarrett, Michael R (Rich) CDR USN OSD OUSD P-R (US) <michael.r.jarrett2.mil@ mail.mil>; Barna, Stephanie A SES OSD OSD P-R (US) <stephanie.a.barna.civ@ mail.mil>; MILLER, Stephanie P SES OSD OSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail. mil>; Smith, David J SES	Email chain regarding TG Policy Input Venues (UNCLASSIFIED)	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00019130	PrivWithhold00 007098	PrivWithhold 00007098	3/14/2014	Christopher Arendt		Draft talking paper on the Department's position on military service by Transgender personnel. Labeled "DRAFT WORKING PAPER NOT FOR RELEASE."	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00019291	PrivWithhold00 007099	PrivWithhold 00007105	7/23/2014	Julian, David A CIV (US)	Golden, Kerrie, COL, ASD(HA); Smith, Jack W CIV (US); Arendt, Christopher P CIV OSD OUSD P-R (US)Cc:Lockette, Warren E SES (US); Matteson, Gary N CIV (US); Lewis, Jason, CDR, OASD(HA)/TMA; Anderson,Robert, CDR, OASD(HA)/TMA; Steele, Bernadette, Lt Col, DHA; Breen, Lorraine, COL, OASD(HA)	Email conversation regarding a tasker to response to a letter from American Military Partners Association on transgender issues	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00021533	PrivWithhold00 007106	PrivWithhold 00007108	6/29/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Michael, Johnny I Jr CIV OSD PA (US) <johnny.i.michael2.civ@ma il.mil>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Ochoa, Laura C CIV OSD PA (US) <laura.c.ochoa.civ@mail. mil>	Email regarding transgender policy and delay of Carter policy implementation	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00021828	PrivWithhold00 007109	PrivWithhold 00007111	3/7/2017	Terry Adirim, M.D., M.P.H., Deputy Assistant Secretary of Defense of Health Services Policy and Oversight		Info Memo with the subject "Department of Defense 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services" Status Update and Way Forward." Contains deliberative discussions concerning transgender policy and DoD Instruction 6130.03 and recommendations for next steps.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00021885	PrivWithhold00 007112	PrivWithhold 00007116	2/28/2017	David S. Kemp, CAPT, USN		Draft Transgender Applicant Processing Policy v4 (Final 27 Feb 17)_Review.doc. Memorandum for commanders with the subject "Policy Memorandum 2-5, Transgender Applicant Processing." Contains comments and track changes for recommended edits. Labeled "Draft."	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00022094	PrivWithhold00 007117	PrivWithhold 00007120	2/10/2017	Rosenfeld, Paul CIV DODHRA DMDC (US) <paul.rosenfeld.civ@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; Licari, Frederick C CIV WHS ESD (US) <frederick.c.licari.civ@mail.mil>; Williams, Kristin H CIV DODHRA DMDC (US) <kristin.h.williams2.civ@mail.mil>; Helland, Katherine R CIV DODHRA JAMRS (US) <katherine.r.helland.civ@mail.mil>; Boehmer, Matthew D (Matt) SES DODHRA FVAP (US) <matthew.d.boehmer.civ@fvap.gov>	Email regarding UPR007515-16 Request for Waiver Approval to Include Sexual Orientation Interview Questions in DoD Study	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00022403	PrivWithhold00 007121	PrivWithhold 00007121	2/23/2017	Lee Gearhart		Draft DoD responses to questions on the Transgender Policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00022551	PrivWithhold00 007122	PrivWithhold 00007123	7/28/2017	MILLER, Stephanie P SES OSD OUSD P-R (US)		Memo titled "Readiness Impacts of Military Service by transgender Members." Contains recommendations from the Services.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00022589	PrivWithhold00 007124	PrivWithhold 00007128	7/31/2017	Washington, Keithen A Lt Col USAF OSD OUSD P-R (US) <keithen.a.washington.mil@mail.mil>	Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>	Email discussion concerning preparation of various topics including the transgender policy for P&R nominees	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00022633	PrivWithhold00 007129	PrivWithhold 00007129	8/10/2017	Lee (A1)		Document with file name "USD-PR Prep Paper Topics v2 (002).docx." Document is titled "P&R Nomination Prep Topics" and includes a list of possible topics to review in preparation for a Congressional hearing.	DP - Deliberative Process	Deliberations regarding preparation for Congressional hearing.
DoD00022650	PrivWithhold00 007130	PrivWithhold 00007130	6/19/2017	Lee (A1)		Document with file name "USD-PR Prep Paper Topics docx." Document is titled "P&R Nomination Prep Topics" and includes a list of possible topics to review in preparation for a Congressional hearing.	DP - Deliberative Process	Deliberations regarding preparation for Congressional hearing.

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DoD00022683	PrivWithhold00 007131	PrivWithhold 00007135	8/11/2017	Dyer, Evelyn J CIV OSD OUSD P-R (US) <evelyn.j.dyer.civ@mail.mil>	Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>Drogo, Dennis J CIV OSD OUSD P-R (US) <dennis.j.drogo.civ@mail.mil>; Dyer, Evelyn J CIV OSD OUSD P-R (US) <evelyn.j.dyer.civ@mail.mil>	Email discussion concerning preparation of various topics including the transgender policy for P&R nominees	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00026695	PrivWithhold00 007136	PrivWithhold 00007140	6/23/2017	Stroh, Mark		P&R-Transgender Accessions_TC docx - OGC Edits & Comments 6-23-17.docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00026888	PrivWithhold00 007141	PrivWithhold 00007142	8/30/2017	Jonsson, Benjamin R Lt Col USAF SAF-OS (US) <benjamin.r.jonsson.mil@mail.mil>	USAF P-R (US) <anthony.m.kurta.civ@mail.mil>Wilson, Heather A HON USAF SAF-OS (US) <heather.a.wilson8.civ@mail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Bushman, William CIV SD <William.Bushman@sd.mil>; DeMartino, Anthony G SES (US) <tony.demartino@sd.mil>; Sweeney, Kevin M SES (US) <kevin.sweeney@sd.mil>; Sitterly, Daniel R SES USAF SAF-MR (US) <daniel.r.sitterly.civ@mail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Hebert, Lernes J	Email chain regarding Formal Coordination DRAFT Transgender Implementation Guidance for SD Signature Friday 1 Sep	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00026913	PrivWithhold00 007143	PrivWithhold 00007144	8/28/2017	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	OGC (US) <paul.s.koffsky.civ@mail.mil>; White, Dana W SES OSD (US) <dana.w.white6.civ@mail.mil>; Hood, Robert R HON OSD OASD LA (US) <robert.r.hood12.civ@mail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Charette, Todd J CIV DODHRA DCPAS (US) <todd.j.charette.civ@mail.mil>; Clardy, Herman S III LtGen USMC OSD OUSD P-R (US) <herman.s.clardy.mil@mail.mil>; Gainey, Andrew C COL USARMY OSD OUSD P-R (US) <andrew.c.gainey.mil@m	Email conversation regarding OGC coordination of draft transgender documents	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy;

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DoD00027038	PrivWithhold00 007145	PrivWithhold 00007145	5/25/2017	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	USAF SAF-OS (US) <heather.a.wilson8.civ@mail.mil>; Stackley, Sean J CIV (US) <sean.j.stackley@navy.mil>; >; Speer, Robert Michael (Bob) HON USARMY HQDA SECARMY (US) <robert.m.speer4.civ@mail.mil> Disbrow, Lisa S HON USAF SAF-US (US) <lisa.s.disbrow.civ@mail.mil>; Sitterly, Daniel R SES USAF SAF-MR (US) <daniel.r.sitterly.civ@mail.mil>; Woods, Robert L SES USN ASSTSECNAV MRA DC (US) <robert.l.woods@navy.mil>; Randon, Diane M SES USARMY HQDA ASA MRA (US) <diane.m.randon.civ@mail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US)	Email concerning coordination of inputs for the transgender policy development	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00027090	PrivWithhold00 007146	PrivWithhold 00007155	3/2/2017	Barna, Stephanie A SES OSD OUSD P-R (US)	Caggins, Myles B III LTC USARMY OSD PA (US) <myles.b.caggins.mil@mail.mil>; Trombo, Joseph L CIV OSD OGC (US) <joseph.l.trombo.civ@mail.mil>; Hipp, Cheryl A CIV OSD OGC (US) <cheryl.a.hipp2.civ@mail.mil>; Michael, Johnny I Jr CIV OSD PA (US) <johnny.i.michael2.civ@mail.mil>; Koprowski, Daniel C COL USARMY OSD OUSD P-R (US) <daniel.c.koprowski.mil@mail.mil>; Brady, Thomas M SES (US) <thomas.brady@hq.dodea.edu>	Email conversations regarding responses to media inquiries related to DoDEA's transgender student policies, including a request for assistance from OGC	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00027117	PrivWithhold00 007156	PrivWithhold 00007156	2/23/2017	Barna, Stephanie A SES OSD OUSD P-R (US)	Milam, Charles E SES OSD OUSD P-R (US) <charles.e.milam.civ@mail. l.mil>; Julian, David A CIV OSD OUSD P-R (US) <david.a.julian.civ@mail. mil>Brady, Thomas M SES (US) <thomas.brady@hq dode a.edu>	Email conversation regarding the transgender policy implementation related to DoDEA's school policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00027131	PrivWithhold00 007157	PrivWithhold 00007162	2/23/2017	Barna, Stephanie A SES OSD OUSD P-R (US)	Brady, Thomas M SES (US) <thomas.brady@hq dode a.edu>	Email conversation regarding the transgender policy implementation related to DoDEA's school policy, includes legal opinion from OGC attorney	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00027178	PrivWithhold00 007163	PrivWithhold 00007197	1/13/2017	Ann Lee		Document with the file name "QFRs tasked 1.13.17 - P&R Assignment.doc." Contains anticipated questions from Senators and sections of DoD responsible for drafting proposed answers.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy;
DoD00027281	PrivWithhold00 007198	PrivWithhold 00007199	8/31/2017	Gearhart, Lee P COL USARMY USARC HQ (US) <lee.p.gearhart.mil@mail.mil>	Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>Washington, Keithen A Lt Col USAF OSD OUSD P-R (US) <keithen.a.washington.mil @mail.mil>	Email chain regarding Central coordination cell	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00027643	PrivWithhold00 007200	PrivWithhold 00007255	7/14/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US)		Meeting transgender (14 JUL 17)_v6.pptx" and titled "Transgender Service Q&As; Transgender Senior Implementation Group Meeting – July 14, 2017." Labeled "Not for Distribution//Draft Deliberative Document." Contains questions and draft answers on such issues as recruiting, medical, deployment, assignments, uniforms. Contains input from Navy and questions from Army.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00028354	PrivWithhold00 007256	PrivWithhold 00007258	8/3/2017	Findley, Andrew L Jr CIV (US)	Fraine, Melissa C CTR DHA HEALTH OPNS (US) <melissa.c.fraine.ctr@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>Davison, John W III CIV (US) <john.w.davison2.civ@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Email chain regarding Gender dysphoria diagnoses	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00028397	PrivWithhold00 007259	PrivWithhold 00007259	8/2/2017	Findley, Andrew L Jr CIV (US)	Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>Adirim, Terry A SES OSD HA (US) (terry.a.adirim.civ@mail.mil)	Email conversation regarding data on number of service members with GD and medical care	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00028507	PrivWithhold00 007260	PrivWithhold 00007264	7/26/2017	Findley, Andrew L Jr CIV (US)	Doyle, Andrew E COL USARMY HQDA OTSG (US) <andrew.e.doyle.mil@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>>Clark, Max A II CDR USN BUMED FCH VA (US) <max.a.clark.mil@mail.mil>; Cheatham, Thomas N Col USAF AFMSA (US) <thomas.n.cheatham2.mil@mail.mil>; Adirim, Terry A SES OSD HA (US) (terry.a.adirim.civ@mail.mil)Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email chain regarding Guidance needed for DDEAMC on transgender surgeries scheduled.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00029107	PrivWithhold00 007265	PrivWithhold 00007266	7/17/2017	Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro.ctr@mail.mil>	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>	Email FW: DoDI 6130.03 With Current transgender associated Stds	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00029326	PrivWithhold00 007267	PrivWithhold 00007267	6/29/2017	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>Rychalski, Jon J SES OSD HA (US) <jon.j.rychalski.civ@mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>; Atkins, Diana E CTR OSD HA (US) <diana.e.atkins.ctr@mail.mil>	Email regarding transgender questions from Service Chiefs and Personnel and Readiness	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00029339	PrivWithhold00 007268	PrivWithhold 00007319	1/26/2017	Rachael DeNale		Doc draft of DODI 6130.03 - FC.DOCX	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00029368	PrivWithhold00 007320	PrivWithhold 00007331	6/28/2017	Findley, Andrew, CIV, DHA		Email conversation regarding transgender medical issues across the DoD.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00029516	PrivWithhold00 007332	PrivWithhold 00007334	6/19/2017	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email regarding Air Force hormone standard / DADT	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00034012	PrivWithhold00 007335	PrivWithhold 00007339	8/1/2017	Koffsky, Paul S SES OSD OGC (US)	Casciotti, John A SES OSD OGC (US) <john.a.casciotti.civ@mail.mil>; Tomatz, Michael D Col USAF OSD OGC (US) <michael.d.tomatz@mail.mil>; Guillen, Robert A Jr MAJ USARMY (US) <robert.a.guillen4@mail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail.mil>	Email fom attorneys re: TG Service and unit readiness issues with attachments	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; reflects deliberations regarding draft memorandum on these subjects
DoD00034798	PrivWithhold00 007340	PrivWithhold 00007340	8/15/2017	Paul Koffsky		Draft version of a statement for the Sec Def on Military Service by Transgender Individuals.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00034857	PrivWithhold00 007341	PrivWithhold 00007341	8/14/2017	Koffsky, Paul S SES OSD OGC (US)		Draft document titled "STATEMENT OF THE SECRETARY OF DEFENSE ON MILITARY SERVICE BY TRANSGENDER INDIVIDUALS." Labeled "DRAFT."	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00035140	PrivWithhold00 007342	PrivWithhold 00007346	6/26/2017	Dr. Michael Strobl, Director, MPP, M&RA		Draft Info Memo from General Robert B. Neller, Commandant of the Marine Corps, to the Secretary of Defense with the subject "Continued Marine Corps Concerns Relating to Implementation of Policy Accessing Transgender Applicants into Military Service." Contains the Marine Corps' recommendation on the timing of accessions of transgender individuals and rationale for that recommendation. Prepared by Dr. Michael Strobl,	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00036181	PrivWithhold00 007347	PrivWithhold 00007396	7/10/2017	Richard A. Knight, CDR, USN, JS J1		Joint Chiefs of Staff document titled "Transgender Smartbook." Talking points were created to prepare the Vice Chairman of the Joint Chiefs of Staff and the Deputy Secretary of Defense to lead discussions with Service Secretaries and Chiefs on transgender service and accessions implementation.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00036806	PrivWithhold00 007397	PrivWithhold 00007398	6/7/2017	Adirim, Terry, SES, DHA		Papers from AF Allegedly Showing TG comorbidities return after 3_edit docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00038938	PrivWithhold00 007399	PrivWithhold 00007400	4/24/2017	OUSD-PR		Draft memorandum from the Office of the Assistant Secretary of Defense with the subject "Accommodations Concerning Students in Department of Defense Education Activity Schools and Youth Programs." Contains proposed edits in track changes.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy;
DoD00039156	PrivWithhold00 007401	PrivWithhold 00007401	8/22/2017	Paul Koffsky		Doc of SecDef Statement on transgender.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00044897	PrivWithhold00 007402	PrivWithhold 00007409	10/19/2016	Graham, Elizabeth, CTR, OASD(HA)		Document with file name "AMSWG_Draft Minutes_18 Oct 2016.docx." Contains draft meeting minutes of Accession Medical Standards Working Group (AMSWG) from October 18, 2016. Contains recommended changes to various medical standards.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00045015	PrivWithhold00 007410	PrivWithhold 00007411	1/9/2017	Graham, Elizabeth A CTR OSD HA (US) <elizabeth a.graham50.ctr@mail.l.mil>	Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>; Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>; Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro.ctr@mail.mil>	Email regarding edited DoDI 6130.03 Jan 9 2017	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00045034	PrivWithhold00 007412	PrivWithhold 00007414	7/20/2017	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil> Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil>; Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro.ctr@mail.mil>; Kline, Dana F CIV OSD OUSD P-R (US) <dana.f.kline.civ@mail.mil>; Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>	Email FW: Completed Pre-coordination for DoDI 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services"	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00045048	PrivWithhold00 007415	PrivWithhold 00007471	1/5/2017	Rachael DeNale		Draft edited DoDI 6130.03_adjudication gwb USCG navy-USMC AF edits 5 Jan 17 docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00045098	PrivWithhold00 007472	PrivWithhold 00007474	4/19/2017	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>	Graham, Elizabeth A CTR OSD HA (US) <elizabeth.a.graham50ctr@mail.mil>; Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>; Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro.ctr@mail.mil>	Email chain regarding January AMSWG Minutes	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00045347	PrivWithhold00 007475	PrivWithhold 00007479	4/25/2017	USAF Pentagon SAF-MR Mailbox AF Central Coordination Cell <usaf.pentagon.saf- central-coordination- cell@mail.mil>	Mailbox AF Central Coordination Cell <usaf.pentagon.saf- mr.mbx.af-central- coordination- cell@mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>; Krueger, Mary V COL USARMY HQDA ASA MRA (US) <mary.v.krueger.mil@mail. mil>; Kramer, Christine M COL USARMY HQDA ASA MRA (US) <christine.m.kramer12.mil @mail.mil>; Bristol, Janet M CAPT USN (US) <janet.m.bristol.mil@mail. mil>; McWaters, William J CIV USMC MANDR AFFAIRS (US) <william.mcwaters@usmc .mil>; Merriweather, Jason A CAPT USCG (US) <jason.a.merriweather@u scg.mil>; Virkaitis, Kurtis L	Email regarding Joint SCCC meeting - Thurs, 20 April 17. Rm 4E1019, 0830-1000	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00052017	PrivWithhold00 007480	PrivWithhold 00007481	5/12/2017	Clark, Robert E CIV OSD OUSD P- R (US) <robert.e.clark114.civ@mail.mil >	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail. mil>	Email request for informal views from Comp and OEPM (both from P&R)	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00052105	PrivWithhold00 007482	PrivWithhold 00007483	1/17/2017	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil >	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail. mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>	E-mail of 17 January 2017 regarding DRAFT Charter - Task Force on Transgender Military Dependents	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00052188	PrivWithhold00 007484	PrivWithhold 00007484	6/20/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Beyler, Juliet M SES (US) <juliet.beyler@navy.mil>A rendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ @mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>	Email conversation regarding number of transgender service members	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00052231	PrivWithhold00 007485	PrivWithhold 00007488	1/23/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail. mil>Clark, Robert E CIV OSD OUSD P-R (US) (robert.e.clark114 civ@m ail.mil); MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Arendt, Christopher P CIV OSD OSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Warren, Jill M CIV OSD OUSD P-R (US) <jill.m.warren4.civ@mail. mil>	Deliberative email conversation regarding responses to inquiries from media outlets seeking information on Transgender military service members.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00052233	PrivWithhold00 007489	PrivWithhold 00007492	2/9/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>	Email regarding OSD Legislative Affairs Update - 7 Feb 17	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00052371	PrivWithhold00 007493	PrivWithhold 00007500	4/12/2017	Grifka, Amanda B CTR DMDC		Document re LGBT issue and the military with_Analysis docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00052386	PrivWithhold00 007501	PrivWithhold 00007501	6/20/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Beyler, Juliet SES ASN (M&RA), MMP <juliet.beyler@navy.mil> MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@ mail.mil>; Arendt, Christopher P CIV OSD OSD P-R (US) <christopher.p.arendt.civ @mail.mil>; Ingram, Elena P CAPT USN ASSTSECNV MRA DC (US) <elena.ingram@navy.mil> ; Caldwell, Darian T CDR USN ASSTSECNV MRA DC (US) <darian.caldwell@navy.mi l>; Perkins, Juliet A CAPT USN ASSTSECNV MRA DC (US) <juliet.perkins@navy.mil>	E-mail of 6/20/2017 regarding Transgender medical care	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00067859	PrivWithhold00 007502	PrivWithhold 00007507	6/30/2016	Aaron Sherman		Doc of Draft TG Remarks Outline Draft for Carter TG policy 8 0 docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00068011	PrivWithhold00 007508	PrivWithhold 00007508	8/1/2017	Stephanie MILLER		Draft doc re: transgender Service Members and Unit Readiness 31 July 17 - DJG e.docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00068014	PrivWithhold00 007509	PrivWithhold 00007515	2/23/2017	Barna, Stephanie A SES OSD OUSD P-R (US)	USARMY OSD PA (US) <myles.b.caggins.mil@mail.mil>; Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail.mil>; Milam, Charles E SES OSD OUSD P-R (US) <charles.e.milam.civ@mail.mil>; Kelly, Michael J CIV OSD OUSD P-R (US) <michael.j.kelly51.civ@mail.mil>; Koffsky, Paul S SES OSD OGC (US) <paul.s.koffsky.civ@mail.mil> Jackson, Robert J Lt Col USAF OSD OUSD P-R (US) <robert.j.jackson13@mail.mil>; OSD Pentagon PA List DPO PR <osd.pentagon.pa.list.dpo-pr@mail.mil>; Pratt, Edwin A CIV OSD OUSD P-R (US) <edwin.a.pratt6.civ@mail.mil>; Riffe, Mary E (Beth) CIV OSD OUSD P-R (US) <mary.e.riffe.civ@mail.mil>	Email chain regarding FOR CLEARANCE - Transgender DoDEA Students - Military Times/CNN	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00068124	PrivWithhold00 007516	PrivWithhold 00007516	8/1/2017	Stephanie MILLER		Doc re: transgender Service Members and Unit Readiness 31 July 17 - DJG final docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy;
DoD00083413	PrivWithhold00 007517	PrivWithhold 00007517	7/26/2017	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil>	Sweeney, Kevin SES SD <Kevin.Sweeney@sd.mil>; Donnelly, Sally SES SD <Sally.Donnelly@sd.mil>; Walsh, Laurel Col SD <Laurel.Walsh@sd.mil> De Martino, Tony SES SD <Tony.DeMartino@sd.mil >; McFarlane, Matthew BG SD <Matthew.McFarlane@sd .mil>	E Mail re: FW_ Transgender tweets by POTUS .msg	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy
DoD00083505	PrivWithhold00 007518	PrivWithhold 00007530	7/5/2017	Bajraktari, Yll CIV SD		PowerPoint titled Deputy Secretary of Defense In-Brief (Working). Shows priorities of the Secretary of Defense and the Deputy Secretary of Defense.	DP - Deliberative Process	Deliberations concerning priorities of senior DoD officials
DoD00083826	PrivWithhold00 007531	PrivWithhold 00007537	8/28/2017	Snyder, WL		Proposed talking points for public affairs regarding transgender policy (and other recent events).	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy

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DoD00083994	PrivWithhold00 007538	PrivWithhold 00007538	7/27/2017	Davis, Jeff A CAPT USN OSD PA (US) <jeff.a.davis.mil@mail.mil>	Sweeney, Kevin SES SD <Kevin.Sweeney@sd.mil>; Walsh, Laurel Col SD <Laurel.Walsh@sd.mil>; Faller, Craig RADM SD <Craig.Faller@sd.mil>; Donnelly, Sally SES SD <Sally.Donnelly@sd.mil>; Koffsky, Paul S SES OSD OGC (US) <paul.s.koffsky.civ@mail.mil>; Giambastiani, Pete SES OSD OASD LA (US) <edmund.p.giambastiani2.civ@mail.mil>; White, Dana W SES OSD (US) <dana.w.white6.civ@mail.mil>	Email regarding a DRAFT statement on TG .msg	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00084038	PrivWithhold00 007539	PrivWithhold 00007540	7/8/2017	Giambastiani, Pete SES OSD OASD LA (US) <edmund.p.giambastiani2.civ@mail.mil>	Faller, Craig RADM SD <Craig.Faller@sd.mil>	Email discussion of read ahead materials including transgender updates for SECDEF	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00084092	PrivWithhold00 007541	PrivWithhold 00007541	6/27/2017	Sweeney, Kevin SES SD <Kevin.Sweeney@sd.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Faller, Craig RADM SD <Craig.Faller@sd.mil>	Email conversation between DoD personnel regarding meetings on lethality	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00084616	PrivWithhold00 007542	PrivWithhold 00007544	7/6/2017	Mohler, Hallock CDR SD <Hallock.Mohler@sd.mil>	Walsh, Laurel Col SD <Laurel.Walsh@sd.mil>	Draft talking points and responses to questions from Congress on the Transgender Policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender
DoD00084739	PrivWithhold00 007545	PrivWithhold 00007545	2/24/2017	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Work, Robert HON SD <Robert.Work@sd.mil>; Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Hedger, Stephen HON SD <Stephen.Hedger@sd.mil>; Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod.civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Email to Dep SECDEF re: rescission of policy re: TG policies related to schools and its effect on DODEA schools	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy

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DoD00087929	PrivWithhold00 007546	PrivWithhold 00007548	1/24/2018	Snodgrass, Guy CDR SD <Guy.Snodgrass@sd.mil>	Mohler, Hallock CAPT SD <Hallock.Mohler@sd.mil> Bushman, William CIV SD <William.Bushman@sd.mil>; Laughlin, Colleen CIV SD <Colleen.Laughlin@sd.mil>; Magney, Nicole CIV SD <Nicole.Magney@sd.mil>; Purifoy, Belinda CIV SD <Belinda.Purifoy@sd.mil>	Email concerning upcoming meetings including a meeting on the transgender.	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy
DoD00090527	PrivWithhold00 007549	PrivWithhold 00007551	11/15/2017	White, Dana W SES OSD (US) <dana.w.white6.civ@mail.mil>	<Kevin.Sweeney@sd.mil>; Donnelly, Sally SES SD <Sally.Donnelly@sd.mil>; Faller, Craig RADM SD <Craig.Faller@sd.mil>; Verga, Peter SES SD <Peter.Verga@sd.mil>; DeMartino, Tony SES SD <Tony.DeMartino@sd.mil>; >; Hood, Robert R HON OSD OASD LA (US) <robert.r.hood12.civ@mail.mil>; Giambastiani, Pete SES OSD OASD LA (US) <edmund.p.giambastiani2.civ@mail.mil>; Charlie Summers <cesummers41@gmail.com>; Walsh, Laurel Col SD <Laurel.Walsh@sd.mil>; Raymond, Philip COL SD <Philip.Raymond@sd.mil>; Reid, Eric LtCol SD <eric.reid@sd.mil>; Stoddard, Ryan CDR SD <Ryan.Stoddard@sd.mil>; Beckman, Kristi L (KB) Lt Col USAF OSD PA (US)	Email between DoD personnel discussing media items related to TG including sex reassignment surgery and accessions standards	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00092655	PrivWithhold00 007552	PrivWithhold 00007560	9/27/2015	Jarret, MR		Deliberative presentation from DHA on several lines of effort within the DoD medical community including the Transgender Policy. Contains goals and deliverables among many lines of effort. Contains "initial thoughts" of DoD	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00093836	PrivWithhold00 007561	PrivWithhold 00007562	8/30/2017	Jonsson, Benjamin R Lt Col USAF SAF-OS (US) <benjamin.r.jonsson.mil@mail.mil>	OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Wilson, Heather A HON (US) <heather.a.wilson8.civ@mail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Bushman, William CIV SD <William.Bushman@sd.mil>; DeMartino, Tony SES SD <Tony.DeMartino@sd.mil>; Sweeney, Kevin SES SD <Kevin.Sweeney@sd.mil>; Sitterly, Daniel R SES USAF SAF-MR (US) <daniel.r.sitterly.civ@mail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US)	Email RE_ Formal Coordination DRAFT Transgender Implementation Guidance for SD Signature Friday 1 Sep (UNCLASSIFIED).msg	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy
DoD00095186	PrivWithhold00 007563	PrivWithhold 00007566	8/7/2017	White, Dana W SES OSD (US) <dana.w.white6.civ@mail.mil>	Cardillo Robert NGA-D USA CIV <Robert.Cardillo@nga.mil>; Bingen, Kari A HON (US) <kari.a.bingen.civ@mail.mil>; Bushman, William CIV SD <William.Bushman@sd.mil>; Harris, Audricia M MAJ USARMY OSD PA (US) <audricia.m.harris.mil@mail.mil>; Davis, Jeff A CAPT USN OSD PA (US) <jeff.a.davis.mil@mail.mil>	Email conversation regarding transgender in the workforce nad TITLE VII	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00095231	PrivWithhold00 007567	PrivWithhold 00007570	8/5/2017	Bingen, Kari A HON (US) <kari.a.bingen.civ@mail.mil>	White, Dana W SES OSD (US) <dana.w.white6.civ@mail.mil>; Bushman, William CIV SD <William.Bushman@sd.mil>	Email conversation regarding transgender in the workforce	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00095320	PrivWithhold00 007571	PrivWithhold 00007572	8/3/2017	Bushman, William CIV SD <William.Bushman@sd.mil>	DeMartino, Tony SES SD <Tony.DeMartino@sd.mil>; Baker, Caitlin CIV SD <Caitlin.Baker@sd.mil>; Snodgrass, Guy CDR SD <Guy.Snodgrass@sd.mil>	Email conversation on POTUS memo on transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00097078	PrivWithhold00 007573	PrivWithhold 00007573	6/25/2017	Robert Work, Deputy Secretary of Defense	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil> Work, Robert HON SD <Robert.Work@sd.mil>	Email conversation regarding the contents of a draft memorandum on transgender issues for the Secretary of Defense.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00097086	PrivWithhold00 007574	PrivWithhold 00007584	6/27/2016	Carroll, Katherine SES SD		Document with questions re: Transgender Hard Q & A for new Carter TG policy Rollout	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00097110	PrivWithhold00 007585	PrivWithhold 00007585	6/24/2017	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil >	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil> Smith, Elizabeth CIV SD <Elizabeth.Smith@sd.mil> ; Rychalski, Jon J SES OSD HA (US) <jon.j.rychalski.civ@mail. mil>	Email conversation regarding transgender medical question and deployability	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00097361	PrivWithhold00 007586	PrivWithhold 00007590	6/14/2017	Folliard, Daniel CIV SD <Daniel.Folliard@sd.mil>	DeMartino, Tony CIV SD <Tony.DeMartino@sd.mil > DuFrayne, Francis CIV SD <Francis.DuFrayne@sd.mi l>	Email conversation regarding Morning News of Note. Contains deliberations on response to Congressional inquiry and press.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00099005	PrivWithhold00 007591	PrivWithhold 00007592	4/27/2017	Robert Work, Deputy Secretary of Defense		Memorandum from the Deputy Secretary of Defense for the Secretary of Defense with the subject "Accession of Transgender Service Members." Contains recommendations from the Services on accessions and contains handwritten notes from the Deputy Secretary of Defense concerning his recommendation.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00101527	PrivWithhold00 007593	PrivWithhold 00007615	2/1/2017	Gregory Melville		Doc Draft of SECDEF speech.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00102412	PrivWithhold00 007616	PrivWithhold 00007639	12/5/2016	Peter Cook		Draft Memorandum for Record on the Department's progress on several area initiatives, including military personnel	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00103486	PrivWithhold00 007640	PrivWithhold 00007640	9/21/2016	Melissa L. Lewis		List of deliberative transition papers that various DoD elements were working on developing, including a paper on the DoD Transgender policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00103842	PrivWithhold00 007641	PrivWithhold 00007643	11/2/2016	Carroll, Katherine SES SD <Katherine.Carroll@sd.mil>	Rosenbach, Eric HON SD <Eric.Rosenbach@sd.mil>; Smith, Eric BGen SD <eric.smith@sd.mil>;Cook, Peter C SES (US) <peter.c.cook9.civ@mail. mil>; Foster, Beth CIV SD <Elizabeth.Foster@sd.mil	Deliberative email discussion between DoD personnel regarding media coverage of the Transgender Policy development	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00108913	PrivWithhold00 007644	PrivWithhold 00007649	7/11/2016	Ives, Kathleen H (Kate) CIV WHS ESD (US) <kathleen.h.ives civ@mail.mil>	Bozek, Andrew S CIV WHS ESD (US) <andrew.s.bozek civ@mail.mil>; Carlisle, Heather LTC SD <Heather.Carlisle@sd.mil >; Graber, Douglas CDR SD <Douglas.Graber@sd.mil> >; Cooley, Dan LtCol SD <Charles.Cooley@sd.mil>; Charette, Todd J CIV OSD OUSD P-R (US) <todd.j.charette.civ@mail.mil>; Quehl, Eric LtCol SD <Eric.Quehl@sd.mil>; Dannemiller, Robert J Jr CIV OSD OUSD P-R (US) <robert.j.dannemiller civ@mail.mil>	RE_ Clearance of _DTM Military Service of Transgender Service Members_ (DOPSR Case 16-D- 0107).msg	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00109024	PrivWithhold00 007650	PrivWithhold 00007654	7/8/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Pahon, Eric J CIV OSD PA (US) <eric.j.pahon.civ@mail.mil>; Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mail.mil>; Carroll, Katherine SES SD <Katherine.Carroll@sd.mil >; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Foster, Beth CIV SD <Elizabeth.Foster@sd.mil >; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert civ@mail.mil>	Deliberative email conversation between DoD personnel regarding the development of responses to Secretary of Defense questions and answers	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00109587	PrivWithhold00 007655	PrivWithhold 00007655	6/30/2016	Foster, Beth CIV SD <Elizabeth.Foster@sd.mil>	Quehl, Eric LtCol SD <Eric.Quehl@sd.mil>; Cool ey, Dan LtCol SD <Charles.Cooley@sd.mil>	Deliberative email regarding the staffing of several discussion papers as they are moving through the staffing process.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00109897	PrivWithhold00 007656	PrivWithhold 00007656	6/29/2016	Carroll, Katherine SES SD <Katherine.Carroll@sd.mil>	O'Connor, Jennifer M HON OSD OGC (US) <jennifer.m.oconnor11.civ@mail.mil>	FW_ Final DoDI.msg	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00109918	PrivWithhold00 007657	PrivWithhold 00007662	6/29/2016	Aaron Sherman		Doc of TG Remarks Outline Draft docx to announce Carter policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00110030	PrivWithhold00 007663	PrivWithhold 00007667	6/28/2016	Aaron Sherman		Doc of TG Remarks Outline Draft dox to announce Carter policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00110070	PrivWithhold00 007668	PrivWithhold 00007669	6/28/2016	Barna, Stephanie A SES OSD OSD P-R (US) <stephanie.a.barna.civ@mail.m il>	Carroll, Katherine SES SD <Katherine.Carroll@sd.mil >; Levine, Peter K HON (US) <peter.k.levine.civ@mail. mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail. mil>; Myles, Robert W Jr COL USARMY (US) <robert.w.myles.mil@mai l.mil>; Jackson, Robert J Lt Col USAF OSD OUSD P-R (US) <robert.j.jackson13.mil@ mail.mil>; Foster, Beth CIV SD <Elizabeth.Foster@sd.mil >; Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil> ; O'Connor, Jennifer M HON OSD OGC (US) <jennifer.m.oconnor11.civ @mail.mil>	Draft document with questions from SECDEF Carter with draft answers regarding transgender policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00110081	PrivWithhold00 007670	PrivWithhold 00007675	6/28/2016	Aaron Sherman		Doc of TG Remarks Outline Draft dox to announce Carter policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00110604	PrivWithhold00 007676	PrivWithhold 00007676	6/22/2016	Evans, Alexandra CIV SD <Alexandra.Evans@sd.mil>	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil>	RE: DSD's call with HHS DepSec Wakefield	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00110725	PrivWithhold00 007677	PrivWithhold 00007679	6/21/2016	Carroll, Katherine SES SD <Katherine.Carroll@sd.mil>	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil> ; Foster, Beth CIV SD <Elizabeth.Foster@sd.mil	Email discussion of transgender media coverage and rollout.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00111484	PrivWithhold00 007680	PrivWithhold 00007681	6/5/2016	Carroll, Katherine SES SD <Katherine.Carroll@sd.mil>	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>; Foster, Beth CIV SD <Elizabeth.Foster@sd.mil >; Levine, Peter K HON (US) <peter.k.levine.civ@mail. mil>	Email Re_ DRAFT SD FoTF Implementation Memo .msg	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00111596	PrivWithhold00 007682	PrivWithhold 00007683	6/3/2016	Carroll, Katherine SES SD		Deliberative talking about regarding the rollout of the Transgender Policy across the	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00112485	PrivWithhold00 007684	PrivWithhold 00007687	5/15/2016	Cook, Peter C SES (US) <peter.c.cook9.civ@mail.mil>	Carroll, Katherine SES SD <Katherine.Carroll@sd.mil> >Foster, Beth CIV SD <Elizabeth.Foster@sd.mil> >; Rosenbach, Eric HON SD <Eric.Rosenbach@sd.mil>; Smith, Eric BGen SD <eric.smith@sd.mil>; Chadda, Nitin CIV SD <Nitin.Chadda@sd.mil>; Hermes, Gabrielle M LtCol USMC OSD PA (US) <gabrielle.m.hermes.mil@mail.mil>; Levine, Peter K HON (US) <peter.k.levine.civ@mail.mil>; Raymond, Lacey CIV SD	Email with subject line "Re_Rand Study_NYT." Contains deliberations concerning how to respond to press.	DP - Deliberative Process	Deliberations regarding communications with the press concerning transgender policy
DoD00112580	PrivWithhold00 007688	PrivWithhold 00007690	5/12/2016	Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil>	RE_Medical questions re_TG .msg	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00112622	PrivWithhold00 007691	PrivWithhold 00007695	5/12/2016	Foster, Elizabeth CIV SD		Doc of UPDATE MEMO 5.13_bf edits docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00116993	PrivWithhold00 007696	PrivWithhold 00007698	1/17/2017	Bajraktari, Ylber CIV SD	Baker, Sasha CIV SD <Alexandra.Baker@sd.mil> >; Bajraktari, Yll CIV SD <Yll.Bajraktari@sd.mil>; Blume, Susanna CIV SD <Susanna.Blume@sd.mil> >; Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil> >; Foster, Beth CIV SD <Elizabeth.Foster@sd.mil> >; Carroll, Katherine SES SD <Katherine.Carroll@sd.mil> >; Chadda, Nitin CIV SD <Nitin.Chadda@sd.mil>; Hedger, Stephen HON SD <Stephen.Hedger@sd.mil> >; Rosenbach, Eric HON SD <Eric.Rosenbach@sd.mil>; Sine, Jack L Col USAF OSD OASD LA (US) <jack.l.sine.mil@mail.mil> >; Folliard, Daniel E CIV OSD OSD (US)	Circulating draft document containing material relevant to transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00116997	PrivWithhold00 007699	PrivWithhold 00007700	1/13/2017	Bajraktari, Yll CIV SD	Hedger, Stephen HON SD <Stephen.Hedger@sd.mil> >Blume, Susanna CIV SD <Susanna.Blume@sd.mil> >; Farris, Ryan CDR SD <Ryan.Farris@sd.mil>	Email conversation regarding DepSecDef attendance at a transgender policy briefing	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00117019	PrivWithhold00 007701	PrivWithhold 00007719	12/7/2016	Peter Cook		Document containing memo written at end of Obama administration discussing accomplishments of administration including transgender policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117233	PrivWithhold00 007720	PrivWithhold 00007723	12/13/2016	Raymond, Lacey CIV SD	Jackson, Robert J Lt Col USAF OSD OUSD P-R (US) <robert.j.jackson13.mil@mail.mil>	Email regarding a READ-AHEAD: Transgender Update for the Deputy Secretary of Defense	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117235	PrivWithhold00 007724	PrivWithhold 00007724	12/13/2016	Robert Jackson		DepSecDef Talking Points - Transgender implementation plan.docx	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117409	PrivWithhold00 007725	PrivWithhold 00007775	8/17/2016	Gearhart, Lee P COL USARMY OSD OUSD P-R (US)		Draft transgender policy guidance Handbook of Carter policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117435	PrivWithhold00 007776	PrivWithhold 00007776	7/21/2016	Soper, Martha P CIV USAF SAF-MR (US) <martha.p.soper.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Deliberative email between DoD personnel discussing TG Training Materials	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117446	PrivWithhold00 007777	PrivWithhold 00007779	11/3/2016	Julian, David A CIV OSD OUSD P-R (US) <david.a.julian.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>Wellman, Aaron CLTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@mail.mil>	Email between DoD personnel discussing transgender medical issue.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117461	PrivWithhold00 007780	PrivWithhold 00007784	10/25/2016	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Discussions between attorneys and senior policymakers regarding impacts of transgender policy in DoD schools and unique overseas environments	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117552	PrivWithhold00 007785	PrivWithhold 00007786	7/25/2016	Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>	Wellman, Aaron CLTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@mail.mil>Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Deliberative email between DoD personnel regarding weekly TG Q&A Roll-Up.msg	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00117750	PrivWithhold00 007787	PrivWithhold 00007787	9/23/2016	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Email between DoD personnel discussing edits to a transgender policy talking paper	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117795	PrivWithhold00 007788	PrivWithhold 00007788	8/23/2016	Soper, Martha P CIV USAF SAF-MR (US) <martha.p.soper.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Deliberative email conversation regarding exceptions to policy templates to the transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117840	PrivWithhold00 007789	PrivWithhold 00007789	10/14/2016	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Sims, Pettis N LCDR USN OSD OUSD P-R (US) <pettis.n.sims.mil@mail.mil>	Email re: Deliberative email conversation between DoD personnel regarding Draft TG Training policy with service inputs	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00117876	PrivWithhold00 007790	PrivWithhold 00007793	8/5/2016	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; Bentz, Kevin R MAJ USARMY OSD OUSD P-R (US) <kevin.r.bentz.mil@mail.mil>; Wellman, Aaron C LTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@mail.mil>; Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mail.mil>; Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>	EMail RE: TG Accession Guidance to recruiting.msg	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00117939	PrivWithhold00 007794	PrivWithhold 00007796	10/20/2016	Nannette Howard, AF/AIDLT		Document titled Air Force Transgender In-Service Education and Training Plan. Contains plans for training on the transgender policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00118092	PrivWithhold00 007797	PrivWithhold 00007868	9/29/2016	Department of Defense		Draft copy of handbook titled "Transgender Service in the U.S. Military: An Implementation Handbook." Labeled "Version 26" and "Not for Distribution // Draft Deliberative Document." Contains draft deliberations concerning how commanders can implement DoD's policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00118103	PrivWithhold00 007869	PrivWithhold 00007940	9/27/2016	Department of Defense		Draft copy of transgender handbook for commanders. Labeled "Draft Deliberative Document." Version 25 of the draft. Contains draft deliberations concerning how commanders can implement DoD's policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00118162	PrivWithhold00 007941	PrivWithhold 00007944	9/20/2016	Rosenfeld, Paul CIV DODHRA DMDC (US) <paul.rosenfeld.civ@mail.mil>	<maura.r.taylor.ctr@mail.mil>Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>; Simmons, Robert O CIV USARMY HQDA ARI (US) <robert.o.simmons2.civ@mail.mil>; Randolph, Jacquelyn S CIV USARMY HQDA ARI (US) <jacquelyn.s.randolph.civ@mail.mil>; Thompson, Nicole J CIV USARMY HQDA ARI (US) <nicole.j.thompson14.civ@mail.mil>; Rosenfeld, Paul CIV DODHRA DMDC (US) <paul.rosenfeld.civ@mail.mil>; McGrath, David E CIV DODHRA DMDC (US) <david.e.mcgrath.civ@mail.mil>; Williams, Kristin H CIV DODHRA DMDC (US) <kristin.h.williams2.civ@mail.mil>; Rosenfeld, Paul	E-Mail re: DoDI 1300.28 Query for Future Efforts on Researching Warfighter Readiness (UNCLASSIFIED).msg	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
DoD00118203	PrivWithhold00 007945	PrivWithhold 00007946	8/4/2016	Rosenfeld, Paul CIV DODHRA DMDC (US) <paul.rosenfeld.civ@mail.mil>	USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>DiNicolantonio, Michael T CTR DODHRA (US) <michael.t.dinicolantonio.ctr@mail.mil>; Williams, Kristin H CIV DODHRA DMDC (US) <kristin.h.williams2.civ@mail.mil>; Van Winkle, Elizabeth P CIV DODHRA DMDC (US) <elizabeth.p.vanwinkle.civ@mail.mil>; Wellock, Stephen M CIV DODHRA DMDC (US) <stephen.m.wellock.civ@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Rosenfeld, Paul CIV DODHRA DMDC (US) <paul.rosenfeld.civ@mail.mil>; McGrath, David E CIV DODHRA DMDC (US)	Email re: Transgender Ques Bank UPR002216-16.msg	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00118902	PrivWithhold00 007947	PrivWithhold 00007948	1/17/2018	Ciminera, Paul, CIV, DHA		Doc of AMSWG_ADHD_AnxietyBackground_PC.docx information	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00118963	PrivWithhold00 007949	PrivWithhold 00008009	11/30/2015	Rachael DeNale		DoDI 6130.03_Draft 2015.12.9.2015 tracked changes docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00119177	PrivWithhold00 008010	PrivWithhold 00008013	5/15/2017	Mullen, Lawrence E CIV DHA DIR SUPPORT (US) <lawrence.e.mullen.civ@mail. mil>	HA (US) <edmund.m.chan.civ@mail. mil>; Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail. mil>Klimkowski, Paul Edward CDR USN BUMED FCH VA (US) <paul.e.klimkowski.mil@ mail.mil>; Minarcik, Allison H CIV (US) <allison.h.minarcik.civ@m ail.mil>; Miller, David C Lt Col USAF AFMSA (US) <david.c.miller8.mil@mail .mil>; Page, Neil E COL USARMY HQDA OTSG (US) <neil.e.page.mil@mail.mil >; Kemp, David S CAPT USN OSD USMEPCOM (US) <david.s.kemp.mil@mail. mil>; Teneza, Brigilda C COL USARMY OSD USMEPCOM (US) <brigilda.c.teneza.mil@m ail.mil>; Donahue, Patrick	Email between DoD personnel discussing changes to DoD transgender medical policy and possible rereview of the policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00119437	PrivWithhold00 008014	PrivWithhold 00008016	3/7/2017	David J. Smith, M.D., Performing the Duties of the Assistant Secretary of Defense for Health Affairs		Info Memo with the subject "Department of Defense 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services" Status Update and Way Forward." Contains deliberative discussions concerning transgender policy and DoD Instruction 6130.03 and recommendations for next steps.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00119457	PrivWithhold00 008017	PrivWithhold 00008018	2/24/2017	Chan, Edmund, CIV, OASD/HA		Document discussing background on the DoDI 6130 03 and includes recommended next steps.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00119530	PrivWithhold00 008019	PrivWithhold 00008024	1/19/2017	Cerny CIV Kerry A <kerry.cerny@usmc.mil>	DHA DIR SUPPORT (US) <lawrence.e.mullen.civ@mail.mil>; Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>; Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>; Teneza, Brigilda C COL USARMY OSD USMEPCOM (US) <brigilda.c.teneza.mil@mail.mil>; Nakamura, Jason M LTC USARMY OSD USMEPCOM (US) <jason.m.nakamura.mil@mail.mil>; Pearce, Teresa D MAJ USARMY (US) <teresa.d.pearce.mil@mail.mil>; Pelzner, Michael A (Mike) COL USARMY HQDA OTSG (US) <michael.a.pelzner.mil@mail.mil>; Miller, David C Lt Col USAF AFMSA (US) <david.c.miller8@mail.mil>; Klimkowski, Paul	Email between DoD personnel discussing the Accession Medical Standards Working Group meeting and review process.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00119605	PrivWithhold00 008025	PrivWithhold 00008026	12/19/2016	Graham, Elizabeth A CTR OSD HA (US) <elizabeth.a.graham50.ctr@mail.mil>	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>	Email between DoD personnel discussing issuances spreadsheet.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00119856	PrivWithhold00 008027	PrivWithhold 00008040	2/23/2017	Nathalie Holberg		DoDI 6130.03 Army Final SD 818 docx	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00120101	PrivWithhold00 008041	PrivWithhold 00008053	2/24/2017	Nathalie Holberg		Deliberative discussions concerning transgender policy and DoD Instruction 6130 03	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00120186	PrivWithhold00 008054	PrivWithhold 00008054	4/19/2017	Doan, Paul, CIV, DHA		Deliberative discussions re: transgender medical policy and stability in preferred gender and reqts of medical provider	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00120662	PrivWithhold00 008055	PrivWithhold 00008058	3/26/2018	Kline, Dana F CIV OSD OUSD P-R (US) <dana.f.kline.civ@mail.mil>	Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro.ctr@mail.mil>	Deliberations regarding implementation of transgender accessions policy and coordination of new policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00120855	PrivWithhold00 008059	PrivWithhold 00008077	10/31/2014	Smith, Jack, Dr., OASD(HA)		Slides showing efforts of Informatics office including transgender.	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy

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DoD00121158	PrivWithhold00 008078	PrivWithhold 00008078	4/14/2014	DHA		Excel file titled "MHS Issuances & Publications Dashboard - JANUARY 2017 (results of DECEMBER 2016 data call)." Contains deliberations regarding timelines for transgender policy and other regulatory changes.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00121436	PrivWithhold00 008079	PrivWithhold 00008131	7/10/2017	Rachael DeNale		Draft DODI 6130.03 titled "MEDICAL STANDARDS FOR APPOINTMENT, ENLISTMENT, OR INDUCTION IN THE MILITARY SERVICES." Contains track changes with recommended edits.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00121505	PrivWithhold00 008132	PrivWithhold 00008132	4/11/2017	Ribeiro, Elizabeth M CTR OSD HA (US)	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@ma il.mil>	Email between DoD personnel answering a transgender legal research question.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00121530	PrivWithhold00 008133	PrivWithhold 00008135	3/30/2017	Ribeiro, Elizabeth M CTR OSD HA (US)	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail. mil>; Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@ma il.mil>; Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail. mil>	Discussion between agency personnel discussing leadership feedback on proposed transgender policy implementation	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00121552	PrivWithhold00 008136	PrivWithhold 00008137	2/24/2017	Ribeiro, Elizabeth M CTR OSD HA (US)	Graham, Elizabeth A CTR OSD HA (US) <elizabeth.a.graham50 ctr @mail.mil>; Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@ma il.mil>	Deliberative discussions concerning transgender policy and DoD Instruction 6130 03	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00121596	PrivWithhold00 008138	PrivWithhold 00008191	9/19/2016	Rachael DeNale		Doc of TAB A_DoDI 6130.03_2016.9.19 doc	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00121617	PrivWithhold00 008192	PrivWithhold 00008244	8/22/2016	Rachael DeNale		Doc of TAB A_DoDI 6130.03_2016.8.1_HRPO comments.doc	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00121624	PrivWithhold00 008245	PrivWithhold 00008245	4/14/2014	DHA		Excel file titled "MHS Issuances & Publications Dashboard - Results of AUGUST 2016 Data Call." Contains deliberations regarding timelines for transgender policy and other regulatory changes.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00121637	PrivWithhold00 008246	PrivWithhold 00008247	8/1/2016	Ribeiro, Elizabeth M CTR OSD HA (US)	Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mai l.mil>	Email RE: Internal Coordination Package for DoDI 6130.03.msg	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00121655	PrivWithhold00 008248	PrivWithhold 00008258	7/18/2016	Nathalie Lawrence		Document containing issuance comments for Guidance for Treatment of Gender Dysphoria for Active Duty Service Members.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00122253	PrivWithhold00 008259	PrivWithhold 00008259	3/15/2018	D'Costa, Agatha, LCDR, DHA		Doc of Medical waiver request for a specific service member.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00122456	PrivWithhold00 008260	PrivWithhold 00008260	2/22/2018	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil>; Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil>	E-mail between DoD personnel regarding study in light of current transgender policy announcements.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00122772	PrivWithhold00 008261	PrivWithhold 00008261	1/19/2018	Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email between DoD personnel discussing medical research on transgender policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00122773	PrivWithhold00 008262	PrivWithhold 00008265	1/19/2018	Colston, Michael J CAPT OASD(HA)/TMA		Document containing analysis of research material.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00123121	PrivWithhold00 008266	PrivWithhold 00008266	11/29/2017	Klein, David A Lt Col USAF USARMY MEDCOM (US) <david.a.klein26.mil@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	email re: clinical experience treating transgender individuals in the Army	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; email conversation regarding deployability based on hormone therapy during transition
DoD00123249	PrivWithhold00 008267	PrivWithhold 00008275	11/20/2017	Robinson-Haley, Patrice D CIV OSD OUSD P-R (US) <patrice.d.robinson-haley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil>; Rauch, Terry M CIV OSD HA (US) <terry.m.rauch.civ@mail.mil>	Email with subject "Re: Update on my UPR004797-17: Request Approval to Include Sexual Orientation Question on Survey." Email chain was between DoD personnel regarding the questions to ask on a survey.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00123272	PrivWithhold00 008276	PrivWithhold 00008277	11/17/2017	Breen, Richard H Jr CIV (US) <richard.h.breen.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	email regarding the DoD response to the media at an event at Walter Reed that involved a gender transition surgery.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00124469	PrivWithhold00 008278	PrivWithhold 00008280	9/5/2017	Clark, Jeffrey B MG USARMY DHA HEALTH OPNS (US) <jeffrey.b.clark4.mil@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>Anderson, Jacqueline R LCDR USN WRNMMC BETHESDA MD (US) <jacqueline.r.anderson2.mil@mail.mil>	email regarding memo to DHA regarding current transgender policies and surgical care.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00124517	PrivWithhold00 008281	PrivWithhold 00008332	7/28/2017	Rachael DeNale		Deliberative discussions concerning transgender policy and DoD Instruction 6130 03	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00124536	PrivWithhold00 008333	PrivWithhold 00008335	8/25/2017	Dwyer, Kevin J CIV DHA CMD GRP (US) <kevin.j.dwyer10.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil> Graves, Peter J CTR DHA CMD GRP (US) <peter.j.graves10.ctr@mail.mil>; Kogan, Mark S CTR (US) <mark.s.kogan.ctr@mail.mil>	Email between DoD personnel discussing transgender media query.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00124558	PrivWithhold00 008336	PrivWithhold 00008336	8/18/2017	Ortel, Jesse K COL USARMY OSD OUSD P-R (US) <jesse.k.ortel.mil@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil> Askins, Kishla A LCDR USN OSD HA (US) <kishla.a.askins.mil@mail.mil>	Email between DoD personnel discussing briefing of TG policy to new Dept senior leaders	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00124624	PrivWithhold00 008337	PrivWithhold 00008339	8/9/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Fraine, Melissa C CTR DHA HEALTH OPNS (US) <melissa.c.fraine.ctr@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil> Davison, John W III CIV (US) <john.w.davison2.civ@mail.mil>; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Deliberative email conversation between DoD personnel regarding a question on a gender dysphoria diagnosis	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00124688	PrivWithhold00 008340	PrivWithhold 00008340	8/2/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail.mil> Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	internal deliberations on the DoD interim transgender policy guidelines	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00124747	PrivWithhold00 008341	PrivWithhold 00008341	7/27/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email re: Deliberative discussions concerning transgender policy and impact of POTUS tweet	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00124898	PrivWithhold00 008342	PrivWithhold 00008344	7/11/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email between DoD personnel providing medical input to transgender accessions policy discussions.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00124924	PrivWithhold00 008345	PrivWithhold 00008357	7/12/2017	Defense Healthcare Management Systems Program Executive Office		Draft slides: Defense Healthcare Management Systems Senior Military Medical Action Council. Labeled "FOIA Exemption 5 (Pre-decisional/deliberative)."	DP - Deliberative Process	Deliberations regarding Defense Healthcare Management Systems priorities

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DoD00124925	PrivWithhold00 008358	PrivWithhold 00008360	7/8/2017	Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email between DoD personnel involving updates to transgender policy slides to update new senior officials on TG policy	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00124935	PrivWithhold00 008361	PrivWithhold 00008361	7/6/2017	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email between DoD personnel discussing revisions to document.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00125043	PrivWithhold00 008362	PrivWithhold 00008414	4/19/2017	Rachael DeNale		Draft and undated red-line version of DoD Instruction 6130 03 which includes comments in the margins	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125208	PrivWithhold00 008415	PrivWithhold 00008415	6/8/2017	D'Costa, Agatha, LCDR, DHA		Draft slides, draft info paper, and discussion.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125250	PrivWithhold00 008416	PrivWithhold 00008416	6/7/2017	Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email between DoD personnel discussing transgender medical studies.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125271	PrivWithhold00 008417	PrivWithhold 00008417	6/2/2017	Patel, Mili K CTR OSD OSD (US) <mili.k.patel.ctr@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email summary of the ongoing efforts to develop different policies, including accession medical standards involving transgender service members	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125304	PrivWithhold00 008418	PrivWithhold 00008421	5/26/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Speight, Cynthia P CIV DHA CMD GRP (US) <cynthia.p.speight.civ@mail.mil>DHA NCR Prog Integ List PI List <dha.ncr.prog-integ.list.pilist@mail.mil>; Fells, Quintin F CTR DHA CONTRACTING (US) <quintin.f.fells.ctr@mail.mil>	Email chain regarding policy issues relating to surgical and medical treatment of transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00125306	PrivWithhold00 008422	PrivWithhold 00008424	5/26/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Speight, Cynthia P CIV DHA CMD GRP (US) <cynthia.p.speight civ@mail.mil>DHA NCR Prog Integ List PI List <dha.ncr.prog-integ.list.pi-list@mail.mil>; Fells, Quintin F CTR DHA CONTRACTING (US) <quintin.f.fells.ctr@mail.mil>	Email chain regarding policy issues relating to treatment of transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125349	PrivWithhold00 008425	PrivWithhold 00008425	5/19/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley civ@mail.mil>	Doyle, Andrew E COL USARMY HQDA OTSG (US) <andrew.e.doyle.mil@mail.mil>; Clark, Max A II CDR USN BUMED FCH VA (US) <max.a.clark.mil@mail.mil>; Cheatham, Thomas N Col USAF AFMSA (US) <thomas.n.cheatham2.mil@mail.mil>Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Bienia, Krystyna M CTR DHA (US) <krystyna.m.bienia.ctr@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Fraine, Melissa C CTR DHA HEALTH OPNS (US) <melissa.c.fraine.ctr@mail.mil>	Email chain regarding policy issues surrounding treatment of non-service member transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125409	PrivWithhold00 008426	PrivWithhold 00008427	5/3/2017	Rychalski, Jon J SES (US) <jon.j.rychalski.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email chain discussing developments in policies regarding service of transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00125595	PrivWithhold00 008428	PrivWithhold 00008430	3/7/2017	David J. Smith, M.D., Performing the Duties of the Assistant Secretary of Defense for Health Affairs		Info Memo with the subject "Department of Defense 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services" Status Update and Way Forward." Contains deliberative discussions concerning transgender policy and DoD Instruction 6130.03 and recommendations for next steps.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125599	PrivWithhold00 008431	PrivWithhold 00008440	3/4/2017	Sine, Jack L Col USAF OSD OASD LA (US)		Document containing a list of questions from congress including transgender questions.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

DOCID	Begin Bates	End Bates	Date	Author/Custodian/Sender	Recipient(s)	Title/Description	Privilege(s) Asserted	Privilege Basis and Description
DoD00125606	PrivWithhold00 008441	PrivWithhold 00008442	3/3/2017	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email conversation regarding number of transgender service members on active duty.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125685	PrivWithhold00 008443	PrivWithhold 00008446	2/15/2017	Lauren Olmsted		Meeting notes from the Policy Advisory Council with Tg discussion	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00125784	PrivWithhold00 008447	PrivWithhold 00008447	10/16/2013	Carnemark, Karla, CTR, OASD(HA)/TMA		Materials relating to Medical Deputies Action Group meeting.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00125788	PrivWithhold00 008448	PrivWithhold 00008450	1/25/2017	Stockdale, Timothy R CIV DHA (US) <timothy.r.stockdale.civ@mail.mil>	DHA CS MGT (US) <nicole.c.creecy.ctr@mail.mil>; Minnier, Matthew C CIV DHA DHA CS MGT (US) <matthew.c.minnier.civ@mail.mil>; Oliver, Antoine D CTR DHA PROG MGT SUP (US) <antoine.d.oliver3.ctr@mail.mil>; Mohan, Nikitha A CTR (US) <nikitha.a.mohan.ctr@mail.mil>; Rychalski, Jon J SES (US) <jon.j.rychalski.civ@mail.mil>; Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Golden, Kerrie J COL USARMY OSD OUSD P-R (US) <kerrie.j.golden.mil@mail.mil>; Clark, Tilford L LCDR USN OSD HA (US) <tilford.l.clark.mil@mail.mil>	Email re: DHSA memo on guidance of medical care and TG active duty service members	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00125936	PrivWithhold00 008451	PrivWithhold 00008455	12/9/2016	Stanek, Scott, COL, OASD(HA)		Draft document containing overview of policy efforts including transgender.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00125981	PrivWithhold00 008456	PrivWithhold 00008459	12/6/2016	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	Email between DoD personnel circulating and discussing transgender info paper on GD and Active duty service members	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00126369	PrivWithhold00 008460	PrivWithhold 00008462	9/30/2016	Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro_ctr@mail.mil>	Email between DoD personnel discussing roles and responsibilities for transgender policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00126475	PrivWithhold00 008463	PrivWithhold 00008466	9/23/2016	Burrows-McElwain, Cicely (SAMHSA) <Cicely.Burrows-McElwain@samhsa.hhs.gov>	Kennedy, Elliot (OS/OASH) <Elliot.Kennedy@hhs.gov>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email between DoD personnel following up on discussion from meeting.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00126546	PrivWithhold00 008467	PrivWithhold 00008467	9/19/2016	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	Email between DoD personnel discussing language for briefing bullets.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00126607	PrivWithhold00 008468	PrivWithhold 00008473	9/14/2016	Sakrisson, Benjamin E Maj USAF OSD OSD (US) <benjamin.e.sakrisson@mail.mil>	HA (US) <terry.a.adirim.civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>; Kantwill, Paul E CIV OSD OUSD P-R (US) <paul.e.kantwill.civ@mail.mil>; Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@mail.mil>; Koffsky, Paul S SES OSD OGC (US) <paul.s.koffsky.civ@mail.mil>; Chandrasekaran, Rekha D CIV OSD OASD LA (US) <rekha.d.chandrasekaran.civ@mail.mil>; Sullivan, Dwight H SES OSD OGC (US) <dwright.h.sullivan.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Yager, Reggie D Lt Col USAF OSD OUSD P-R (US)	Email between DoD personnel discussing media inquiry about particular transgender service member.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00126671	PrivWithhold00 008474	PrivWithhold 00008477	9/6/2016	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Email between DoD discussing data gathering for presentation slides.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00126833	PrivWithhold00 008478	PrivWithhold 00008481	8/15/2016	Dixon, Kristen E COL USARMY OSD OUSD P-R (US) <kristen.e.dixon.mil@mail.mil>	Golden, Kerrie J COL USARMY OSD OUSD P-R (US) <kerrie.j.golden.mil@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>Adirim, Terry A SES (US) <terry.a.adirim.civ@mail.mil>; Webster, Angela M CDR USN OSD HA (US) <angela.m.webster6.mil@mail.mil>; Stabile, Christine L Lt Col USAF OSD OUSD P-R (US) <christine.l.stabile.mil@mail.mil>; Clark, Tilford L LCDR USN OSD HA (US) <tilford.l.clark.mil@mail.mil>; Breen, Richard H Jr CIV (US) <richard.h.breen.civ@mail.mil>; Roberts, Karen E CIV DHA CMD GRP (US) <karen.e.roberts.civ@mail.mil>	Email between DoD personnel discussing speaker for event.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00126988	PrivWithhold00 008482	PrivWithhold 00008484	3/13/2018	Adirim, Terry A SES OSD HA (US)	Lee, Daniel E Col USAF DHA DHA CS MGT (US) <daniel.e.lee8.mil@mail.mil>; Ortel, Jesse K COL USARMY OSD OUSD P-R (US) <jesse.k.ortel.mil@mail.mil>Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil>	Email between DoD personnel providing information for transgender study proposal.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00127480	PrivWithhold00 008485	PrivWithhold 00008490	11/20/2017	Adirim, Terry A SES OSD HA (US)	Robinson-Haley, Patrice D CIV OSD OUSD P-R (US) <patrice.d.robinson-haley.civ@mail.mil>Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil>; Rauch, Terry M CIV OSD HA (US) <terry.m.rauch.civ@mail.mil>	Email between DoD personnel regarding transgender survey.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00128121	PrivWithhold00 008491	PrivWithhold 00008492	9/20/2017	Adirim, Terry A SES OSD HA (US)	Terry Adirim <ealtaa@comcast.net>	Email between DoD personnel circulating and discussing confirmation prep materials including transgender materials.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy

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DoD00128205	PrivWithhold00 008493	PrivWithhold 00008499	9/13/2017	Adirim, Terry A SES OSD HA (US)	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; Rychalski, Jon J SES OSD HA (US) <jon.j.rychalski.civ@mail.mil>	Email chain discussing development of policy information concerning transgender service members	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00128207	PrivWithhold00 008500	PrivWithhold 00008502	9/12/2017	Adirim, Terry A SES OSD HA (US)	Ortel, Jesse K COL USARMY OSD OUSD P-R (US) <jesse.k.ortel.mil@mail.mil>; Askins, Kishla A LCDR USN OSD HA (US) <kishla.a.askins.mil@mail.mil>	Email chain discussing formulation of the interim guidance on TG policy with talkingpoints and Q and A.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00128253	PrivWithhold00 008503	PrivWithhold 00008503	9/8/2017	Adirim, Terry A SES OSD HA (US)	Kogan, Mark S CTR (US) <mark.s.kogan.ctr@mail.mil>	Email concerning draft guidance for treatment of transgender service members	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy
DoD00128308	PrivWithhold00 008504	PrivWithhold 00008504	8/31/2017	Adirim, Terry A SES OSD HA (US)	Poling, Paul Adam (Adam) CIV JS OCJCS (US) <paul.a.poling.civ@mail.mil>	Email chain regarding interim guidance for treatment of transgender service members during policy rereview	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00128310	PrivWithhold00 008505	PrivWithhold 00008506	8/31/2017	Adirim, Terry A SES OSD HA (US)	Kogan, Mark S CTR (US) <mark.s.kogan.ctr@mail.mil>	Email chain regarding interim guidance for treatment of transgender service members	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00128463	PrivWithhold00 008507	PrivWithhold 00008509	8/9/2017	Adirim, Terry A SES OSD HA (US)	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email chain regarding the formulation of transgender policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00128526	PrivWithhold00 008510	PrivWithhold 00008512	8/3/2017	Adirim, Terry A SES OSD HA (US)	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>; Kugler, John P CIV DHA HEALTH OPNS (US) <john.p.kugler.civ@mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; Davison, John W III CIV (US) <john.w.davison2.civ@mail.mil>	Email re: Deliberations on interim transgender policy and waivers for TG related surgical procedures and evaluations	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy
DoD00128579	PrivWithhold00 008513	PrivWithhold 00008513	7/26/2017	Adirim, Terry, SES, DHA		Document titled: Service Member Transgender Health Care	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy
DoD00128586	PrivWithhold00 008514	PrivWithhold 00008514	7/26/2017	Adirim, Terry, SES, DHA		Talking paper on Service Member Transgender Health Care	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy
DoD00128620	PrivWithhold00 008515	PrivWithhold 00008516	7/26/2017	Adirim, Terry A SES OSD HA (US)	Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@mail.mil>; Rychalski, Jon J SES OSD HA (US) <jon.j.rychalski.civ@mail.mil>	Email between DoD personnel formulating response to POTUS tweet.	DP - Deliberative Process	Deliberations regarding the rescission of the transgender policy

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DoD00128705	PrivWithhold00 008517	PrivWithhold 00008518	7/19/2017	Adirim, Terry A SES OSD HA (US)	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil>; Fraine, Melissa C CTR DHA HEALTH OPNS (US) <melissa.c.fraine.ctr@mail.mil>	Email between DoD personnel gathering data for the House Armed Services Committee.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00128723	PrivWithhold00 008519	PrivWithhold 00008522	7/17/2017	Adirim, Terry A SES OSD HA (US)	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@mail.mil>	Email between DoD personnel circulating cost information relating to transgender treatment.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00128787	PrivWithhold00 008523	PrivWithhold 00008523	7/7/2017	Adirim, Terry A SES OSD HA (US)	Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail.mil>	Email between DoD personnel involving slides for Transgender Senior Implementation Group Meeting.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00128886	PrivWithhold00 008524	PrivWithhold 00008524	6/26/2017	Findley, Andrew, CIV, DHA		Configuration and meeting frequency and attendee lists of working groups on TG medical issues; discussions thereof.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00128926	PrivWithhold00 008525	PrivWithhold 00008533	11/25/2016	Holstein, Peter, CTR, OASD(HA)/TMA		Slides titled: Information Brief Transgender Care	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00128951	PrivWithhold00 008534	PrivWithhold 00008535	6/19/2017	Adirim, Terry, SES, DHA		Discussion re M31 of the AF Medical Standards Directory revisions and related talking points.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00128968	PrivWithhold00 008536	PrivWithhold 00008537	6/12/2017	Adirim, Terry A SES OSD HA (US)	OSD OUSD P-R (US) <rebecca.a.russell3 civ@ mail.mil>; KRULEWITCH, Cara J (Dr. Cara) CIV OSD HA (US) <cara.j.krulewitch.civ@ma il.mil>; Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@ma il.mil>; Richardson, Shannon T CTR (US) <shannon.t.richardson2.ct r@mail.mil>; McNeal, Ruby L CTR (US) <ruby.l.mcneal.ctr@mail. mil>; Sands, Irene M CTR (US) <irene.m.sands.ctr@mail. mil>; Fells, Quintin F CTR DHA CONTRACTING (US) <quintin.f.fells.ctr@mail. mil>; Scott, John S COL USARMY OSD HA (US) <john.s.scott1.mil@mail. mil>; Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@ mail.mil>; Shell, Donald	Email between DoD personnel circulating notes from Health Affairs staff meeting discussing transgender status implementation	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129033	PrivWithhold00 008538	PrivWithhold 00008542	5/26/2017	Adirim, Terry A SES OSD HA (US)	Flossos, Anna S CIV (US) <anna.s.flossos.civ@mail. mil>	Email chain addressing policy development concerning transgender care of service member dependents	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129056	PrivWithhold00 008543	PrivWithhold 00008544	5/19/2017	Adirim, Terry, SES, DHA		Slides providing oversight to HSPO office structure and functions.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129060	PrivWithhold00 008545	PrivWithhold 00008586	10/31/2014	Smith, Jack, Dr., OASD(HA)		Slides for DoD health symposium including transgender.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129070	PrivWithhold00 008587	PrivWithhold 00008587	5/19/2017	Adirim, Terry A SES OSD HA (US)	Russell, Rebecca A CIV OSD OUSD P-R (US) <rebecca.a.russell3 civ@ mail.mil>; Stevens, Bret CIV OSD OUSD P-R (US) <bret.stevens1.civ@mail. mil>; Bruner, A E (AI) CIV OSD HA (US) <alfred.e.bruner.civ@mail. .mil>Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@ mail.mil>	Email chain discussing policy developments being tracked by DHH's Health Services Policy and Oversight, including accession policies for transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00129161	PrivWithhold00 008588	PrivWithhold 00008594	4/10/2017	Adirim, Terry A SES OSD HA (US)	Brown, Gary W LTC USARMY OSD OUSD P-R (US) <gary.w.brown.mil@mail. mil>; Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@ma il.mil>;Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro ctr@ mail.mil>; Demartino, Robert E CAPT USPHS (US) <robert.e.demartino.mil@ mail.mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>	Email chain regarding the development of accession policies for transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129191	PrivWithhold00 008595	PrivWithhold 00008596	3/24/2017	Adirim, Terry A SES OSD HA (US)	Vevez, Louise L CTR OSD HA (US) <louise.l.vevez.ctr@mail.m il>	Email between DoD personnel circulating talking points including transgender talking points.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129237	PrivWithhold00 008597	PrivWithhold 00008599	3/7/2017	David J. Smith, M.D., Performing the Duties of the Assistant Secretary of Defense for Health Affairs		Draft Info Memo with the subject "Department of Defense 6130.03, "Medical Standards for Appointment, Enlistment, or Induction in the Military Services" Status Update and Way Forward." Contains deliberative discussions concerning transgender policy and DoD Instruction 6130.03 and recommendations for next steps. Contains track changes with recommended edits from Terry Adirim, DHA.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129260	PrivWithhold00 008600	PrivWithhold 00008601	3/3/2017	Adirim, Terry A SES OSD HA (US)	Smith, David J SES OSD OUSD P-R (US) <david.j.smith152.civ@m ail.mil>;Rychalski, Jon J SES (US) <jon.j.rychalski.civ@mail. mil>	Email between DoD personnel discussing potential DoDI edits.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00129472	PrivWithhold00 008602	PrivWithhold 00008606	12/31/2016	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail. mil>;Gearhart, Lee P COL USARMY OSD OUSD P-R (US) <lee.p.gearhart.mil@mail. mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>	Email between DoD personnel circulating and discussing transgender info paper and specific medical procedures	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00129590	PrivWithhold00 008607	PrivWithhold 00008615	12/7/2016	Terry Adirim, M.D., M.P.H., Deputy Assistant Secretary of Defense of Health Services Policy and Oversight		Slides titled: Information Brief Transgender Care. Contains proposed next steps on implementing transgender policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00129611	PrivWithhold00 008616	PrivWithhold 00008617	11/25/2016	Adirim, Terry A SES OSD HA (US)	Guice, Karen S SES (US) <karen.s.guice2.civ@mail. mil>Rychalski, Jon J SES (US) <jon.j.rychalski.civ@mail. mil>	Slides titled: Information Brief Transgender Care related to TG medical issues and data re: gender dysphoria	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00129632	PrivWithhold00 008618	PrivWithhold 00008618	11/22/2016	Adirim, Terry A SES OSD HA (US)	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>Rychalski, Jon J SES (US) <jon.j.rychalski.civ@mail. mil>; Guice, Karen S SES (US) <karen.s.guice2.civ@mail. mil>	Email between DoD personnel discussing transgender medical data and active duty service members under Carter policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129633	PrivWithhold00 008619	PrivWithhold 00008627	9/8/2016	Michael Labejsza		Slides titled: TRANSGENDER SERVICE POLICY Implementation Update	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00129805	PrivWithhold00 008628	PrivWithhold 00008630	10/15/2016	Adirim, Terry A SES OSD HA (US)	Casciotti, John A SES OSD OGC (US) <john.a.casciotti.civ@mail .mil>	Email between DoD personnel clarifying an aspect of transgender medical policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00129830	PrivWithhold00 008631	PrivWithhold 00008633	10/4/2016	Adirim, Terry A SES OSD HA (US)	Dwyer, Kevin J CIV DHA CMD GRP (US) <kevin.j.dwyer10.civ@mai l.mil>Kogan, Mark S CTR (US) <mark.s.kogan.ctr@mail. mil>; Graves, Peter J CTR DHA CMD GRP (US) <peter.j.graves10.ctr@ma il.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail. mil>; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>	Email between DoD personnel regarding transgender media item.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00129839	PrivWithhold00 008634	PrivWithhold 00008634	9/30/2016	Adirim, Terry A SES OSD HA (US)	CONTRACTING (US) <quintin.f.fells.ctr@mail.mil>; Frost, Lucinda Z CTR OSD HA (US) <lucinda.z.frost.ctr@mail.mil>; Graham, Elizabeth A CTR OSD HA (US) <elizabeth.a.graham50.ctr@mail.mil>; Jovanovic, Olivera A CTR OSD HA (US) <olivera.a.jovanovic.ctr@mail.mil>; Ribeiro, Elizabeth M CTR OSD HA (US) <elizabeth.m.ribeiro.ctr@mail.mil>; Richardson, Shannon T CTR OSD OUSD P-R (US) <shannon.t.richardson2.ctr@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Chan, Edmund M CIV OSD HA (US) <edmund.m.chan.civ@mail.mil>; Delaune, Jules M CIV OSD OUSD P-R (US) <deprov.jules.m.delaune.civ@mail.mil>	Email between DoD personnel discussing roles and responsibilities for transgender policy.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00130030	PrivWithhold00 008635	PrivWithhold 00008635	9/7/2016	Adirim, Terry A SES OSD HA (US)	Guice, Karen S SES (US) <karen.s.guice2.civ@mail.mil>; Golden, Kerrie J COL USARMY OSD OUSD P-R (US) <kerrie.j.golden.mil@mail.mil>; Clark, Tilford L LCDR USN OSD HA (US) <tilford.l.clark.mil@mail.mil>	Slides titled: Information Brief Transgender Care	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00130042	PrivWithhold00 008636	PrivWithhold 00008637	9/6/2016	Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>	Email between DoD discussing gathering of data for presentation slides.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00130057	PrivWithhold00 008638	PrivWithhold 00008639	8/31/2016	Adirim, Terry A SES OSD HA (US)	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	Email between DoD personnel discussing transgender data and requests for exceptions to policy re transgender medical issues	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00130080	PrivWithhold00 008640	PrivWithhold 00008640	8/22/2016	Adirim, Terry A SES OSD HA (US)	Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>	Email between DoD personnel discussing reference materials re: medical guidance for gender dysphoria	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy

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DoD00130101	PrivWithhold00 008641	PrivWithhold 00008642	8/16/2016	Adirim, Terry A SES (US)	Rychalski, Jon J SES (US) <jon.j.rychalski.civ@mail.mil>; Smith, Jack W CIV OSD HA (US) <jack.w.smith2.civ@mail.mil>; Delaune, Jules M CIV OSD OUSD P-R (US) <jules.m.delaune.civ@mail.mil>; Golden, Kerrie J COL USARMY OSD OUSD P-R (US) <kerrie.j.golden.mil@mail.mil>	Email between DoD personnel discussing transgender policy status of implementation guidance of Carter policy	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00130207	PrivWithhold00 008643	PrivWithhold 00008643	3/22/2018	Bushman, William CIV SD <William.Bushman@sd.mil>	Mcaleer, Laura P SES OSD OASD LA (US) <laura.p.mcaleer.civ@mail.mil>; Miller, Jamie J SES (US) <jamie.j.miller20.civ@mail.mil>	Email between DoD personnel circulating transgender talking points.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00130950	PrivWithhold00 008644	PrivWithhold 00008645	3/9/2018	Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@mail.mil>	Bushman, William CIV SD <William.Bushman@sd.mil>	Email between DoD personnel discussing accessions process and specific transgender applicant.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00137262	PrivWithhold00 008646	PrivWithhold 00008646	3/7/2018	Wellman, Aaron C LTC USARMY OSD OUSD P-R (US)		Document containing draft policy Q and A including transgender policy questions	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00137481	PrivWithhold00 008647	PrivWithhold 00008647	2/15/2018	Aswell, Paul L CIV USARMY HQDA DCS G-1 (US) <paul.l.aswell.civ@mail.mil>	OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>; Mullen, Lawrence E CIV DHA DIR SUPPORT (US) <lawrence.e.mullen.civ@mail.mil>; Golden, Kerrie J COL USARMY HQDA ASA MRA (US) <kerrie.j.golden.mil@mail.mil>; Krueger, Mary V COL USARMY HQDA ASA MRA (US) <mary.v.krueger.mil@mail.mil>; Nelson, Michael R (Mike Nelson) COL USARMY HQDA OTSG (US) <michael.r.nelson4@mail.mil>; MCTIGUE, Daniel C LTC USARMY HQDA DCS G-1 (US) <daniel.c.mctigue.mil@mail.mil>; Green, Alphonsa D CIV USARMY HQDA DCS G-1 (US) <alphonsa.d.green.civ@mail.mil>; Bouren, Kevin D LTC USARMY HQDA DCS G-1 (US)	Email between DoD personnel discussing transgender medical policy follow-up to meeting.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy

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DoD00137908	PrivWithhold00 008648	PrivWithhold 00008648	4/25/2018	Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>; Randon, Diane M SES USARMY HQDA ASA MRA (US) <diane.m.randon.civ@mai l.mil>; Penrod, Virginia S SES OSD OUSD P-R (US) <virginia.s.penrod.civ@m ail.mil>; MILLER, Stephanie P SES OSD OSD P-R (US) <stephanie.p.miller.civ@	Email between DoD personnel discussing specific transgender applicants.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00138140	PrivWithhold00 008649	PrivWithhold 00008657	9/8/2016	Michael Labejsza		Draft PowerPoint presentation on the implementation of the DoD policy on military service by transgender individuals	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00138203	PrivWithhold00 008658	PrivWithhold 00008669	9/16/2016	Barna, Stephanie A SES OSD OSD P-R (US)	OSD P-R (US) <paul.e.kantwill.civ@mail. mil>; Sakrisson, Benjamin E Maj USAF OSD OSD (US) <benjamin.e.sakrisson.mil @mail.mil>; Chandrasekaran, Rekha D CIV OSD OASD LA (US) <rekha.d.chandrasekaran. civ@mail.mil>; Anderson, Olga M COL USARMY HQDA OCLL (US) <olga.m.anderson.mil@m ail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail. mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>; Koffsky, Paul S SES OSD OGC (US) <paul.s.koffsky.civ@mail. mil>; Sullivan, Dwight H SES OSD OGC (US) <dwight.h.sullivan.civ@m ail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.	Email between DoD personnel discussing media inquiry about particular transgender service member.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00138452	PrivWithhold00 008670	PrivWithhold 00008671	6/24/2016	Barna, Stephanie A SES OSD OSD P-R (US)	Carroll, Katherine SES SD <Katherine.Carroll@sd.mil >	Email between DoD personnel discussing medical requirements for various medical issues.	DP - Deliberative Process	Deliberations regarding the implementation of the transgender policy
DoD00139564	PrivWithhold00 008672	PrivWithhold 00008673	12/20/2017	Bentz, KR		Slides titled: Recruiter Preliminary Screening Process	DP - Deliberative Process	Deliberations regarding medical screening process

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DoD00139865	PrivWithhold00 008674	PrivWithhold 00008675	3/14/2018	Rogut, Dori A CIV DHA HEALTH OPNS DIR (US) <dori.a.rogut.civ@mail.mil>	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil >; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>; Black, James N CIV DHA HEALTH OPNS (US) <james.n.black.civ@mail. mil>; D'Costa, Agatha L LCDR USPHS DHA DHSS CLINIC (US) <agatha.l.dcosta.mil@mai l.mil>Donze, Tayler A CTR (US) <tayler.a.donze.ctr@mail. mil>	Email between DoD personnel regarding posting of transgender policy documents online.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00139907	PrivWithhold00 008676	PrivWithhold 00008678	2/26/2018	Franzos, Marc Alaric CAPT USN BUMED FCH VA (US) <marc.a.franzos.mil@mail.mil>	USN DHA TRICARE HP (US) <edward.d.simmer.mil@ mail.mil>; DHA.SpecialtyCare@Engili ty.com; Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil >; Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>; Nelson, Michael R (Mike Nelson) COL USARMY HQDA OTSG (US) <michael.r.nelson4.mil@ mail.mil>; Colt, Ross E COL USARMY DHA CLINIC SUPPORT (US) <ross.e.colt.mil@mail.mil >; Welch, Scott A CDR USN BUMED FCH VA (US) <scott.a.welch.mil@mail. mil>; Cheatham, Thomas N Col USAF AFMSA (US) <thomas.n.cheatham2.mil @mail.mil>; Kern, Therese J Col USAF (US) <therese.j.kern.mil@mail. mil>; Decker, Elizabeth A	Email between DoD personnel circulating information relating to Transgender Care IPT meeting.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00139913	PrivWithhold00 008679	PrivWithhold 00008680	2/26/2018	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@ma il.mil>	Email between DoD personnel regarding IPT meeting and transgender updates	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00140271	PrivWithhold00 008681	PrivWithhold 00008681	3/16/2018	Casciotti, John A SES OSD OGC (US) <john.a.casciotti.civ@mail.mil>	Koffsky, Paul S SES OSD OGC (US) <paul.s.koffsky.civ@mail. mil>Gruber, David J CIV OSD OGC (US) <david.j.gruber.civ@mail. mil>	Email between DoD personnel regarding specific waiver requests.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy

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DoD00142589	PrivWithhold00 008682	PrivWithhold 00008684	3/9/2018	Dyer, Evelyn J CIV OSD OUSD P-R (US) <evelyn.j.dyer.civ@mail.mil>	MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Wellman, Aaron C LTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@mail.mil>	Email between DoD personnel regarding accessions.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy
DoD00142595	PrivWithhold00 008685	PrivWithhold 00008688	3/7/2018	Arendt, Christopher P CIV OSD OUSD P-R (US) <christopher.p.arendt.civ@mail.mil>	Wellman, Aaron C LTC USARMY OSD OUSD P-R (US) <aaron.c.wellman.mil@mail.mil>; MILLER, Stephanie P SES OSD OUSD P-R (US) <stephanie.p.miller.civ@mail.mil>; Leopard, Patricia A CIV OSD OUSD P-R (US) <patricia.a.leopard.civ@mail.mil>; Lovisone, Gail R CIV (US) <gail.r.lovisone.civ@mail.mil>	Email between DoD personnel providing answers to transgender policy question.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy
DoD00142871	PrivWithhold00 008689	PrivWithhold 00008718	2/12/2018	MILLER, Stephanie P SES OSD OUSD P-R (US)	Rosenfeld, Paul CIV DODHRA OPA (US) <paul.rosenfeld.civ@mail.mil>; Hebert, Lernes J SES OSD OUSD P-R (US) <lernes.j.hebert.civ@mail.mil>; Adirim, Terry A SES OSD HA (US) <terry.a.adirim.civ@mail.mil>; Boehmer, Matthew D (Matt) SES DODHRA OPA (US) <matthew.d.boehmer.civ@mail.mil>; Williams, Kristin H CIV DODHRA OPA (US) <kristin.h.williams2.civ@mail.mil>; Helland, Katherine R CIV DODHRA OPA (US) <katherine.r.helland.civ@mail.mil>; Sena, F Michael CIV OSD OUSD P-R (US) <f.m.sena.civ@mail.mil>; Frazier, Kim L CIV DHA J-5 (US) <kim.l.frazier2.civ@mail.mil>	Email between DoD personnel regarding transgender survey.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy; Deliberations regarding the rescission of the transgender policy

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DoD00143482	PrivWithhold00 008719	PrivWithhold 00008720	3/30/2016	Raymond, Lacey CIV SD <Lacey.Raymond@sd.mil>	Chandrasekaran, Rekha D CIV OSD OASD LA (US) <rekha.d.chandrasekaran. civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>; Allen, Matthew R CIV OSD PA (US) <matthew.r.allen38.civ@ mail.mil>	Email re: updating Hill on status of Carter Policy review	DP - Deliberative Process	Deliberative email between DoD personnel regarding RAND report and congressional outreach.
DoD00143491	PrivWithhold00 008721	PrivWithhold 00008723	4/4/2016	Weiler, Todd A HON (US) <todd.a.weiler.civ@mail.mil>	Barna, Stephanie A SES OSD OUSD P-R (US) <stephanie.a.barna.civ@ mail.mil>; Chandrasekaran, Rekha D CIV OSD OASD LA (US) <rekha.d.chandrasekaran. civ@mail.mil>; Kurta, Anthony M SES OSD OUSD P-R (US) <anthony.m.kurta.civ@m ail.mil>; Raymond, Lacey D CIV (US) <lacey.raymond@sd.mil>	Deliberative email conversation between DoD personnel regarding the proper response to a NYT editorial on the Transgender Policy.	DP - Deliberative Process	Deliberative email between DoD personnel regarding publication of NYTimes editorial on transgender service members.
DoD00144734	PrivWithhold00 008724	PrivWithhold 00008726	8/9/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Stephanie Barna	Email Re: TG "Holding" Letter on Tg policy rereview	DP - Deliberative Process	Deliberative email between DoD personnel regarding DoD transgender policy meeting.
DoD00144855	PrivWithhold00 008727	PrivWithhold 00008728	7/6/2017	Hebert, Lernes J SES OSD OUSD P-R (US)	Gearhart, Lee P COL USARMY 3 MED DSC (USA) ; MILLER, Stephanie P SES OSD OUSD P-R (US) ; Arendt, Christopher P CIV OSD OUSD P-R (USA)	FW: Gender Change for Retiree, Dependent, Contractor (UNCLASSIFIED).msg	DP - Deliberative Process	Deliberative email between DoD personnel regarding DoD transgender dependent medical policy.
DoD00144928	PrivWithhold00 008729	PrivWithhold 00008731	6/26/2017	Smith, David J SES OSD OUSD P- R (US)	Adirim, Terry A SES OSD OUSD P-R (USA); Mitchell, Ashley M CTR DHA HA SUPPORT (USA); Atkins, Diana E CTR DHA DIR SUPPORT (USA); Golden, Kerrie J COL USARMY HQDA ASA MRA (USA)	Deliberative email conversation between DoD personnel regarding development of the transgender policy and specifics on implementation	DP - Deliberative Process	Deliberative email between DoD personnel regarding DoD transgender medical policy meeting.
DoD00144936	PrivWithhold00 008732	PrivWithhold 00008733	6/24/2017	Kurta, Anthony M SES OSD OUSD P-R (US)	Kevin M. Sweeney	Deliberative email conversation regarding the Transgender policy rollout	DP - Deliberative Process	Deliberative email between DoD personnel regarding DoD transgender medical policy.

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DoD00145040	PrivWithhold00 008734	PrivWithhold 00008738	2/17/2017	Doan, Paul S CIV DHA HEALTH OPNS (US) <paul.s.doan.civ@mail.mil>	Doyle, Andrew E COL USARMY HQDA OTSG (US) <andrew.e.doyle@mail.mil>; Aslam, Saira N CAPT USN DHA (US) <saira.n.aslam@mail.mil>; Rotruck, John R CAPT USN DHA WRNMMC (US) <john.r.rotruck@mail.mil> Findley, Andrew L Jr CIV (US) <andrew.l.findley.civ@mail.mil>; D'Costa, Agatha L LCDR USPHS DHA DHSS CLINIC (US) <agatha.l.dcosta@mail.mil>; Black, James N CIV DHA HEALTH OPNS (US) <james.n.black.civ@mail.mil>	Email RE_ Assistance Requested of MTP and SCCC (33.4 KB).msg	DP - Deliberative Process	Deliberative email between DoD personnel regarding DoD transgender medical policy.
USCG 00007621	PrivWithhold00 008739	PrivWithhold 00008741	8/18/2015	Camille Nichols		This is a Department of Defense generated document titled "TRANSGENDER SERVICE REVIEW WORKING GROUP OUTLINE" that is labeled "Draft Deliberative." The document contains deliberative materials relating to the formulation and implementation of transgender policy.	DP - Deliberative Process	Deliberations regarding the formulation of the transgender policy; Deliberations regarding the implementation of the transgender policy.
USCG 00007707	PrivWithhold00 008742	PrivWithhold 00008813	9/23/2016	Department of Defense		Draft DoD document titled "Transgender Service in the US Military: An Implementation Handbook." Contains draft deliberations concerning how commanders can implement DoD's policy.	DP - Deliberative Process	This document is titled "Transgender Service in the US Military: An Implementation Handbook." It was generated by the Department of Defense, and it is labeled "Not for Distribution/Draft Deliberative Document." It contains deliberative material regarding the formulation and implementation of transgender policy.

**DOCIDs FOR PARENT/FAMILY DOCUMENTS (NOT PART OF
RANDOM SAMPLE)**

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DoD00112620
DoD00117018
DoD00117234
DoD00117408
DoD00117938
DoD00118091
DoD00118102
DoD00120854
DoD00121157
DoD00121435
DoD00121595
DoD00121616
DoD00121623
DoD00121654
DoD00118901
DoD00118956
DoD00119436
DoD00119456
DoD00119854
DoD00120098
DoD00120185
DoD00122252
DoD00124516
DoD00124921
DoD00125042
DoD00125207
DoD00125594
DoD00125598
DoD00125683
DoD00125772
DoD00125932
DoD00128578
DoD00128585
DoD00128885
DoD00128925
DoD00128950
DoD00129055
DoD00129059
DoD00129236
DoD00129589

Army_10035294
DoD00130206
DoD00130949
DoD00137261
DoD00138138
DoD00139563
AF_00035999_AF2
AF_00036009_AF2

DOCIDs FOR DOCUMENTS FOR WHICH THE DEFENDANTS HAVE WITHDRAWN THEIR PRIVILEGE ASSERTIONS (NOT PART OF RANDOM SAMPLE)

AF_00019250_AF2

Army_10000328

Army_10000470.0005

Army_10002790.0002

Army_10004127

Army_10010870.0001

Army_10012083

Army_10013031.0003

Army_10013031.0004

Army_10013934.0001

Army_10013934.0005

Army_10014199

Army_10021791.0005

DoD00002382

DoD00003113

DoD00003974

DoD00004257

DoD00004854

DoD00005125

DoD00005466

DoD00006249

DoD00007874

DoD00008240

DoD00008295

DoD00008791

DoD00008809

DoD00009917

DoD00010123

DoD00010177

DoD00010186

DoD00010213

DoD00010299

DoD00011398

DoD00013182

DoD00013300

DoD00013404

DoD00013416

DoD00013504

DoD00013837

DoD00014619

DoD00014647

DoD00014714

DoD00018958

DoD00027989

DoD00028053

DoD00028472
DoD00030366
DoD00034237
DoD00044886
DoD00083342
DoD00083480
DoD00083922
DoD00083940
DoD00101932
DoD00117807
DoD00117982
DoD00119093
DoD00119758
DoD00119794
DoD00120270
DoD00120758
DoD00121470
DoD00121854
DoD00121862
DoD00122593
DoD00124611
DoD00124817
DoD00125061
DoD00126946
DoD00127550
DoD00127773
DoD00127820
DoD00127822
DoD00128069
DoD00128351
DoD00128578
DoD00128627
DoD00128832
DoD00128892
DoD00129361
DoD00129427
DoD00129530
DoD00130865
DoD00138330
DoD00139283
DoD00139909
DoD00140182
DoD00140224
DoD00142874
DoD00144149

EXHIBIT B



Department of Defense MANUAL

NUMBER 5200.01, Volume 4
February 24, 2012

USD(I)

SUBJECT: DoD Information Security Program: Controlled Unclassified Information (CUI)

References: See Enclosure 1

1. PURPOSE

a. Manual. This Manual is composed of several volumes, each containing its own purpose. The purpose of the overall Manual, as authorized by DoD Directive (DoDD) 5143.01 (Reference (a)) and DoD Instruction (DoDI) 5200.01 (Reference (b)), is to reissue DoD 5200.1-R (Reference (c)) as a DoD Manual to implement policy, assign responsibilities, and provide procedures for the designation, marking, protection, and dissemination of CUI and classified information, including information categorized as collateral, sensitive compartmented information (SCI), and Special Access Program. This guidance is developed in accordance with Reference (b), Executive Order (E.O.) 13526 and E.O. 13556, and part 2001 of title 32, Code of Federal Regulations (References (d), (e), and (f)). This combined guidance is known as the DoD Information Security Program.

b. Volume. This Volume provides guidance for the identification and protection of CUI.

2. APPLICABILITY. This Volume:

a. 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 Department of Defense (hereinafter referred to collectively as the "DoD Components").

b. Does not alter existing authorities and responsibilities of the Director of National Intelligence (DNI) or of the heads of elements of the Intelligence Community pursuant to policies issued by the DNI.

c. Does NOT implement the new CUI program established by Reference (e). This Volume implements current DoD CUI policy according to Reference (b). The CUI program required by

Reference (e) will be implemented by a change to this Volume after the Federal policy is finalized.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy, in accordance with Reference (b), to:

a. Identify and protect national security information and CUI in accordance with national level policy issuances.

b. Promote information sharing, facilitate judicious use of resources, and simplify management through implementation of uniform and standardized processes.

c. Protect CUI from unauthorized disclosure by appropriately marking, safeguarding, disseminating, and destroying such information.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. UNLIMITED. This Volume is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Volume is effective upon its publication to the DoD Issuances Website.



Michael G. Vickers
Under Secretary of Defense for Intelligence

Enclosures

1. References
2. Responsibilities
3. Identification and Protection of CUI
4. CUI Education and Training

Glossary

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ENCLOSURE 1REFERENCES

- (a) DoD Directive 5143.01, "Under Secretary of Defense for Intelligence (USD(I)),
November 23, 2005
- (b) DoD Instruction 5200.01, "DoD Information Security Program and Protection of Sensitive
Compartmented Information," October 9, 2008
- (c) DoD 5200.1-R, "Information Security Program," January 14, 1997 (cancelled by Volume 1
of this Manual)
- (d) Executive Order 13526, "Classified National Security Information," December 29, 2009
- (e) Executive Order 13556, "Controlled Unclassified Information," November 4, 2010
- (f) Part 2001 of title 32, Code of Federal Regulations
- (g) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P)),
December 8, 1999
- (h) Sections 552¹ and 552a² of title 5, United States Code
- (i) Clause 252.204-7000 of the Defense Federal Acquisition Regulation Supplement
- (j) DoD Directive 5230.09, "Clearance of DoD Information for Public Release,"
August 22, 2008
- (k) Deputy Secretary of Defense Memorandum, "Web Site Administration,"
December 7, 1998, with attached "Web Site Administration Policies and Procedures,"
November 25, 1998
- (l) DoD Directive 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005
- (m) DoD Directive 8500.01E, "Information Assurance (IA)," October 24, 2002
- (n) DoD 5200.2-R, "Personnel Security Program," January 1, 1987
- (o) DoD Directive 5015.2, "DoD Records Management Program," March 6, 2000
- (p) DoD 5400.7-R, "DoD Freedom of Information Act Program," September 4, 1998
- (q) DoD Directive 5230.24, "Distribution Statements on Technical Documents,"
March 18, 1987
- (r) DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- (s) DoD Directive 5405.2, "Release of Official Information in Litigation and Testimony by
DoD Personnel as Witnesses," July 23, 1985
- (t) DoD Instruction 5400.04, "Provision of Information to Congress," March 17, 2009
- (u) DoD Instruction 7650.01, "Government Accountability Office (GAO) and Comptroller
General Requests for Access to Records," January 27, 2009
- (v) Chapters 22³ and 33 of title 44, United States Code
- (w) DoD Directive 5210.83, "Department of Defense Unclassified Controlled Nuclear
Information (DoD UCNI)," November 15, 1991
- (x) DoD Instruction 5030.59, "National Geospatial-Intelligence Agency (NGA) LIMITED
DISTRIBUTION Geospatial Intelligence," December 7, 2006
- (y) Section 455 of title 10, United States Code

¹ Section 552 is also known as "The Freedom of Information Act"

² Section 552a is also known as "The Privacy Act of 1974, as amended"

³ Chapter 22 is also known as "The Presidential Records Act of 1978"

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- (z) Department of Defense and United Kingdom Ministry of Defence, “Security Implementing Arrangement,” January 27, 2003⁴
- (aa) DoD Directive 3200.12, “DoD Scientific and Technical Information (STI) Program (STIP),” February 11, 1998
- (ab) DoD Directive 8570.01, “Information Assurance Training, Certification, and Workforce Management,” August 15, 2004
- (ac) DoD Instruction 5230.29, “Security and Policy Review of DoD Information for Public Release,” January 8, 2009
- (ad) DoD Directive 5000.01, “The Defense Acquisition System,” May 12, 2003
- (ae) Section 403 of title 50, United State Code, as amended
- (af) Executive Order 12333, “United States Intelligence Activities,” December 4, 1981, as amended

⁴ Available from OUSD(P), International Security Programs Directorate.

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE (USD(I)). The USD(I) shall:

a. Direct, administer, and oversee the DoD Information Security Program for the Department of Defense.

b. Develop and issue guidance as required for the implementation of Reference (e) and its implementing directives.

c. As required by Reference (e), submit to the National Archives and Records Administration, in its role as CUI Executive Agent, a catalogue of proposed categories and subcategories of CUI, with proposed associated markings, and a plan for compliance with the requirements of Reference (e).

d. Establish requirements for collecting and reporting data as necessary to support fulfilling the requirements of Reference (e) and other national level policy issuances.

2. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)). The USD(P) shall, in accordance with DoDD 5111.1 (Reference (g)), establish policies and procedures for disclosing DoD CUI to foreign governments and international organizations.

3. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components, in addition to the responsibilities in Volume 1 of this Manual, shall:

a. Identify, program for, and commit necessary resources to effectively implement the requirements for the protection of CUI as part of the Component's information security program.

b. Ensure that Component personnel are provided CUI education and training in accordance with Enclosure 4 of this Volume.

4. SENIOR AGENCY OFFICIALS. The senior agency officials, under the authority, direction and control of the Heads of the DoD Components, appointed in accordance with Enclosure 2 of Volume 1 of this Manual shall, in addition to the responsibilities in Volume 1:

a. Direct the head of each activity within the DoD Component that creates, handles, or stores CUI to appoint, in writing, an official to manage and oversee the CUI portion of the activity's information security program. If the activity also creates, handles, or stores classified information, the security manager appointed pursuant to paragraph 7.c of Enclosure 2 of Volume 1 may also be assigned this responsibility. Persons appointed to these positions shall be provided:

- (1) The necessary authority to ensure personnel adhere to CUI requirements.
 - (2) Direct access to activity leadership.
 - (3) Organizational alignment that will ensure prompt and appropriate attention to CUI requirements.
 - (4) The training required by Enclosure 4.
- b. Establish procedures to prevent unauthorized persons from accessing CUI.
- c. Promptly address unauthorized disclosure of CUI, improper designation of CUI, and violations of the provisions of this Volume.
- d. Direct, administer, and oversee an ongoing oversight program to evaluate and assess the effectiveness and efficiency of the DoD Component's implementation of that portion of the information security program pertaining to CUI.
- (1) Evaluation criteria shall consider, at a minimum, CUI designation, safeguarding, education and training, and management and oversight.
 - (2) The oversight program shall include periodic review and assessment of the DoD Component's CUI information to ensure that such information is being properly marked and handled.
 - (3) DoD Component CUI education and training should be evaluated during oversight activities.
- e. Direct, administer, and oversee CUI education and training as required by Enclosure 4, and ensure that DoD Component personnel receive education and training appropriate to their assigned duties.

ENCLOSURE 3IDENTIFICATION AND PROTECTION OF CUI

1. GENERAL. In addition to classified information, certain types of unclassified information also require application of access and distribution controls and protective measures for a variety of reasons. In accordance with Reference (e), such information is referred to collectively as CUI. This enclosure identifies the controls and protective measures developed for DoD CUI (i.e., For Official Use Only (FOUO), Law Enforcement Sensitive (LES), DoD Unclassified Controlled Nuclear Information (DoD UCNI), and LIMITED DISTRIBUTION) as well as some of those developed by other Executive Branch agencies. This enclosure also addresses handling of certain foreign government information and the use of distribution statements on unclassified technical documents as a means to facilitate control, distribution, and release of such documents.

a. In accordance with Reference (b), information may not be designated CUI to:

- (1) Conceal violations of law, inefficiency, or administrative error;
- (2) Prevent embarrassment to a person, organization, or agency;
- (3) Restrain competition; or
- (4) Prevent or delay the release of information that does not require protection under statute or regulation.

b. Information shall not be designated CUI:

- (1) To prevent or avoid its proper classification in accordance with the requirements of Reference (d) and Volume 1 of this Manual; or
- (2) If there is significant doubt concerning the need for such designation in accordance with section 3.b of Reference (e).

c. Information that has been disclosed to the public under proper authority may not be subsequently designated or redesignated CUI.

d. The originator of a document is responsible for determining at origination whether the information may qualify for CUI status, and if so, for applying the appropriate CUI markings. However, this responsibility does not preclude competent authority (e.g., officials higher in chain of command; functional experts) from modifying the marking(s) applied or originally applying additional markings. In such cases, the originator shall be notified of the changes. Additionally, Freedom of Information Act Officers (individuals expert in section 552 of title 5, United States Code (U.S.C.) (also known as “The Freedom of Information Act” and hereinafter referred to as “FOIA” (Reference (h))) can be consulted for advice or training on the proper application of FOIA exemptions.

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e. When CUI is to be provided to or generated by DoD contractors, the controls and protective measures to be applied shall be described in the pertinent contract documents (e.g., contract clause; statement of work; or DD Form 254, "Department of Defense Contract Security Classification Specification"). Solicitations and contracts shall use a non-disclosure of information clause that prohibits release of unclassified information to the public without approval of the contracting activity (e.g., clause 252.204-7000 of the Defense Federal Acquisition Regulation Supplement (Reference (i))). The clause shall also be made applicable to subcontractors.

f. ALL DoD unclassified information MUST BE REVIEWED AND APPROVED FOR RELEASE through standard DoD Component processes before it is provided to the public (including via posting to publicly accessible websites) in accordance with DoDD 5230.09 (Reference (j)), Deputy Secretary of Defense Memorandum (Reference (k)), and other applicable regulations. Unclassified information previously approved for release to the public may be shared with any foreign government or organization.

g. Release or disclosure of CUI to foreign governments or international organizations shall be in accordance with DoDD 5230.20 (Reference (l)) and other policy and procedures that may be established by the USD(P).

h. Some CUI is export-controlled information which may additionally be protected by law, Executive order, regulation, or contract. DoD officials must pay particular attention to export control regulations and to access restrictions on each type of CUI to ensure compliance with export requirements, especially when non-U.S. citizens are assigned to or visit their organizations.

i. Release or disclosure of CUI to non-U.S. citizens employed by the Department of Defense is permitted, provided access is within the scope of their assigned duties; access would further the execution of a lawful and authorized DoD mission or purpose and would not be detrimental to the interests of the Department of Defense or the U.S. Government; there are no contract restrictions prohibiting access; and the access complies with the requirements of DoDD 8500.01E (Reference (m)), DoD 5200.2-R (Reference (n)), and export control regulations, as applicable. In such cases, the non-U.S. citizen shall execute a nondisclosure agreement approved by appropriate DoD Component authorities.

j. CUI may be identified in security classification guides to ensure the information receives appropriate protection. If the security classification guide is subsequently cancelled, a separate memorandum or other guidance document may be issued to identify the declassified information, if any, that qualifies as CUI as well as any CUI previously cited in the guide.

k. For unauthorized disclosures of CUI, no formal security inquiry or investigation is required. However, appropriate management action shall be taken to fix responsibility for unauthorized disclosure of CUI whenever feasible or required by other guidance, and appropriate disciplinary action shall be taken against those responsible (see section 17 of Enclosure 3 of Volume 1 for sanctions). Unauthorized disclosure of some CUI (e.g., information protected by section 552a of Reference (h) (also known and hereinafter referred to as "The Privacy Act of

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1974, as amended”) or export-controlled technical data) may also result in civil and criminal sanctions against responsible persons. The DoD Component that originated the CUI shall be informed of its unauthorized disclosure.

l. Controlled unclassified documents and material that constitute permanently valuable records of the Government shall be maintained and disposed of according to DoDD 5015.2 (Reference (o)). Other controlled unclassified material shall be destroyed as specified in this Volume.

m. Exceptions to the guidance provided in this Volume must be approved by the USD(I). Requests shall be sent to the Deputy Under Secretary of Defense for Intelligence and Security through command channels.

2. FOUO INFORMATION

a. Description. FOUO is a dissemination control applied by the Department of Defense to unclassified information when disclosure to the public of that particular record, or portion thereof, would reasonably be expected to cause a foreseeable harm to an interest protected by one or more of FOIA Exemptions 2 through 9. The FOIA specifies nine exemptions:

(1) Exemption 1. Information that is currently and properly classified.

(2) Exemption 2. Information that pertains solely to the internal rules and practices of the agency that, if released, would allow circumvention of an agency rule, policy, or statute, thereby impeding the agency in the conduct of its mission.

(3) Exemption 3. Information specifically exempted by a statute establishing particular criteria for withholding. The language of the statute must clearly state that the information will not be disclosed.

(4) Exemption 4. Information such as trade secrets and commercial or financial information obtained from a company on a privileged or confidential basis that, if released, would result in competitive harm to the company, impair the Government’s ability to obtain like information in the future, or impair the Government’s interest in compliance with program effectiveness.

(5) Exemption 5. Inter- or intra-agency memorandums or letters containing information considered privileged in civil litigation. The most common privilege is the deliberative process privilege, which concerns documents that are part of the decision-making process and contain subjective evaluations, opinions, and recommendations. Other common privileges are the attorney-client and attorney work product privileges.

(6) Exemption 6. Information, the release of which would reasonably be expected to constitute a clearly unwarranted invasion of the personal privacy of individuals.

- (7) Exemption 7. Records or information compiled for law enforcement purposes that:
- (a) Could reasonably be expected to interfere with law enforcement proceedings.
 - (b) Would deprive a person of a right to a fair trial or impartial adjudication.
 - (c) Could reasonably be expected to constitute an unwarranted invasion of the personal privacy of others.
 - (d) Disclose the identity of a confidential source.
 - (e) Disclose investigative techniques and procedures.
 - (f) Could reasonably be expected to endanger the life or physical safety of any individual.
- (8) Exemption 8. Certain records of agencies responsible for supervision of financial institutions.
- (9) Exemption 9. Geological and geophysical information (including maps) concerning wells.

b. Application

(1) It is the responsibility of the document's originator to determine at origination whether the information may qualify for FOUO status and to ensure markings are applied as required. Further details on the types of information that may qualify for the specified exemptions and FOUO status can be found in Chapter 3 of DoD 5400.7-R (Reference (p)).

(2) Information that is currently and properly classified shall be withheld from mandatory release in accordance with FOIA Exemption 1. The marking "FOR OFFICIAL USE ONLY" is applied to information that can reasonably be expected to qualify for exemption under one or more of FOIA Exemptions 2 through 9. By definition, information must be unclassified in order to be designated FOUO. This means that:

(a) Information cannot be marked as classified and FOUO at the same time, because no individual element of information can be simultaneously classified and FOUO. Therefore, classified documents containing FOUO information cannot bear an overall document marking of FOUO. However, portions or pages of a classified document that contain only FOUO information will be marked in a manner that identifies the FOUO content.

(b) Information that is declassified may be designated and marked as FOUO only when disclosure to the public of that particular record, or portion thereof, would reasonably be expected to cause a foreseeable harm to an interest protected by one or more of FOIA Exemptions 2 through 9.

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(c) FOUO is not authorized as a means of protecting information that otherwise does not merit protection as classified for national security reasons.

c. Markings

(1) Information that has been determined to qualify for FOUO status shall be indicated by markings. Markings are to be applied at the time documents are created to properly protect the information. When a classified document or portion thereof is declassified, FOUO markings may be applied, if applicable, to protect the information.

(2) Marking information FOUO does not automatically qualify it for exemption from public release pursuant to the FOIA. If a request for a record is received, the information shall be reviewed in accordance with the procedures of Reference (p) to determine if it truly qualifies for exemption. Similarly, the absence of the FOUO marking does not automatically mean the information shall be released. Some types of records (e.g., personnel records) are not normally marked FOUO, but may still qualify for withholding in accordance with the FOIA. Information marked FOUO shall not specify, or have annotated, a FOIA exemption number.

(3) Unclassified documents and material, including information in electronic form, containing FOUO information shall be marked as follows:

(a) Each document determined to contain FOUO information shall identify the originating agency or office. This information shall be clear and complete enough to allow someone receiving the document to contact the office if questions or problems about the designation or markings arise.

(b) Documents shall be marked "FOR OFFICIAL USE ONLY" at the bottom of the outside of the front cover (if there is one), the title page, the first page, and the outside of the back cover (if there is one). Optionally, for consistency with classified systems, the document may be marked "UNCLASSIFIED//FOR OFFICIAL USE ONLY."

(c) Internal pages of the document that contain FOUO information shall be marked "FOR OFFICIAL USE ONLY" at the bottom. Optionally, for consistency with classified systems, internal pages may be marked "UNCLASSIFIED//FOR OFFICIAL USE ONLY" or "UNCLASSIFIED//FOUO"; in such case internal pages shall be marked at both the top and bottom.

(d) Subjects, titles, and each section, part, paragraph, or similar portion of an FOUO document shall be marked to show that they contain information requiring protection. Use the parenthetical notation "(FOUO)" (or optionally "(U//FOUO)") to identify information as FOUO for this purpose. Place this notation immediately before the text.

(e) Each part of electronically transmitted messages, including e-mail, containing FOUO information shall be marked as required by paragraph 2.c of this enclosure. Unclassified messages containing FOUO information shall be marked "FOR OFFICIAL USE ONLY" (optionally "UNCLASSIFIED//FOR OFFICIAL USE ONLY" or "UNCLASSIFIED//FOUO")

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before the beginning of the text and shall contain the parenthetical portion marking “(FOUO)” (optionally “(U//FOUO)”) at the beginning of each portion containing FOUO information.

(f) Transmittal documents that have FOUO attachments, but no classified material attached, shall be marked with the following statement or a similar one: “FOR OFFICIAL USE ONLY ATTACHMENT.”

(g) When FOUO information is contained in media or material (including hardware and equipment) not commonly thought of as documents (e.g., computer files and other electronic media, audiovisual media, chart, maps, films, sound recordings), the requirement remains to identify, as clearly as possible, the information that requires protection. The main concern is that holders and users of the material are clearly notified of the presence of FOUO information. The markings required by this enclosure shall be applied either on the item or the documentation that accompanies it. Particular requirements and exceptions are noted in the following subparagraphs.

1. Information Technology and Other Electronic Media. Conspicuously mark removable storage media used with computers, information technology systems, and other electronic devices and any other device on which data is stored and which normally is removable from the system by the user or operator. (Examples of such media include, but are not limited to, compact discs (CDs), digital video discs (DVDs), removable hard disks, flash or “thumb” drives, magnetic tape reels, disk packs, floppy disks and diskettes, disk cartridges, optical discs, paper tape, magnetic cards, memory chips, tape cassettes, and micro-cassettes.) Internal media identification will include FOUO markings in a form suitable for the media. Where size permits, all such devices bearing FOUO information must be conspicuously marked on the device or a label affixed thereto. Where size or technology preclude marking or affixing a label to the removable device itself (e.g., compact disc-read only memory (CD-ROM), memory chips), the label may be affixed to the container in which the device is stored.

2. Blueprints, Engineering Drawings, Charts, and Maps. Mark blueprints, engineering drawings, charts, maps, and similar items not contained within another document, with the FOUO designation when applicable. The marking shall be unabbreviated, conspicuous, and applied top and bottom, if possible, in such a manner as to ensure reproduction on any copies. The legend or title shall also be marked. The parenthetical marking “(FOUO)” or “(U//FOUO)” following the legend or title may be used. If the blueprints, maps, and other items are large enough that they are likely to be rolled or folded, additional FOUO markings shall be placed to be visible when the item is rolled or folded.

3. Photographic Media

a. Mark photographs and negatives “FOR OFFICIAL USE ONLY” (optionally “UNCLASSIFIED//FOR OFFICIAL USE ONLY” or “UNCLASSIFIED//FOUO”). Mark photographs on the face, if possible. Where this cannot be done, the marking may be placed on the reverse side. Digital photographs may be edited to place the markings on the face of the photograph.

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b. Mark roll negatives and positives, and other film containing FOUO either on the film itself or on the canister, if one is used. If placed on the film itself, the marking shall be placed at the beginning and end of the roll.

c. Mark slides and transparencies on the image area of the item and also on the border, holder, or frame, if any. Information on the image area of each slide or transparency shall be portion marked in accordance with subparagraph 2.c.(3)(d) of this enclosure.

d. Mark DVDs, video tapes, and motion picture films at the beginning and end of the presentation (i.e., the played or projected portion). Discs, reels, and cassettes shall be marked and, when stored in a container, the container shall also be marked.

4. Sound Recordings. Place an audible statement of the designation of FOUO at the beginning and end of sound recordings. Reels or cassettes shall be marked as required, and when stored in a container, the container shall be marked.

5. Microfilm, Microfiche, and Similar Microform Media. Mark microfilm, microfiche, and similar microform media "FOR OFFICIAL USE ONLY" (optionally "UNCLASSIFIED//FOR OFFICIAL USE ONLY" or "UNCLASSIFIED//FOUO") in the image area that can be read or copied. Such media also shall have this marking applied so it is visible to the unaided eye. Any containers shall contain the required markings, except no markings are required if the container is transparent and the marking on the media itself is clearly visible.

(4) Classified documents and material, including those in electronic form, that also contain FOUO information shall be marked in accordance with Volume 2 of this Manual, with FOUO information identified as follows:

(a) Overall markings on the document shall follow the guidance in Volume 2 of this Manual. No additional special markings are required on the face of the document because it contains FOUO information.

(b) Pages of the document that contain classified information shall be marked in accordance with Volume 2 of this Manual. Pages that contain FOUO information but no classified information shall be marked "UNCLASSIFIED//FOR OFFICIAL USE ONLY" or "UNCLASSIFIED//FOUO" at the top and bottom if the overall document classification is not used as the page marking.

(c) Portions of the document shall be marked with their classification in accordance with Volume 2 of this Manual. If there are unclassified portions that contain FOUO information, use the parenthetical notation "(U//FOUO)" at the beginning of the portion. If a portion of a classified document contains both classified and FOUO information, the appropriate classification designation is sufficient to protect the information, and no additional marking shall be used to designate the FOUO content.

(d) Each portion of electronically transmitted classified messages, including e-mail, containing FOUO information shall be marked appropriately.

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(5) FOUO information disseminated outside the Department of Defense shall also bear a marking on the outside of the front cover, first page, or at the beginning of the text that states that the information may be exempt from mandatory disclosure in accordance with the FOIA. A statement similar to that shown in Figure 1 is sufficient. A FOIA exemption number shall NOT be applied.

Figure 1. Exemption Notice for FOUO Disseminated Outside of the Department of Defense

This document contains information that may be exempt from mandatory disclosure under the Freedom of Information Act.

(6) Technical documents that require a distribution statement restricting disclosure and/or an export control warning notice pursuant to DoDD 5230.24 (Reference (q)) and section 8 of this enclosure should be marked as FOUO when appropriate, in addition to the required distribution statement.

d. Access to FOUO Information

(1) No person may have access to information designated as FOUO unless that person has been determined to have a valid need for such access in connection with the accomplishment of a lawful and authorized Government purpose.

(2) The final responsibility for determining whether an individual has a valid need for access to information designated as FOUO rests with the individual who has authorized possession, knowledge, or control of the information, not with the prospective recipient.

(3) Information designated as FOUO may be disseminated within the DoD Components and between officials of DoD Components and DoD contractors, consultants, and grantees to conduct official business for the Department of Defense, provided that dissemination is consistent with any further controls imposed by a distribution statement. (See section 8 of this enclosure for information on distribution statements.)

(4) Information designated as FOUO may be disseminated to representatives of foreign governments and international organizations to the extent that disclosure would further the execution of a lawful and authorized mission or purpose. Such dissemination shall be in compliance with Reference (l) and other applicable statutes, regulations, and policies. (See paragraphs 1.g and 1.h of this enclosure for general disclosure guidance.)

(5) DoD holders of information designated as FOUO are authorized to disseminate such information to officials in other departments and agencies of the Executive and Judicial Branches to fulfill a Government function provided such dissemination is consistent with any further controls imposed by distribution statements or other regulations. If the information is covered by

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the Privacy Act of 1974, as amended, disclosure is authorized only if the requirements of DoD 5400.11-R (Reference (r)) are also satisfied. Records thus transmitted shall be marked as required by paragraph 2.c of this enclosure, and the recipient shall be advised that the information may qualify for exemption from public disclosure, pursuant to the FOIA, and that special handling instructions do or do not apply. Release of official information in litigation and testimony by DoD personnel as witnesses shall be in accordance with DoDD 5405.2 (Reference (s)).

(6) Release of FOUO information to Congress shall be in accordance with DoDI 5400.04 (Reference (t)). If the information is covered by the Privacy Act of 1974, as amended, disclosure is authorized only if the requirements of Reference (r) are also satisfied.

(7) DoDI 7650.01 (Reference (u)) governs release of FOUO information to the Government Accountability Office (GAO). If the information is covered by the Privacy Act of 1974, as amended, disclosure is authorized only if the requirements of Reference (r) are also satisfied.

(8) Records released outside of the Department of Defense, including to the Congress or GAO, should be reviewed to determine whether the information warrants FOUO status. If it does not, any prior FOUO markings shall be removed by lining-through or other appropriate means. If withholding criteria are met, the records shall be marked FOUO and the recipient provided an explanation for the marking.

(9) FOUO information may be shared with State, local, or tribal government officials, provided a specific need to know has been established and the information is shared in furtherance of an official governmental purpose. In all cases, the recipient must agree to the stipulation that the information shall be withheld by the recipient from public release. Records thus shared shall be marked in accordance with paragraph 2.c of this enclosure, and the recipient shall be advised whether special handling instructions do or do not apply.

e. Protection of FOUO Information

(1) During working hours, reasonable steps shall be taken to minimize the risk of access by unauthorized personnel (e.g., not reading, discussing, or leaving FOUO information unattended where unauthorized personnel are present). After working hours, FOUO information may be stored in unlocked containers, desks, or cabinets if Government or Government-contract building security is provided. If such building security is not provided or is deemed inadequate, the information shall be stored in locked desks, file cabinets, bookcases, locked rooms, etc.

(2) FOUO information and material may be transmitted via first class mail, parcel post, or, for bulk shipments, via fourth class mail. Whenever practical, electronic transmission of FOUO information (e.g., data, website, or e-mail) shall be by approved secure communications systems or systems utilizing other protective measures such as Public Key Infrastructure (PKI) or transport layer security (e.g., https). Use of wireless telephones should be avoided when other options are available. Transmission of FOUO by facsimile machine (fax) is permitted; the sender is responsible for determining that appropriate protection will be available at the receiving

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location prior to transmission (e.g., machine attended by a person authorized to receive FOUO; fax located in a controlled government environment).

(3) FOUO information may only be posted to DoD websites consistent with security and access requirements specified in Reference (k).

(4) Additional guidance regarding FOUO information that may also require protection pursuant to the Privacy Act of 1974, as amended, may be found in Reference (r).

(5) Record copies of FOUO documents shall be disposed of according to provisions of chapter 33 of title 44, U.S.C. (Reference (v)) and the DoD Component records management directives. Non-record FOUO documents may be destroyed by any of the means approved for the destruction of classified information or by any other means that would make it difficult to recognize or reconstruct the information.

(6) The originator or other competent authority (e.g., initial FOIA denial and appellate authorities) shall terminate the FOUO status of specific information when circumstances indicate that the information no longer requires protection from public disclosure. When the FOUO status of information is terminated in this manner, all known holders shall be notified, to the extent practical. Upon notification, holders shall efface or remove the FOUO markings, but records in file or storage need not be retrieved solely for that purpose. Information whose FOUO status has been terminated shall not be released to the public without the review and approval required by paragraph 1.f of this enclosure.

3. LES INFORMATION

a. Description. “Law Enforcement Sensitive” is a marking sometimes applied, in addition to the marking “FOR OFFICIAL USE ONLY,” by the Department of Justice and other activities in the law enforcement community, including those within the Department of Defense. It denotes that the information was compiled for law enforcement purposes and should be afforded security in order to protect certain legitimate Government interests, including the protection of:

(1) Enforcement proceedings.

(2) The right of a person to a fair trial or an impartial adjudication; grand jury information.

(3) Personal privacy, including records about individuals requiring protection in accordance with the Privacy Act of 1974, as amended.

(4) The identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis.

(5) Information furnished by a confidential source.

(6) Proprietary information.

(7) Techniques and procedures for law enforcement investigations or prosecutions; guidelines for law enforcement investigations when disclosure of such guidelines could reasonably be expected to risk circumvention of the law, or jeopardize the life or physical safety of any individual, including the lives and safety of law enforcement personnel.

b. Markings

(1) In unclassified documents containing LES information, the phrase “Law Enforcement Sensitive” shall accompany the phrase “FOR OFFICIAL USE ONLY” at the bottom of the outside of the front cover (if there is one), the title page (if there is one), and the outside of the back cover (if there is one). Each page containing FOUO-LES information shall be marked “FOR OFFICIAL USE ONLY Law Enforcement Sensitive” at the bottom.

(2) Classified documents containing such information shall be marked in accordance with Volume 2 of this Manual, except that pages containing LES information but no classified information shall be marked “FOR OFFICIAL USE ONLY Law Enforcement Sensitive” on the top and bottom. Use separate portions for LES information; do not commingle LES information with classified information in the same portion.

(3) Portions of DoD unclassified documents that contain FOUO-LES information shall be marked with the parenthetical notation “(FOUO-LES)” at the beginning of the portion. If an unclassified portion of a classified document contains FOUO-LES information, the portion marking (U//FOUO-LES) shall be used. If a portion of a classified document contains both classified and FOUO-LES information, the appropriate classification designation is sufficient to protect the information and no additional marking shall be used to designate the LES content.

(4) Documents containing LES information shall be marked on the first page with the warning statement shown in Figure 2.

Figure 2. LES Warning Statement

LAW ENFORCEMENT SENSITIVE: The information in this document marked FOUO-LES is the property of (insert organization) and may be distributed within the Federal Government (and its contractors) to law enforcement, public safety and protection, and intelligence officials and individuals with a need to know. Distribution to other entities without prior (insert organization) authorization is prohibited. Precautions shall be taken to ensure this information is stored and destroyed in a manner that precludes unauthorized access. Information bearing the FOUO-LES marking may not be used in legal proceedings without prior authorization from the originator. Recipients are prohibited from posting information marked FOUO-LES on a website or unclassified network.

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c. Access. The criteria for allowing access to FOUO-LES information are the same as those used for FOUO information.

d. Protection. Within the Department of Defense, FOUO-LES information shall be safeguarded and destroyed as required for FOUO information.

4. DoD UCNI

a. Description. DoD UCNI is unclassified information on security measures (including security plans, procedures, and equipment) for the physical protection of DoD Special Nuclear Material (SNM), SNM equipment, SNM facilities, or nuclear weapons in DoD custody. Information is designated DoD UCNI in accordance with DoDD 5210.83 (Reference (w)) only when it is determined that its unauthorized disclosure could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by increasing significantly the likelihood of the illegal production of nuclear weapons or the theft, diversion, or sabotage of DoD SNM, SNM equipment, SNM facilities, or nuclear weapons in DoD custody.

b. Application. Information may be designated DoD UCNI by the Heads of the DoD Components and individuals delegated authority in accordance with Reference (w).

c. Markings

(1) Unclassified documents and material, including those in electronic form, containing DoD UCNI shall be marked as follows:

(a) Documents shall be marked with the phrase “DOD UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION” (or alternately “DOD UCNI”) at the bottom on the outside of the front cover, if any; the outside of the back cover, if any; the first page; and each individual page containing DoD UCNI.

(b) Portions of the document that contain DoD UCNI shall be marked with the parenthetical notation “(DCNI)” at the beginning of the portion.

(2) Classified documents and material containing DoD UCNI shall be marked in accordance with Volume 2 of this Manual.

(a) Pages with no classified information but containing DoD UCNI shall be marked “UNCLASSIFIED//DOD UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION” or “UNCLASSIFIED//DOD UCNI” at the top and bottom, unless the page is marked with the overall classification of the document.

(b) Portions of the document that contain DoD UCNI, but no classified information, shall be marked with the parenthetical notation “(U//DCNI)” at the beginning of the portion.

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Portions containing both DoD UCNI and classified information shall be marked “DCNI” in addition to the required classification marking (e.g., “(S//DCNI)”).

(3) Material in other formats (e.g., slides, computer media, films) shall bear conspicuous markings that alert the holder or viewer that the material contains DoD UCNI. See subparagraph 2.c.(3)(g) of this enclosure for guidance on marking such material.

(4) Transmittal documents shall call attention to the presence of DoD UCNI attachments by using a statement in the text or marking at the bottom of the transmittal document. A statement such as “The attached document contains DoD Unclassified Controlled Nuclear Information (DoD UCNI)” is sufficient.

(5) Documents and material containing DoD UCNI and transmitted outside the Department of Defense shall bear an expanded marking on the face of the document so that non-DoD holders understand that DoD UCNI is exempt from mandatory public disclosure under the FOIA. A statement similar to the one shown in Figure 3 shall be used:

Figure 3. DoD UCNI Statement on Information Transmitted
Outside of the Department of Defense

<p>Department of Defense Unclassified Controlled Nuclear Information Exempt from mandatory disclosure under 5 U.S.C. 552(b)(3), as authorized by 10 U.S.C. 128 Unauthorized dissemination subject to civil and criminal sanctions under Section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).</p>
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d. Access. Access to DoD UCNI shall be granted only to persons who have a valid need to know the information and are specifically eligible for access in accordance with the provisions of Reference (w).

(1) Recipients shall be made aware of the status of such information, and transmission shall be by means that preclude unauthorized disclosure or dissemination.

(2) DoD holders of DoD UCNI are authorized to convey such information to officials in other U.S. departments or agencies on a need-to-know basis to fulfill a Government function.

e. Protection

(1) When not commingled with classified information, DoD UCNI may be sent by first-class mail in a single, opaque envelope or wrapping.

(2) Except in emergencies, transmission of DoD UCNI, to include voice, facsimile, and e-mail, shall be via approved secure communications circuits and equipment only.

(3) During working hours, reasonable measures shall be taken to minimize the risk of access by unauthorized personnel (e.g., not reading, discussing, or leaving DoD UCNI unattended where unauthorized personnel are present). After working hours, DoD UCNI may be stored in unlocked containers, desks, or cabinets if Government or Government-contract building security is provided. If such building security is not provided or is deemed inadequate, DoD UCNI shall be stored in locked buildings, rooms, desks, file cabinets, bookcases, or similar items.

(4) Record copies of DoD UCNI documents shall be disposed of in accordance with chapter 33 of Reference (v) and the DoD Component records management directives. Non-record DoD UCNI documents may be destroyed by shredding or burning or by any of the means approved for the destruction of classified information.

(5) DoD UCNI is exempt from mandatory public disclosure under Exemption 3 of the FOIA.

5. LIMITED DISTRIBUTION INFORMATION

a. Description. “LIMITED DISTRIBUTION” is a caveat used by the National Geospatial-Intelligence Agency (NGA) to identify a select group of sensitive, unclassified imagery or geospatial information and data created or distributed by NGA or information, data, and products derived from such information. DoDI 5030.59 (Reference (x)) contains details of policies and procedures regarding use of the LIMITED DISTRIBUTION caveat. These policies and procedures are summarized in this section and in Enclosure 4 of Volume 2 of this Manual.

b. Application

(1) Information that qualifies for withholding from public release pursuant to section 455 of title 10, U.S.C. (Reference (y)) may be designated as LIMITED DISTRIBUTION in accordance with Reference (x).

(2) The marking indicates distribution of certain unclassified geospatial intelligence is limited to the Department of Defense and authorized DoD contractors. Other dissemination requests or requirements shall be referred to NGA for approval.

c. Marking. Information or material designated as LIMITED DISTRIBUTION, or derived from such information or material, shall, unless otherwise approved by the Director, NGA, be marked “LIMITED DISTRIBUTION” and shall carry the notice shown in Figure 4 on the front page. Portions of the document that contain LIMITED DISTRIBUTION information shall be marked at the beginning of the portion with the parenthetical notation “(DS)” for an unclassified document or “(U//DS)” for a classified document.

Figure 4. LIMITED DISTRIBUTION Notice

Distribution authorized to DoD, IAW 10 U.S.C. 130 & 455.
Release authorized to U.S. DoD contractors IAW
48 C.F.R. 252.245-7000.
Refer other requests to
Headquarters, NGA, ATTN: Release Officer, Mail Stop S82-OIAD,
7500 Geoint Drive, Springfield, VA 22150-7500
Destroy IAW DoD Manual 5200.01.
Removal of this caveat is prohibited.

d. Access

(1) Information bearing the LIMITED DISTRIBUTION caveat shall be disseminated by NGA to Military Departments or other DoD Components, to DoD contractors, and to authorized grantees for the conduct of official DoD business.

(2) DoD civilian, military, and contractor personnel of a recipient Military Department, other DoD Component, contractor, or grantee may be granted access to information bearing the LIMITED DISTRIBUTION caveat provided they have been determined to have a valid need to know such information in connection with the accomplishment of official business for the Department of Defense. Recipients shall be made aware of the status of such information, and transmission shall be by means to preclude unauthorized disclosure or release. Further dissemination of information bearing the LIMITED DISTRIBUTION caveat by receiving contractors or grantees to another Military Department, other DoD Component, contractor, or grantee, or dissemination by any recipient Military Service, DoD Component, contractor, or grantee to any person, agency, or activity outside the Department of Defense, requires the express written approval of the Director, NGA.

(3) Information bearing the LIMITED DISTRIBUTION caveat, or information derived therefrom, shall not be released, made accessible, or sold to foreign governments or international organizations, without the express written approval of the Director, NGA. This requirement includes Foreign Security Assistance transactions or arrangements, transfer or loan of any weapon or weapon system that uses such information, intended use in mission planning systems, and/or sale through the Foreign Military Sales process.

(4) All FOIA requests for information bearing the LIMITED DISTRIBUTION caveat, or derived therefrom, shall be referred to NGA consistent with Reference (x).

e. Protection

(1) LIMITED DISTRIBUTION information shall be stored in the same manner approved for FOUO information.

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(2) Information bearing the LIMITED DISTRIBUTION caveat, or derivative information, shall not be stored on systems accessible by contractors or other individuals who are not directly working on a DoD contract and who do not require such access in the conduct of official DoD business.

(3) Transmission of LIMITED DISTRIBUTION information and materials shall be by means that preclude unauthorized disclosure or release. LIMITED DISTRIBUTION information cannot be processed on or transmitted via unencrypted or unsecured systems accessible by the public. Electronic transmission of such information (e.g., voice, data, or facsimile) shall be by approved secure communications systems or systems utilizing protective measures such as PKI.

(4) LIMITED DISTRIBUTION information, or derivative information, may be posted to DoD websites only in accordance with security and access requirements specified in Reference (k). Publicly-accessible websites shall not contain LIMITED DISTRIBUTION information.

(5) When no longer required, all LIMITED DISTRIBUTION information and copies shall be returned to NGA or destroyed in a manner sufficient to prevent its reconstruction.

6. OTHER AUTHORIZED DESIGNATIONS

a. Department of State (DoS) Sensitive But Unclassified (SBU) Information

(1) Description. DoS SBU information is information originated within the DoS which that agency believes warrants a degree of protection and administrative control and meets the criteria for exemption from mandatory public disclosure in accordance with the provisions of the FOIA.

(2) Markings

(a) Unclassified documents containing DoS SBU information shall be marked “SENSITIVE BUT UNCLASSIFIED” at the bottom of the outside of the front cover (if there is one), the title page (if there is one), the first page, and the outside of the back cover (if there is one). Each page containing DoS SBU information shall be marked “SENSITIVE BUT UNCLASSIFIED” at the bottom. Portions of the document that contain DoS SBU shall be marked with the parenthetical notation “(SBU)” at the beginning of the portion.

(b) When DoS information carries the additional dissemination restriction NOFORN (i.e., the document is marked “SBU NOFORN” or “SENSITIVE BUT UNCLASSIFIED NOFORN”), the NOFORN restriction shall be carried forward in the markings at the bottom of the cover pages, the title page, and each internal page and in the portion marking of portions containing such information. Portions of the document that contain information not releasable to foreign nationals (i.e., NOFORN information) shall be marked with the parenthetical notation “(SBU-NF)” at the beginning of the portion.

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(c) When a document contains both DoS SBU and FOUO portions, the SBU markings supersede FOUO in the markings at the bottom of the cover and title pages and at the bottom of internal document pages.

(d) No requirement exists to re-mark existing material containing DoS SBU information.

(e) See Volume 2 of this Manual for guidance on marking classified documents containing DoS SBU information.

(3) Access. Within the Department of Defense, the criteria for allowing access to DoS SBU information are the same as those used for FOUO information, EXCEPT that information marked “SBU NOFORN” (or portion marked “(SBU-NF)”) shall not be provided to any person who is not a U.S. citizen without the approval of the DoS activity that originated the information.

(4) Protection of DoS SBU Information. Within the Department of Defense, DoS SBU information shall be protected as required for FOUO information.

b. Drug Enforcement Administration (DEA) Sensitive Information

(1) Description. DEA Sensitive information is unclassified information that the DEA originates and that requires protection against unauthorized disclosure to protect sources and methods of investigative activity, evidence, and the integrity of pretrial investigative reports. The Administrator and certain other officials of the DEA have been authorized to designate information as DEA Sensitive; the Department of Defense agreed to implement protective measures for DEA Sensitive information in its possession. Types of information to be protected include:

- (a) Information and material that is investigative in nature.
- (b) Information and material to which access is restricted by law.
- (c) Information and material that is critical to the operation and mission of the DEA.
- (d) Information and material the disclosure of which would violate a privileged relationship.

(2) Markings

(a) Unclassified documents containing DEA Sensitive information shall be marked “DEA SENSITIVE” at the top and bottom of the front cover (if there is one), the title page (if there is one), the first page, and the outside of the back cover (if there is one). Each page containing DEA Sensitive information shall be marked “DEA SENSITIVE” top and bottom. Portions of unclassified DoD documents that contain DEA Sensitive information shall be marked with the parenthetical notation “(DSEN)” at the beginning of the portion.

(b) Classified documents containing DEA Sensitive information shall be marked in accordance with Volume 2 of this Manual. Pages containing DEA Sensitive information but no classified information may be marked “UNCLASSIFIED//DEA SENSITIVE” top and bottom. If a portion of a classified document contains DEA Sensitive information, include the “DSEN” marking after the parenthetical classification marking (e.g., (U//DSEN)). Classified and DEA Sensitive portions should be kept separate.

(3) Access. Access to DEA Sensitive information shall be granted only to persons who have a valid need to know the information. A security clearance is not required for access to unclassified DEA Sensitive information. DEA Sensitive information in the possession of the Department of Defense may not be released outside the Department without DEA authorization.

(4) Protection

(a) DEA Sensitive material may be transmitted within the continental United States (CONUS) by first class mail. Transmission outside CONUS shall be by a means approved for transmission of Secret material (see Enclosure 4 of Volume 3 for transmission guidance). Non-government package delivery and courier services may not be used. Enclose the material in two opaque envelopes or containers, the inner one marked “DEA SENSITIVE” on both sides.

(b) Electronic transmission of DEA Sensitive information within CONUS shall be over secure (i.e., encrypted) communications circuits whenever possible; electronic transmission outside CONUS must be over secure communications circuits.

(c) Reproduction of DEA Sensitive information and material shall be limited to that required for operational needs.

(d) DEA Sensitive material shall be destroyed by a means approved for destruction of material classified Confidential.

7. FOREIGN GOVERNMENT INFORMATION

a. In order to ensure the protection of foreign government information that is provided to a DoD Component marked “RESTRICTED” or on the condition that it will be treated “in confidence,” such information shall be marked in accordance with Volume 2 of this Manual and handled in accordance with Enclosure 2 of Volume 3 of this Manual.

b. A revision to the U.S./United Kingdom (UK) Security Implementing Arrangement (Reference (z)) that deals with industrial operations specifies that DoD contactors operating under COMMERCIAL contracts with the UK are allowed to treat documents received from the UK bearing the marking “UK RESTRICTED” in a manner similar to FOUO. Pursuant to Reference (z), the UK must include its requirements for the marking and handling of “UK RESTRICTED” information in the applicable contract. The agreement does NOT apply to, nor permit, such handling of “UK RESTRICTED” information by DoD Components or by

contractors when performing on DoD contracts and the provisions of paragraph 7.a of this enclosure apply.

8. DISTRIBUTION STATEMENTS ON TECHNICAL DOCUMENTS

a. Description. Reference (q) requires distribution statements to be placed on classified and unclassified scientific and technical documents created under the DoD Scientific and Technical Information Program (see DoDD 3200.12 (Reference (aa))). These statements are intended to facilitate control, secondary distribution, and release of these documents without the need to repeatedly obtain approval or authorization from the controlling DoD office.

(1) Distribution statements are to be applied to all newly created technical documents generated by DoD-funded research, development, test, and evaluation programs and to newly created technical documents and other technical information (e.g., test plans, computer software) that can be used or adapted for use in development, manufacture, or operation of any military or space equipment or related technology. They are not intended for use on program documentation such as administrative documents, contracting documents, and general correspondence, etc., unless these documents also contain technical information.

(2) The wording of the distribution statements specified by Reference (q) may not be modified to specify additional distribution, such as distribution to foreign governments. However, where other markings are authorized and used in accordance with statute, regulation, or other policy (e.g., North Atlantic Treaty Organization markings, REL TO), those markings may be used to further inform distribution decisions.

b. Application. DoD Components generating or responsible for technical documents shall determine if one or more of the reasons for controlled dissemination as specified in Reference (q) apply and mark the documents appropriately before initial distribution. Refer to Reference (q) for details on use of the markings and allowable reasons for controlling distribution.

(1) Unclassified DoD technical documents shall bear one of the distribution statements specified in Reference (q) and shown in the Table. Documents recommended for public release (i.e., marked with Distribution Statement A) must also be reviewed in accordance with Reference (j).

(2) Classified technical documents shall be assigned Distribution Statements B, C, D, E, or F. The distribution statement assigned to a classified document shall be retained on the document after its declassification or until specifically changed or removed by the controlling DoD office. Technical documents that are declassified and have no distribution statement assigned shall be handled in accordance with Distribution Statement F until changed by the controlling DoD office.

(3) Documents containing export-controlled technical data shall be marked with the applicable export-control statement, as specified by paragraph E3.1.1.8 of Reference (q), and

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assigned Distribution Statement B, C, D, E, F, or X. Export-controlled information may NOT be posted to publicly-accessible websites.

Table. Text of Distribution Statements

Distribution A	Approved for public release, distribution is unlimited.
Distribution B	Distribution authorized to U.S. Government Agencies only; (reason); (date). Other requests for this document shall be referred to (controlling DoD office)
Distribution C	Distribution authorized to U.S. Government agencies And their contractors; (reason); (date) Other requests for this document shall be referred to (controlling DoD office).
Distribution D	Distribution authorized to the DoD and U.S. DoD contractors only; (reason); (date). Other requests for this document shall be referred to (controlling DoD office).
Distribution E	Distribution authorized to DoD Components only; (reason); (date); Other requests for this document shall be referred to (controlling DoD office).
Distribution F	Further distribution only as directed by (controlling DoD office) or higher DoD authority; (date).
Distribution X	Distribution authorized to U. S. Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with DoD Directive 5230.25; (date). Controlling DoD office is (controlling DoD office).

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(4) The existence of a distribution statement on a document does not automatically qualify the document for, nor is it a basis for, exempting the document from release under the FOIA. A FOIA exemption must apply in order to preclude disclosure in accordance with the FOIA. Paragraph 2.a of this enclosure and Chapter 3 of Reference (p) provide additional information on FOIA exemptions. When appropriate, technical documents qualifying for FOIA exemptions should be marked as FOUO in addition to the required distribution statement.

(5) The distribution statement shall be displayed conspicuously so as to be recognized readily by recipients. For standard written or printed material, the distribution statement shall appear on the front page of the document (i.e., the first page or cover page). If the information is not prepared in the form of an ordinary document and does not have a cover or title page (such as forms and charts), the applicable distribution statement shall be stamped, printed, written, or affixed by other means in a conspicuous position.

(6) When possible, parts that contain information creating the requirement for a distribution statement shall be prepared as an appendix to permit broader distribution of the basic document.

ENCLOSURE 4

CUI EDUCATION AND TRAINING

1. REQUIREMENTS. The Heads of the DoD Components shall ensure that their personnel receive CUI education and training that:

a. Provides necessary knowledge and information to enable quality performance of CUI designation, marking, and protection functions.

b. Promotes understanding of the DoD Information Security Program policies and requirements and their importance to the national interests.

c. Instills and maintains continuing awareness of security requirements.

d. Assists in promoting a high degree of motivation to support program goals.

2. CUI EDUCATION AND TRAINING RESOURCES

a. CUI education and training may be accomplished by establishing programs within the DoD Component, using external resources such as the Defense Security Service Academy, or a combination of the two.

b. DoD Components may, if desired, combine into one overall program the education and training requirements of this enclosure and those for classified information specified in Volume 3 of this Manual.

3. INITIAL ORIENTATION. All personnel in the organization, including DoD civilians, military members and on-site support contractors, shall receive an initial orientation to the DoD Information Security Program.

a. This initial orientation is intended to:

(1) Define classified information and CUI and explain the importance of protecting such information.

(2) Produce a basic understanding of security policies and principles.

(3) Notify personnel of their responsibilities within the security program, and inform them of the administrative, civil, or criminal sanctions that can be applied when appropriate.

(4) Provide individuals enough information to ensure the proper protection of classified and controlled unclassified information in their possession, including actions to be taken if such

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information is discovered unsecured, a security vulnerability is noted, or the individual believes a person has been seeking unauthorized access to such information.

(5) Inform personnel of the need for review of ALL unclassified DoD information prior to its release to the public.

b. Security educators shall also consider including in the initial orientation identification of the senior agency official and activity security management personnel, a description of their responsibilities, and whether they are involved in the protection of classified or controlled unclassified information. If not included in the initial orientation, such information must be included in the training required by paragraph 3.c. of this enclosure.

c. In addition to the requirements in paragraphs 3.a. and 3.b. of this enclosure, upon initial entry into a position that requires CUI access, all personnel shall receive training on CUI policies, principles, and practices, including:

- (1) The responsibilities of agency personnel who create or handle CUI.
- (2) The characteristics that qualify information for designation as CUI and the importance of properly applying CUI markings.
- (3) The fact that CUI encompasses multiple different types of information and that each type may have differing marking and protection requirements.
- (4) The major categories of CUI used within the Department of Defense.
- (5) The marking and protection requirements for FOUO information and other categories of CUI routinely used by the organization.
- (6) Where to find detailed guidance on marking, handling, storing, transmitting, sharing, and destroying the various types of CUI.
- (7) What constitutes an unauthorized disclosure of CUI and the criminal, civil, and administrative sanctions that may be taken against an individual who fails to protect CUI.
- (8) The steps an individual shall take when he or she believes CUI has not been, or is not being, properly protected.
- (9) The use of information systems to create, process, store, or transmit CUI. Where appropriate, this training may be combined with the information assurance training required by DoDD 8570.01 (Reference (ab)). Marking requirements for information (e.g., documents, e-mail, briefings, databases, web-based information, spreadsheets) in electronic format and application of CUI requirements to electronic storage media should specifically be addressed.
- (10) The requirement for DoD personnel, while acting in an official capacity, to have information prepared for public release approved in accordance with Reference (j) and DoDI

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5230.29 (Reference (ac)) and, while acting in a private capacity and not in connection with their official duties, to have information prepared for public release through non-DoD forums or media reviewed for clearance if it meets the criteria in Reference (ac).

(11) The precautions that should be taken before attendance at professional meetings or conferences where foreign participation is likely and/or travel to foreign countries where special concerns about possible exploitation exist, when appropriate for the activity's mission or functions.

4. REQUIREMENTS FOR INFORMATION SECURITY PROGRAM PERSONNEL.

Individuals with specified duties in the information security program shall be provided security education and training that is commensurate with job responsibilities and sufficient to permit effective performance of those duties. The education and training may be provided before or concurrent with assuming those duties.

5. ADDITIONAL TRAINING REQUIREMENTS. Additional CUI education and training may be required for personnel or organizations that:

a. Review and approve information for release to the public, including through the use of websites.

b. Are involved with acquisition programs subject to DoDD 5000.01 (Reference (ad)).

c. Are involved with international programs (see Glossary for definition).

d. Share CUI with State, local, tribal, and private sector officials and/or with foreign government representatives.

6. ANNUAL REFRESHER TRAINING. At a minimum, DoD civilians, military members, and on-site support contractors with access to CUI shall receive annual refresher training that reinforces the policies, principles, and procedures covered in their initial and specialized CUI training. Such training may be integrated with the annual security refresher required by section 7 of Enclosure 6 of Volume 3 or the annual information assurance awareness refresher, as required by Reference (ab), as appropriate. Refresher training shall also address the threat and the techniques foreign intelligence activities use while attempting to obtain DoD CUI and advise personnel of penalties for unauthorized disclosures. The importance of unclassified information, its potential sensitivity, and the requirement to have all information reviewed and approved for release prior to public disclosure or Web posting shall be reiterated. Refresher training shall also address relevant changes in CUI policy or procedures and issues or concerns identified during DoD Component oversight reviews.

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7. CONTINUING CUI EDUCATION AND TRAINING. CUI education shall be a continuous process. Periodic briefings, training sessions, and other formal presentations shall be supplemented with other information and promotional efforts to ensure that continuous awareness and performance quality is maintained. The use of job performance aids and other substitutes for formal training is encouraged when they are determined to be the most effective means of achieving program goals. The circulation of directives or similar material on a “read-and-initial” basis shall not be considered as the sole means of fulfilling any of the specific requirements of this enclosure.

8. OUT-PROCESSING. The DoD Components shall establish procedures to ensure that employees with access to CUI who leave the organization are advised during their out-processing of:

- a. Their continued responsibility to protect the CUI to which they have had access.
- b. The process for reporting any unauthorized attempt to gain access to such information.
- c. The prohibitions against retaining CUI material when leaving the organization.
- d. The potential civil and criminal penalties for failure to fulfill their continuing responsibilities.
- e. The requirement that retired personnel, former DoD employees, and non-active duty members of the Reserve Components use the DoD security review process specified by Reference (j).

9. MANAGEMENT AND OVERSIGHT TRAINING. Individuals designated as security managers and other personnel whose duties significantly involve managing and overseeing CUI shall receive training that addresses:

- a. The designation process and the standards applicable to each designation.
- b. The authorities and processes for terminating CUI status.
- c. The requirements for reporting unauthorized disclosures, including when in electronic form, and the penalties that may be associated with violating established protection requirements.
- d. The requirements for oversight as part of the information security program.
- e. Details of the marking, dissemination, and safeguarding specifications for each type of CUI routinely used by the Department of Defense, to include:
 - (1) Designation standards.

(2) Use, storage, reproduction, transmission, dissemination, and destruction requirements and limitations.

(3) Access restrictions.

10. PROGRAM OVERSIGHT. The Heads of the DoD Components shall ensure that CUI education and training are appropriately evaluated during oversight activities. This evaluation shall include assessing the quality and effectiveness of the efforts, as well as ensuring appropriate coverage of the target populations. The Heads of the DoD Components shall require maintaining records of education and training offered and employee participation as they deem necessary to permit effective oversight.

GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

ATTN	attention
CD	compact disc
CD-ROM	compact disc-read only memory
CONUS	continental United States
CUI	controlled unclassified information
DEA	Drug Enforcement Administration
DNI	Director of National Intelligence
DoD UCNI	DoD Unclassified Controlled Nuclear Information
DoDD	DoD Directive
DoDI	DoD Instruction
DoS	Department of State
DSEN	DEA Sensitive
DVD	digital video disc
FOIA	Freedom of Information Act
FOUO	For Official Use Only
FOUO-LES	For Official Use Only-Law Enforcement Sensitive
GAO	Government Accountability Office
IAW	in accordance with
LES	Law Enforcement Sensitive
NGA	National Geospatial-Intelligence Agency
NIPRNET	Non-Secure Internet Protocol Router Network
NOFORN	not releasable to foreign nationals
PKI	Public Key Infrastructure
SBU	sensitive but unclassified
SCI	sensitive compartmented information
SNM	special nuclear material
UCNI	Unclassified Controlled Nuclear Information
UK	United Kingdom
U.S.C.	United States Code
USD(I)	Under Secretary of Defense for Intelligence
USD(P)	Under Secretary of Defense for Policy

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Manual.

access. The ability or opportunity to obtain knowledge of classified or controlled unclassified information.

activity security manger. The individual specifically designated in writing and responsible for the activity's information security program, which ensures that classified and controlled unclassified information is properly handled during its entire life cycle. This includes ensuring it is appropriately identified, marked, stored, disseminated, disposed of, and accounted for, as well as providing guidance on the handling of security incidents to minimize adverse effects and ensure that appropriate corrective action is taken. The security manager may be assigned responsibilities in other security disciplines such as personnel and physical security, etc.

controlling DoD office. The DoD activity that sponsored the work that generated the technical data or received the technical data on behalf of the Department of Defense and, therefore, has the responsibility for determining the distribution of a document containing such technical data. For joint sponsorship, the controlling office is determined by advance agreement and may be a party, group, or committee representing the interested activities or the DoD Components.

CONUS. U.S. territory, including adjacent territorial waters, located within the North American continent between Canada and Mexico.

CUI. Unclassified information that requires safeguarding or dissemination controls, pursuant to and consistent with applicable law, regulations, and Government-wide policies.

DEA Sensitive information. Unclassified information that the DEA originates and that requires protection against unauthorized disclosure to protect sources and methods of investigative activity, evidence, and the integrity of pretrial investigative reports.

declassification. The authorized change in the status of information from classified information to unclassified information.

distribution statement. A statement used on a technical document to denote the extent of its availability for secondary distribution, release, and disclosure without additional approvals or authorizations. A distribution statement marking is distinct from and in addition to a security classification marking. A distribution statement is also required on security classification guides submitted to the Defense Technical Information Center.

document. Any recorded information, regardless of the nature of the medium or the method or circumstances of recording. This includes any physical medium in or on which information is recorded or stored, to include written or printed matter, audiovisual materials, and electromagnetic storage media.

DoD UCNI. Unclassified information on security measures (including security plans, procedures, and equipment) for the physical protection of DoD SNM, SNM equipment, SNM facilities, or nuclear weapons in DoD custody, designated and controlled pursuant to the provisions of Reference (w).

DoS SBU. Information originated within the DoS which that agency believes warrants a degree of protection and administrative control and meets the criteria for exemption from mandatory public disclosure in accordance with provisions of the FOIA.

exemption. The basis for withholding information from public release pursuant to the provisions of the FOIA.

FOUO. A protective marking to be applied to unclassified information when disclosure to the public of that particular record, or portion thereof, would reasonably be expected to cause a foreseeable harm to an interest protected by one or more provisions of the FOIA. This includes information that qualifies for protection pursuant to the provisions of the Privacy Act of 1974, as amended. See Reference (p) for detailed information on categories of information that may qualify for exemption from public release.

information. Any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the U.S. Government.

information security. The system of policies, procedures, and requirements established in accordance with Reference (d) to protect information that, if subjected to unauthorized disclosure, could reasonably be expected to cause damage to the national security. The term also applies to policies, procedures, and requirements established to protect CUI, which may be withheld from release to the public in accordance with statute, regulation, or policy.

integrity. The state that exists when information is unchanged from its source and has not been accidentally or intentionally modified, altered, or destroyed.

Intelligence Community. An element or agency of the U.S. Government identified in or designated pursuant to section 403 of title 50, U.S.C., or section 3.5(h) of Executive Order 12333 (References (ae) and (af)).

international program. Any program, project, contract, operation, exercise, training, experiment, or other initiative that involves a DoD Component or a DoD contractor and a foreign government, international organization, or corporation that is located and incorporated to do business in a foreign country.

LES. A marking sometimes applied, in addition to or in conjunction with the marking "FOR OFFICIAL USE ONLY," by the Department of Justice and other activities in the law enforcement community to denote that the information was compiled for law enforcement

purposes and should be afforded appropriate security in order to protect certain legitimate government interests.

LIMITED DISTRIBUTION. A caveat used by the NGA to identify a select group of sensitive, unclassified imagery or geospatial information and data created or distributed by NGA or information, data, and products derived from such information.

material. Any product or substance on or in which information is embodied.

national security. The national defense or foreign relations of the United States. National security includes defense against transnational terrorism.

need to know. A determination that a prospective recipient requires access to specific information in order to perform or assist in a lawful and authorized governmental function.

network. A system of two or more computers that can exchange data or information.

page marking. Banner marking at top and/or bottom of an interior page of a document.

permanently valuable records. Records having sufficient value to warrant being maintained and preserved permanently.

records. The records of an agency and Presidential papers or Presidential records, as those terms are defined in chapters 22 and 33 of Reference (v), including those created or maintained by a U.S. Government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

records management. The planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations. Within the Department of Defense, records management is implemented by Reference (o).

safeguarding. Measures and controls that are prescribed to protect classified and controlled unclassified information.

SCI. Classified information concerning or derived from intelligence sources, methods, or analytical processes that is required to be handled within formal access control systems established by the DNI.

security clearance. A determination that a person is eligible in accordance with the standards of Reference (n) for access to classified information.

senior agency official. An official appointed by the head of a DoD Component to be responsible for direction, administration, and oversight of the DoD Component's information security

program, to include classification, declassification, safeguarding, and security education and training programs, and for the efficient and effective implementation of References (b), (d), (e) and (f) and the guidance in this Manual. Where used in reference to authorities under section 5.4(d) of Reference (d), this term applies only to the senior agency officials of the Military Departments and of the Department of Defense.

unauthorized disclosure. Communication or physical transfer of classified or controlled unclassified information to an unauthorized recipient.

EXHIBIT C



DoD MANUAL 5400.07

DoD FREEDOM OF INFORMATION ACT (FOIA) PROGRAM

Originating Component:	Office of the Deputy Chief Management Officer of the Department of Defense
Effective:	January 25, 2017
Releasability:	Cleared for public release. Available on the DoD Issuances Website at http://www.dtic.mil/whs/directives .
Incorporates and Cancels:	DoD 5400.7-R, "DoD Freedom of Information Act (FOIA) Program," September 4, 1998
Approved by:	David Tillotson III, Assistant Deputy Chief Management Officer

Purpose: This issuance:

- Implements the DoD FOIA Program pursuant to DoD Directive (DoDD) 5400.07, in accordance with the authority in DoDD 5105.53, DoDD 5105.82, and the July 11, 2014, Deputy Secretary of Defense Memorandum.
- Supplements Part 286 of Title 32, Code of Federal Regulations (CFR).
- Incorporates the provisions of the OPEN Government Act of 2007 and the FOIA Improvement Act of 2016.
- Promotes uniformity in the DoD FOIA Program by taking precedence over all DoD Component issuances that supplement and implement the DoD FOIA Program.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance 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 issuance as the “DoD Components”).

1.2. INFORMATION COLLECTIONS. The DoD Annual FOIA Report to the U.S. Attorney General, referred to in Paragraphs 3.13., 6.2.a.(1)(b), and 6.3.b., has been assigned report control symbol DD-DCMO(A)1365 in accordance with the procedures in Volume 1 of DoD Manual (DoDM) 8910.01.

SECTION 2: RESPONSIBILITIES

The DoD Component heads implement the procedures prescribed in this issuance and ensure that any supplemental guidance and procedures are in accordance with Part 286 of Title 32, CFR, and DoDD 5400.07.

SECTION 3: GENERAL PROVISIONS

3.1. PUBLIC ACCESS TO DOD INFORMATION.

a. Pursuant to the FOIA, the public has the right to access agency records concerning U.S. Government activities. An agency record requested by a member of the public in accordance with Part 286 of Title 32, CFR, and this issuance must not be withheld in whole or in part unless the FOIA exempts the record, or parts of it, from disclosure.

b. The Directorate for Oversight and Compliance (DO&C), Office of the Deputy Chief Management Officer, maintains a DoD FOIA Handbook for the public to use in obtaining information from the DoD, as required by the FOIA. This handbook is a short, simple explanation of the FOIA and how the public can use it to access agency records. This handbook is posted on the FOIA section of the DoD Open Government Website at <http://open.defense.gov/Transparency/FOIA/FOIAHandbook.aspx>.

c. Individuals seeking DoD records should address their FOIA requests to a FOIA Requester Service Center (RSC) listed in Paragraph 3.2.a. or 3.2.b.. Addresses and contact information for the FOIA RSCs are available at the FOIA.gov Website, <http://www.foia.gov/report-makerequest.html>.

3.2. DOD COMPONENTS. The DoD Components listed in Paragraph 3.2.a. and 3.2.b. are referred to in this issuance as “DoD FOIA Program Components.”

a. The following DoD Components have their own FOIA programs, including a FOIA appellate authority.

- (1) Office of the Secretary of Defense/Joint Staff (OSD/JS).
- (2) Department of the Army.
- (3) Department of the Navy.
- (4) Department of the Air Force.
- (5) Defense Commissary Agency.
- (6) Defense Contract Audit Agency.
- (7) Defense Contract Management Agency.
- (8) Defense Finance and Accounting Service.
- (9) Defense Health Agency.
- (10) Defense Information Systems Agency.

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- (11) Defense Intelligence Agency.
- (12) Defense Logistics Agency.
- (13) Defense Security Service.
- (14) Defense Threat Reduction Agency.
- (15) DoD Education Activity.
- (16) National Geospatial-Intelligence Agency.
- (17) National Reconnaissance Office.
- (18) National Security Agency/Central Security Service.
- (19) Office of the Inspector General of the Department of Defense.

b. The following DoD Components have their own FOIA programs; however, their FOIA appellate authority is the FOIA appellate authority for the OSD/JS as assigned in DoDD 5400.07.

- (1) Armed Services Board of Contract Appeals.
- (2) Defense Technical Information Center.
- (3) Joint Personnel Recovery Agency.
- (4) National Guard Bureau.
- (5) United States Africa Command.
- (6) United States European Command.
- (7) United States Central Command.
- (8) United States Northern Command.
- (9) United States Pacific Command.
- (10) United States Special Operations Command.
- (11) United States Southern Command.
- (12) United States Strategic Command.
- (13) United States Transportation Command.

c. The OSD/JS FOIA RSC processes requests for the following DoD Components:

- (1) Defense Acquisition University.

- (2) Defense Advanced Research Projects Agency.
- (3) Defense Equal Opportunity Management Institute.
- (4) Defense Legal Services Agency.
- (5) Defense Microelectronics Activity.
- (6) Defense Media Activity.
- (7) Defense POW/MIA Accounting Agency.
- (8) Defense Security Cooperation Agency.
- (9) Defense Technology Security Administration.
- (10) Defense Travel Management Office.
- (11) DoD Human Resources Activity.
- (12) DoD Test Resource Management Center.
- (13) Joint Improvised-Threat Defeat Agency.
- (14) Missile Defense Agency.
- (15) National Defense University.
- (16) Office of Economic Adjustment.
- (17) Office of Military Commissions.
- (18) Pentagon Force Protection Agency.
- (19) Uniform Services University of the Health Sciences.
- (20) Washington Headquarters Services.
- (21) White House Military Office.

3.3. FOIA RSCS.

a. Each DoD FOIA Program Component listed in Paragraphs 3.2.a. and 3.2.b. of this issuance must establish one or more FOIA RSCs.

b. Each FOIA RSC will have a website that serves to educate the public on the FOIA process. These websites will comply with DoD Instruction (DoDI) 8550.01. At a minimum, each website will provide:

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(1) The address, telephone number, facsimile number, and organizational e-mail address to which the public can send FOIA requests.

(2) Name of the DoD FOIA Program Component's FOIA point of contact.

(3) A link to the DoD FOIA Handbook.

(4) A description of the types of records that can be requested from the DoD FOIA Program Component.

(5) The name and contact information for each of the DoD FOIA Program Component's FOIA Public Liaisons.

(6) Information on how a FOIA requester can obtain the status of their FOIA request (either by telephone or through the FOIA RSC website).

(7) A FOIA library as described in Section 4 or a link to the DoD FOIA Program Component's FOIA library, if the library is centralized.

c. The websites of DoD FOIA Program Component headquarters FOIA RSCs will link to the websites of the other FOIA RSCs within their Components.

d. The Internet home page of every DoD Component will link to the FOIA RSC for that DoD Component.

3.4. FOIA PUBLIC LIAISONS. The DoD Components listed in Paragraph 3.2.a. will submit to the DO&C the names of personnel to serve as FOIA Public Liaisons. Each DoD FOIA Program Component will have at least one FOIA Public Liaison.

a. The FOIA Public Liaisons will:

(1) Ensure that the FOIA RSCs' websites comply with the requirements in Paragraph 3.3.b.

(2) Assist in the reduction of any delays in responding to requests.

(3) Increase transparency and understanding of request statuses.

(4) Assist in dispute resolution.

b. The FOIA Public Liaison for the DoD Components listed in Paragraph 3.2.b., the OSD/JS, and the Armed Services Board of Contract Appeals is in the DO&C.

3.5. UNOFFICIAL RELEASE OF DOD RECORDS. Records are considered part of the public domain when released to the public in response to a FOIA request or under circumstances in which a DoD official with the appropriate authority has authorized their release (e.g., a release under the DoD Mandatory Declassification Review Program, pursuant to DoD 5230.30-M). The

disclosure of exempt records, without authorization by an appropriate DoD official, is not an official release of information. Such a release does not waive the authority of the DoD to assert FOIA exemptions to withhold the same records in response to a FOIA request.

3.6. DESCRIPTION OF REQUESTED RECORD. The requester is responsible for providing a reasonable description of the desired record that will enable the DoD Component to locate the record with a reasonable amount of effort.

a. A reasonable description contains sufficient information to permit an organized, non-random search for the record based on the DoD Component's filing arrangements and existing retrieval systems. If filing arrangement details are unknown, then the requester should provide sufficient event-related details, to include the circumstances that resulted in the record being created or the date and circumstances surrounding the event the record covers, to permit a person familiar with the DoD Component's filing arrangements to reasonably identify where such records would be located. The DoD Component's decision on the reasonableness of the description must be based on knowledge of its files, not on the potential volume of records that may be located and the concurrent review effort to determine releasability.

b. The fact that a FOIA request appears broad or burdensome (e.g., contains a large volume of potentially responsive information) does not, by itself, entitle the DoD Component to deny the FOIA request on the grounds that it does not reasonably describe the record sought.

3.7. COMBATANT COMMANDS. The Combatant Commands' FOIA programs are placed under OSD jurisdiction instead of the administering Military Department or the Chairman of the Joint Chiefs of Staff. This is an exception to DoDD 5100.03 in that it authorizes and requires the Combatant Commands to process FOIA requests in accordance with Part 286 of Title 32, CFR, and this issuance.

a. Documents originated by the Military Service components of the Combatant Commands while acting in a headquarters capacity for joint exercises or operations under Combatant Command authority are joint in nature and are under the cognizance of the Combatant Commands.

b. Documents created for a Combatant Command, yet located within a Defense Criminal Investigative Organization or Military Department Counterintelligence Organization or accident investigation file at the Military Service component, are Military Service records and the release, initial denial, and appellate authorities remain with the Military Service. However, the Military Service component will consult with the responsible Combatant Command during the review process.

c. Documents created by the Military Service components of the Combatant Commands below the headquarters level are considered Military Service records. Examples would include base support, personnel, and logistical records.

3.8. SECURITY CLEARANCES AND ACCESS. Due to the nature of their duties and responsibilities, FOIA personnel require access to all records requested through their respective activities, regardless of the sensitivity or classification of the information. The DoD Components must ensure that FOIA personnel have the appropriate clearances and access to perform their duties and are provided the appropriate electronic equipment to process and transmit classified records.

3.9. RELATIONSHIP BETWEEN THE FOIA AND THE PRIVACY ACT.

a. Requesters seeking records about themselves contained only in a Privacy Act system of records will have their requests processed pursuant to Section 552a of Title 5, U.S.C. (also known as the “Privacy Act of 1974,” as amended, and referred to as the “Privacy Act” in this issuance) and implemented within the DoD by DoD 5400.11-R.

(1) If the Privacy Act system of records is exempt from the access provisions of Section (d)(1) of the Privacy Act, and if the records or any portion thereof are exempt pursuant to FOIA, the DoD Component will advise of the appropriate Privacy Act and FOIA exemption(s) in its response. Appeals must be processed pursuant to both the FOIA and the Privacy Act.

(2) If the Privacy Act system of records is not exempt from the access provisions of Section (d)(1) of the Privacy Act, a DoD Component cannot claim a FOIA exemption on the information and must release all information to the first-party requester. However, the DoD Component may withhold from such requester privacy-related information about another individual within the requester’s Privacy Act file. When this is the case, the DoD Component will advise the first-party requester that information was withheld because “a portion of the record you requested contains privacy-related information about a party other than yourself.”

b. Requesters seeking records about themselves not in a Privacy Act system of records who cite or imply the Privacy Act will have their requests processed pursuant to the FOIA, since the Privacy Act does not apply to these records. Appeals must be processed pursuant to the FOIA.

c. Requesters seeking records about themselves in a Privacy Act system of records and outside a Privacy Act system of records will have their requests processed pursuant to both the Privacy Act and the FOIA.

d. DoD Components will advise first-party requesters in the final response letter which Privacy Act and FOIA statutory authorities were used, inclusive of appeal rights.

3.10. USE OF CONTRACTORS IN FOIA ADMINISTRATION. Pursuant to DoDI 1100.22, Office of Management and Budget Circular No. A-76, and Office of Federal Procurement Policy Letter 11-01, DoD Components may not use contract support for certain functions known as “inherently governmental activities” (e.g., “governmental FOIA functions”).

a. Inherently governmental FOIA functions include:

(1) Formulating or approving FOIA policies and procedures.

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(2) Making final determinations regarding whether to treat an incoming correspondence as a FOIA or Privacy Act request.

(3) Making denial or release determinations of information requested pursuant to the FOIA.

(4) Deciding any issues regarding the scope or interpretation of a FOIA request.

(5) Determining the appropriateness of claimed exemptions.

(6) Approving the approach taken in negotiations or discussions with the FOIA requester.

(7) Deciding administrative appeals.

(8) Conducting a final review of all outgoing final determination correspondence, memoranda, and release packages.

(9) Making final determinations on requests for expedited processing, fee category, and fee waivers.

(10) Executing documents for filing in litigation pursuant to the FOIA if the documents assert an official position of the DoD, any DoD Components, or any other federal agencies. Contractors may prepare and execute documents describing their own actions while processing FOIA requests.

b. Office of Federal Procurement Policy Letter 11-01 identifies the preparation of responses to FOIA requests as a function closely associated with inherently governmental functions. Examples of FOIA functions and duties that contractors may perform in the preparation of responses to FOIA requests include, but are not limited to:

(1) Making redactions to documents under the direction of an initial denial authority (IDA).

(2) Preparing correspondence for signature by a U.S. Government official.

(3) Communicating with a FOIA requester concerning the status of the FOIA request.

(4) Recommending information to be denied.

(5) Entering relevant information into the DoD Component's FOIA tracking system.

3.11. NON-RESPONSIVE INFORMATION. It is not uncommon for a DoD Component, when processing records in response to a FOIA request, to locate records that deal with multiple subjects, and only one of these subjects pertain to the FOIA request. In most of these cases the DoD Components should release non-responsive information that is not exempt from the FOIA. However, if it is determined that processing the non-responsive information may cause a burden to the DoD Component or is not in the best interests of the FOIA requester, the DoD Component

will consult with the FOIA requester and seek their concurrence to the redaction of the non-responsive information without a FOIA exemption. If the FOIA requester agrees, the responsive record will contain the annotation “non-responsive” at this redaction, and this concurrence will be documented in the response letter. For further information, consult the Department of Justice guidance on this topic at <https://www.justice.gov/oip/blog/foia-update-oip-guidance-determining-scope-foia-request>

3.12. HONORING FORM OR FORMAT REQUESTS.

a. The DoD Components will make reasonable efforts to:

(1) Provide the record in any form or format requested if the record is readily reproducible in that form or format in the Component’s automated system.

(2) Provide records in a form that is reasonably usable.

(3) Maintain records in forms and formats that are reproducible.

b. A record is not considered readily reproducible if the DoD Component does not have the reproduction capability or if significant resources must be expended to reproduce it into the requested format. In responding to FOIA requests for records, the DoD Components will make reasonable efforts to search for records in electronic form or format if maintained in automated systems, except when such efforts would significantly interfere with the operation of the automated systems. The DoD Components will make such determinations on a case-by-case basis.

3.13. FOIA ANNUAL REPORT. The DoD FOIA Annual Report to the United States Attorney General and the Director of Office of Government Information Services is mandated by Section (e)(1) of the FOIA and completed on a fiscal-year basis. Due to the magnitude of the requested statistics and the need for accuracy, the DoD FOIA Program Components will track the annual report data as FOIA requests are processed. This facilitates accurate compilation of the statistics in completing the report. Each September, the DO&C provides instructions to the DoD FOIA Program Components concerning Component input for the annual report. Using the current edition of DD Form 2564, “Annual Freedom of Information Act Report,” the DoD Components will forward their reports to the DO&C no later than October 31. In turn, the DO&C submits a consolidated report to the Attorney General by February 1 of each year, and places a copy of this report in the FOIA section of the DoD Open Government Website.

3.14. SIGNIFICANT FOIA REQUESTS. DoD FOIA Program Components receiving a FOIA request for records, the release of which may be of interest to DoD leadership, will contact DO&C for further guidance. DO&C will coordinate expeditiously the responses with DoD leadership; however, it will not act as the IDA for any denial of information.

SECTION 4: FOIA LIBRARIES

4.1. REQUIREMENTS.

a. General. The FOIA requires agency records described in Section (a)(2) of the FOIA and created on or after November 1, 1996, to be available for public inspection in an electronic format. To meet this requirement, each DoD FOIA Program Component will maintain an online FOIA library. In addition to these records, the DoD FOIA Program Components may elect to place other agency records of public interest in their FOIA libraries.

b. DoD FOIA Program Component FOIA Libraries. Each DoD Component will establish one or more FOIA libraries. The DoD Components that have only one FOIA RSC will meet this requirement by having a FOIA library on its FOIA website. The DoD Components with more than one FOIA RSC will meet this requirement by either having one FOIA library on its primary FOIA website or having a FOIA library on each FOIA RSC website.

(1) **Final Opinions.** Section (a)(2)(A) of the FOIA requires agencies to make final opinions available to the public. This requirement can be met by the public availability of DoD Component websites such as the Defense Office of Hearings and Appeals and Armed Services Board of Contract Appeals. DoD FOIA Program Components are not required to also post or link to these otherwise publically available documents in their FOIA libraries.

(2) **Statements of Policy.** Section (a)(2)(B) of the FOIA requires agencies to make statements of policy and interpretations that have been adopted by the agencies and are not published in the Federal Register available to the public. This requirement can be met by the publication of DoD issuances on the DoD Issuances Website. DoD FOIA Program Components are not required to post or link to these documents in their FOIA libraries.

(3) **Administrative Staff Manuals or Instructions.** Section (a)(2)(C) of the FOIA requires agencies to make administrative staff manuals and instructions that establish policy or interpretations that affect the public available to the public. Each DoD FOIA Program Component FOIA library must link to its respective Component's publicly available issuance publication web page. For example, the Air Force FOIA Website will link to the Air Force e-Publishing Website, and the OSD/Joint Staff FOIA RSC will link to the DoD Issuances Website.

(4) Frequently Requested Records.

(a) Each FOIA Program DoD Component FOIA library must meet the requirements of Section (a)(2)(D) of the FOIA by making available to the public records that:

1. Have been released under the FOIA; and
2. Are or are likely to become the subject of subsequent FOIA requests; or
3. Have been requested three or more times.

(b) These types of documents will not be posted in FOIA Libraries.

1. Documents requested by a person that would be exempt from release to any other requester pursuant to Exemptions 6 or 7(C) because they contain personally identifiable information about the requester. This commonly occurs when a requester makes a first party request for their own information; however, it could arise in other situations.

2. Documents requested by a commercial entity that would be exempt from release to any other requester pursuant to Exemption 4 because they contain trade secrets or commercial or financial information concerning the requester.

(5) Index. Section (a)(2)(E) of the FOIA requires the libraries to provide an index of the documents posted in accordance with Section (a)(2)(D). DoD FOIA Program Components can meet this requirement by arranging these documents in their FOIA libraries by topical or descriptive words, rather than by case name or numbering system, so that the public can readily locate material. Case name and numbering arrangements may also be included for DoD FOIA Program Component convenience.

(6) Proactive Releases. DoD FOIA Program Components may post other documents in their FOIA libraries, such as proactive releases, documents released in accordance with the Mandatory Declassification Review program, and other documents released in accordance with the FOIA. This section also may contain links to other DoD FOIA Program Component offices proactively releasing documents. DoD Components must not proactively release documents that are contained within a Privacy Act system of records unless the published system of records notice specifically allows for proactive releases in the routine uses section.

c. Exemptions. DoD FOIA Program Components will redact from all records in FOIA libraries all information that qualifies for withholding pursuant to one or more of the FOIA exemptions described in Section 5.

4.2. RECORD AVAILABILITY. The DoD FOIA Program Components should consider enhancing their FOIA libraries with search engines and document categories to provide the public easier access.

4.3. INDEXES. Sections (g)(1) and (2) of the FOIA require agencies to make available for public inspection in an electronic format an index of all major information systems and a description of major information and record locator systems publicly available.

a. Major Information System. The FOIA section of the DoD Open Government Website satisfies this requirement for the DoD. The DoD FOIA Program Components are not required to post or link to this index in their FOIA libraries.

b. Record Locator System. The FOIA section of the DoD Open Government Website satisfies this requirement for the DoD. The FOIA Program DoD Components are not required to post or link to this index in their FOIA libraries.

4.4. FOIA SECTION (A)(1) RECORDS.

a. Although FOIA Section (a)(1) records need not be made available in response to FOIA requests or in FOIA libraries, they must be made publicly available. Examples of (a)(1) records include:

(1) Descriptions of an agency's central and field organization and, to the extent they affect the public, rules of procedure.

(2) Descriptions of forms available.

(3) Instructions as to the scope and contents of papers, reports, or examinations.

(4) Any amendments, revisions, or reports of the aforementioned records.

b. In accordance with Section (a)(1) of the FOIA, each DoD Component will disclose, through publication in the Federal Register, information describing its organization, functions, procedures, substantive rules, and statements of general policy.

SECTION 5: EXEMPTIONS

5.1. GENERAL PROVISIONS.

a. This section is not a thorough or exhaustive explanation of the applicability of the FOIA exemptions. For more detailed explanations, the DoD Components may consult the Department of Justice Guide to the Freedom of Information Act (available at <http://www.usdoj.gov/oip/foia-guide.html>).

b. Information responsive to a FOIA request will be withheld only if the DoD Component reasonably foresees that disclosure would harm an interest protected by one or more of the FOIA exemptions, or disclosure is prohibited by law. Under this standard, the content of a particular record should be reviewed and a determination made as to whether the DoD Component reasonably foresees that disclosing it, given its age, content, and character, would harm an interest protected by the applicable exemption. Mere speculative or abstract fears, or fear of embarrassment, are an insufficient basis for withholding information.

c. As described in this section, nine types of exempt information in records may be withheld, in whole or in part, from public disclosure unless otherwise prescribed by law. In general, a release of a record to one FOIA requester prevents the withholding of the same record pursuant to a FOIA exemption if the record is later requested by someone else.

d. In applying exemptions, the identity of the FOIA requester and the purpose for the FOIA request are irrelevant; however, an exemption may not be invoked when the particular interest to be protected is the FOIA requester's interest. For example, privacy information concerning an individual would not be withheld from that individual if they were to request it under the FOIA unless another FOIA exemption applies.

e. When a DoD Component determines that information contained within a record is exempt from release, it will consider whether a partial release of the record is possible by taking reasonable steps to conduct a line-by-line review to segregate and release nonexempt information contained within the record.

f. If admitting the fact of the existence or nonexistence of a record responsive to a FOIA request would itself reveal information protected from release by one of the nine exemptions, the DoD Components must neither confirm nor deny the existence or nonexistence of the requested record.

(1) This is commonly called a "Glomar" response (for detailed guidance on using this type of response, see the Department of Justice Guide to the Freedom of Information Act), and the appropriate exemption must be cited by the DoD Component in the response. This situation most commonly arises with Exemptions 1, 6, and 7(C); however, it could arise with other exemptions.

(2) A "refusal to confirm or deny" response must be used consistently by the DoD Components, not only when a record exists, but also when a record does not exist. If not used

consistently, the pattern of a “no record” response when a record does not exist, and a “refusal to confirm or deny” when a record does exist, risks disclosing exempt information.

5.2. APPLYING THE FOIA EXEMPTIONS. This paragraph describes the nine types of exempt information in records and the procedures for applying them.

a. Exemption 1. Pursuant to section (b)(1) of the FOIA, records properly and currently classified in the interest of national defense or foreign policy, pursuant to an existing Executive order, are exempt from disclosure. If the responsive information is not marked as classified when the FOIA request is submitted, the DoD Component may undertake a classification review in accordance with Volume 1 of DoDM 5200.01 to determine whether the information should be classified. The FOIA requester will be advised as to which sections of an Executive order apply in determining that the information is classified. Exemption 1 also is invoked when:

(1) Individual items of unclassified information, when compiled, reveal additional associations or relationships that meet the standard for classification pursuant to an existing Executive order and Volume 1 of DoDM 5200.01, and are not otherwise revealed in the individual items of information. This is known as the “mosaic” or “compilation” approach.

(2) The fact of the existence or nonexistence of a responsive record would itself reveal information containing classified information. In this situation, the DoD Components must provide a Glomar response and cite Exemption 1.

b. Exemption 2. Pursuant to section (b)(2) of the FOIA, records related solely to the internal personnel rules and practices of the DoD or any of the DoD Components are exempt from disclosure.

c. Exemption 3. Pursuant to section (b)(3) of the FOIA, records concerning matters that another statute specifically establishes criteria for withholding are exempt from disclosure.

(1) This exemption allows for the withholding of information because its release is prohibited by another statute only if one of two disjunctive requirements concerning the statute is met:

(a) The statute requires that the information be withheld from the public in such a manner as to leave no discretion on the issue; or

(b) The statute establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(2) For any statute enacted after October 28, 2009, in order to qualify as an Exemption 3 statute under this paragraph, it must cite to section (b)(3) of the FOIA. The DO&C maintains a list of Exemption 3 information and statutes used within the DoD on the FOIA section of the DoD Open Government Website, including, but not limited to:

(a) **Personally Identifying Information of DoD Personnel.** Section 130b of Title 10, U.S.C., authorizes the withholding of names, ranks, duty addresses, official titles, and pay

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information of DoD personnel (civilian and military) in overseas, sensitive, or routinely deployable units when this information is requested pursuant to the FOIA. The United States Special Operations Command and the United States Cyber Command and their components qualify as sensitive units pursuant to Section 130b of Title 10, U.S.C. Information withheld pursuant to Exemption 3 and this statute also should be withheld pursuant to Exemption 6.

1. The DoD Components may make discretionary releases of names and duty information of personnel in overseas, sensitive, or routinely deployable units who, by the nature of their position and duties, frequently interact with the public. Officials whose identities may be released include general and flag officers, public affairs officers, other personnel designated as official command spokespersons, and other senior officials whose identities are known to the public through the performance of their duties.

2. The provision in Paragraph 5.2.c.(2)(a), does not change DoD issuances for public affairs officers and the rules used by public affairs offices to release information to the general public and the media. Public affairs offices should continue to release information in accordance with current DoD issuances, Privacy Act restrictions, and security classifications.

(b) Sensitive Information of Foreign Governments and International Organizations. Section 130c of Title 10, U.S.C., authorizes the withholding of unclassified sensitive information of a foreign government or international organization (e.g., the North Atlantic Treaty Organization, the United Nations, the North American Aerospace Defense Command, the Inter-American Defense Board, or the International Committee of the Red Cross). DoD Component IDAs must withhold this information pursuant to Exemption 3 (for procedural instructions, see Paragraph 6.2.f.(2)) when they make all three of these determinations concerning the requested information:

1. The information was provided to the DoD by (or produced in cooperation with) a foreign government or international organization.

2. The information is withheld from public disclosure by the foreign government or international organization and the foreign government or international organization has made this representation in writing.

3. Any of these three conditions are met:

a. The foreign government or international organization requests, in writing, that the information be withheld.

b. The foreign government or international organization provides the information to the U.S. Government on the condition that it is not released to the public.

c. DoD regulations specify the release of the requested information would have an adverse effect on the ability of the U.S. Government to obtain the same or similar information in the future.

(c) Critical Infrastructure Security Information (CISI). In accordance with Section 130e of Title 10, U.S.C., the Secretary of Defense and the Director of Administration (DA),

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Office of the Deputy Chief Management Officer, may exempt CISI from release under the FOIA. The IDAs asserting the exemption must obtain a written determination from the DA in accordance with the procedures in Paragraph 6.2.j. before withholding CISI from a FOIA requester. If the IDA asserting the exemption is from a consulted DoD Component, that DoD Component must obtain the written DA determination before responding to an closing the consultation.

(d) **Military Flight Operations Quality Assurance (MFOQA) System Data File.** In accordance with Section 2254a of Title 10, U.S.C., the Secretary of Defense and the DA may exempt MFOQA system data files from release under the FOIA. The IDAs asserting the exemption must obtain a written determination from the DA in accordance with the procedures in Paragraph 6.2.j. before withholding MFOQA system data file information from a FOIA requester.

d. Exemption 4. Pursuant to Section (b)(4) of the FOIA, certain non-government financial information is exempt from disclosure.

(1) This exemption protects:

(a) Trade secrets; or

(b) Information that is:

1. Commercial or financial;

2. Obtained from a person or entity outside of the U.S. Government; and

3. Privileged or confidential.

(2) Commercial or financial information that is voluntarily submitted to the U.S. Government, absent any exercised authority prescribing criteria for submission, may be categorically protected, provided it is not customarily disclosed to the public by the submitter. Examples of exercised authorities prescribing criteria for submission include statutes, Executive orders, regulations, invitations for bids, requests for proposals, and contracts. DoD Components should analyze submission of information pursuant to these authorities in accordance with Part 286 of Title 32, CFR.

(3) Commercial or financial information that is not voluntarily provided to the U.S. Government is considered “confidential” for Exemption 4 if its disclosure is likely to:

(a) Impair the U.S. Government’s ability to obtain necessary information in the future (known as the “impairment prong”);

(b) Harm an identifiable private or governmental interest; or

(c) Cause substantial harm to the competitive position of the person providing the information.

(4) Examples of information that may be protected by Exemption 4 include:

(a) Commercial or financial information received in connection with loans, bids, contracts, or proposals.

(b) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures.

(c) Personal statements given during inspections, investigations, or audits.

(d) Financial data provided by private employers in connection with locality wage surveys that are used to fix and adjust pay schedules applicable to the prevailing wage rate of DoD employees.

(e) Scientific and manufacturing processes or developments concerning technical or scientific data or other information submitted with applications for research grants or with a report while research is in progress.

(f) Technical or scientific data developed by a contractor or subcontractor exclusively at private expense, or developed in part with federal funds and in part at private expense. The contractor or subcontractor must retain legitimate proprietary interests in such data, in accordance with Sections 2320 and 2321 of Title 10, U.S.C., and Parts 227.71 and 227.72 of Title 48, CFR. Technical data developed exclusively with federal funds may be withheld pursuant to Exemption 3 if it meets the criteria of Section 130 of Title 10, U.S.C., and Parts 227.71 and 227.72 of Title 48, CFR.

(g) Information copyrighted pursuant to Section 106 of Title 17, U.S.C., if release of copyrighted material otherwise meets the standards of Exemption 4.

(5) When the DoD Components receive FOIA requests for information that could be protected by this exemption, they will notify the submitter of the information in accordance with the procedures in Subpart 286.10 of Title 32, CFR.

e. Exemption 5. Pursuant to Section (b)(5) of the FOIA, inter- or intra-agency memoranda or letters containing information considered privileged in civil litigation are exempt from disclosure. Merely being an internal record is an insufficient basis for withholding pursuant to this exemption. To qualify as exempt pursuant to Exemption 5, the document must meet a particular threshold and must be privileged in the civil discovery context.

(1) **Threshold.** A document must meet the threshold requirement of being an inter- or intra-agency document before the proper privilege can be identified in any given case. Because the U.S. Government may seek expert advice from external entities (or consultants) in many instances, it is possible that an external entity may qualify as an “agency” for this exemption. See the Department of Justice Guide to the Freedom of Information Act for further discussion on this subject.

(2) **Privileges.** The privileges and types of information protected by Exemption 5 include, but are not limited to:

(a) Deliberative Process Privilege.

1. To qualify for this privilege, the information must be deliberative and pre-decisional. DoD Components cannot withhold factual information from a FOIA requester pursuant to this privilege, except when:

a. The author of a document deliberately selects specific facts out of a larger group of facts and uses only this subset of facts to make a decision, thereby revealing the author's internal thought processes; or

b. The factual information is so inextricably connected to the deliberative material that its disclosure would expose or cause harm to the agency's deliberations.

2. A direction or order from a superior to a subordinate usually does not qualify as a deliberative process document if it constitutes guidance on a departmental policy or a decision. However, correspondence from a superior to a subordinate may qualify if it discusses preliminary matters or requests information or advice relied upon in the decision-making process.

3. An agency's final decision and post-decisional documents related to the decision cannot be withheld pursuant to the deliberative process privilege.

4. Examples of deliberative process documents include:

a. Staff papers, including after-action reports, inspection reports, lessons learned, and situation reports containing staff evaluations, advice, opinions, or suggestions.

b. Advice, suggestions, or evaluations prepared on behalf of the DoD by individual consultants or by internal boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed for obtaining advice and recommendations.

c. Drafts of final records.

d. Information of a speculative, tentative, or evaluative nature, or such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions, when such information would provide undue or unfair competitive advantage to private personal interests or would impede legitimate U.S. Government functions.

e. Agency documents underlying the President's budget decisions, as described in Office of Management and Budget Circular No. A-11. This includes planning, programming, and budgetary information that is involved in the defense planning and resource allocation process and out-year discretionary data.

5. The deliberative process privilege does not apply to records created 25 years or more prior to the date of the FOIA request.

(b) **Attorney-Client Privilege.** This privilege protects confidential communications between an attorney and a client (or multiple clients that share a common interest) relating to legal matters for which the client has sought professional advice. The information that the client supplies to the attorney, the legal advice that the attorney gives to the client in return, and communications between attorneys that involve client-supplied information are protected by this privilege. Unlike the deliberative process privilege, the attorney-client privilege mandates the withholding of all the information, including the facts, unless the client waives the privilege.

(c) **Attorney Work Product Privilege.** This privilege protects documents prepared by an attorney or at an attorney's direction in reasonable anticipation of litigation. Unlike the deliberative process privilege, the attorney work product privilege mandates the withholding of all the information, including the facts. This privilege still can be used after the litigation is complete.

(d) **Government Trade Secret Privilege.** This privilege protects trade secrets or other confidential research, development, or commercial information owned by the U.S. Government, premature release of which is likely to affect the U.S. Government's negotiating position or other commercial interest.

(e) **Safety Investigation Privilege.** This privilege protects privileged safety information, as defined in DoDI 6055.07.

(f) **Presidential Communications Privilege.** This privilege protects communications among the President and Presidential advisors created to assist the President in the exercise of non-delegable constitutional duties.

f. Exemption 6. Pursuant to Section (b)(6) of the FOIA, information in personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, is exempt from disclosure. If the information qualifies as Exemption 6 information, there is no discretion in its release.

(1) When considering applying this exemption, the DoD Component must balance the public interest in disclosure against the individual's privacy interest. When there is no public interest in the requested information, the DoD Component may withhold the information even if there is only a negligible privacy interest. In determining the public interest, the DoD Component should only consider whether the information sheds light on the operations or activities of the U.S. Government. The FOIA requester has the burden of showing a public interest in disclosure.

(2) A privacy interest may exist in personal information even though the information was previously disclosed but may no longer be in the public's eye and has faded from memory. This is known as the concept of "practical obscurity." In this case, the privacy interest in this type of situation may have increased over time and the public interest may have decreased over time; therefore, the DoD Component should now withhold the once-public information, if the balance of interests has shifted in favor of privacy.

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(3) This exemption usually protects home addresses, telephone numbers, and private e-mail addresses. This includes home addresses and military quarters addresses not associated with the occupants' names.

(4) This exemption must not be used in an attempt to protect the privacy of a deceased person. It may be used to protect the privacy of the deceased person's surviving family members if disclosure would rekindle grief, anguish, pain, embarrassment, or result in a disruption of their peace of mind.

(5) This exemption also applies when the fact of the existence or nonexistence of a responsive record would itself reveal information containing a privacy interest, and the public interest in disclosure does not outweigh the privacy interest. In this situation, the DoD Components must provide a Glomar response and cite Exemption 6.

(6) If a FOIA requester requests information that is about that FOIA requester, Exemption 6 may not be used to deny privacy information about that individual. However, if another FOIA requester requests the same information, it should be denied under Exemption 6.

g. Exemption 7. Pursuant to Section (b)(7) of the FOIA, records or information compiled for law enforcement purposes are exempt from disclosure upon the identification of one of the six conditions delineated in this paragraph. Law enforcement purposes include civil, criminal, military, and regulatory/administrative purposes, including the implementation of Executive orders or regulations issued pursuant to law. A DoD Component may invoke this exemption to prevent disclosure of documents not originally created, but later gathered, for law enforcement purposes.

(1) Conditions Where Exemption 7 Applies.

(a) **Exemption 7(A).** Section (b)(7)(A) of the FOIA applies to records compiled for law enforcement purposes when disclosure could reasonably be expected to interfere with enforcement proceedings. Determining the applicability of Exemption 7(A) requires a two-step analysis.

1. DoD Components must identify an ongoing, pending, or prospective law enforcement proceeding. This would include any subsequent or pending proceedings resulting from the original proceeding. This exemption cannot be used if an investigation is terminated or complete.

2. DoD Components must determine whether release of the information could cause some articulable harm to the law enforcement proceeding. In order to satisfy the "articulable harm" requirement of Exemption 7(A), there must be some distinct harm that could reasonably be expected to result if the record or information requested were disclosed.

(b) **Exemption 7(B).** Section (b)(7)(B) of the FOIA applies to records compiled for law enforcement purposes when disclosure would deprive a person of the right to a fair trial or to an impartial adjudication.

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(c) **Exemption 7(C)**. Section (b)(7)(C) of the FOIA applies to records compiled for law enforcement purposes when disclosure could reasonably be expected to constitute an unwarranted invasion of the personal privacy of a living person, including surviving family members of an individual identified in such a record. This exemption also applies when the fact of the existence or nonexistence of a responsive record would itself reveal information containing a privacy interest, and the public interest in disclosure does not outweigh the privacy interest. In this situation, the DoD Components must provide a Glomar response and cite Exemption 6.

(d) **Exemption 7(D)**. Section (b)(7)(D) of the FOIA applies to records compiled for law enforcement purposes when disclosure could reasonably be expected to disclose:

1. The identity of a confidential source, including:
 - a. A source within the DoD;
 - b. A State, local, or foreign agency or authority; or
 - c. Any private institution that furnishes the information on a confidential basis.

2. Information furnished from a confidential source and obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation.

(e) **Exemption 7(E)**. Section (b)(7)(E) of the FOIA applies to records compiled for law enforcement purposes when disclosure would reveal:

1. Non-obvious techniques and procedures for law enforcement investigations or prosecutions; or
2. Guidelines for law enforcement investigations or prosecutions, if such disclosure could reasonably be expected to risk circumvention of the law.

(f) **Exemption 7(F)**. Section (b)(7)(F) of the FOIA applies to records compiled for law enforcement purposes when disclosure could reasonably be expected to endanger the life or physical safety of any individual.

(2) Examples of Exemption 7 Applications.

(a) Statements of witnesses and other material developed during the course of an investigation and all materials prepared in connection with related government litigation or adjudicative proceedings may be exempt from disclosure pursuant to Exemptions 7(A), 7(C), and 7(D).

(b) The identity of firms or individuals being investigated for alleged irregularities in contracting with the DoD, when the United States has obtained no indictment or filed any civil action against them, may be exempt from disclosure pursuant to Exemptions 7(A) and 7(C).

(c) Information obtained in confidence, expressed or implied, during a criminal investigation by a criminal law enforcement activity or a lawful national security intelligence investigation may be exempt from disclosure pursuant to Exemptions 7(A), 7(C), and 7(D). National security intelligence investigations include background security investigations and those investigations conducted to obtain affirmative or counterintelligence information.

(d) Emergency action plans, guidelines for response to terrorist attacks, analyses of security procedures, and other sensitive information that could prove deadly if obtained by those seeking to do harm to the public on a large scale may be exempt from disclosure pursuant to Exemptions 7(E) and 7(F).

h. Exemption 8. Pursuant to Section (b)(8) of the FOIA, records in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions are exempt from disclosure.

i. Exemption 9. Pursuant to Section (b)(9) of the FOIA, records containing geological and geophysical information and data (including maps) concerning wells are exempt from disclosure.

SECTION 6: FOIA REQUEST PROCESSING

6.1. GENERAL PROVISIONS.

a. Requests From Private Parties. A FOIA request may be made by any person. It may not be used by federal agencies seeking official information.

b. Requests From Local or State Government Officials, Congress, and Foreign Governments.

(1) Local or State government officials, foreign officials requesting on behalf of their governments, foreign individuals, or foreign organizations requesting DoD Component records pursuant to the FOIA are treated the same as any other FOIA requester.

(2) The FOIA does not apply to the records of a DoD Component that is an element of the intelligence community, as defined in Section 401a(4) of Title 50, U.S.C., if the FOIA request is from an entity or representative of a foreign government.

(3) Requests from members of Congress who are not seeking records on behalf of a congressional committee or subcommittee, or on behalf of the House of Representatives or the Senate sitting as a whole, are not FOIA requests and should not be processed through FOIA channels. However, any release of information will be consistent with a release to any individual pursuant to the FOIA and its withholding exemptions. In these cases, the member will not be provided with FOIA appeal rights.

(4) Requests submitted by members of Congress on behalf of a congressional committee or subcommittee, or on behalf of the House of Representatives or the Senate sitting as a whole, that are received by a FOIA RSC are referred to the appropriate office that handles legislative inquiries for processing pursuant to DoDI 5400.04 or supplementing DoD Component issuances. Such requests are not processed pursuant to the FOIA and withholding exemptions may not apply.

(5) If a member of Congress chooses to request records pursuant to the FOIA, then the provisions of Part 286 of Title 32, CFR, and this issuance apply.

(6) Constituent requests for records that are forwarded by members of Congress are processed as FOIA or Privacy Act requests, as applicable. The member forwarding the request will be advised of these circumstances.

(7) Requests from officials of foreign governments that do not invoke the FOIA are referred by the FOIA RSC to the appropriate office authorized to disclose official DoD information to foreign governments, and the requester is so notified.

6.2. PROCESSING PROCEDURES.

a. Receipt and Control.

(1) When a FOIA RSC receives a FOIA request, it must open a file in a formal control system. The formal control system:

(a) Must be designed for accountability and compliance with the FOIA.

(b) Should include the data elements necessary to compile the statistics required by the annual report.

(2) Each request must be assigned a unique tracking number, which will be included in all correspondence with the requester.

b. Prompt Action on FOIA Requests.

(1) When unusual or exceptional circumstances prevent a FOIA RSC from making a final response determination within the statutory time period, it will advise the FOIA requester in writing and provide the requester an opportunity to narrow the scope of the request. FOIA RSCs will be available, as a matter of good practice, to assist requesters in the formulating of requests.

(a) The FOIA describes unusual circumstances as:

1. The need to search for and collect the requested records responsive from field offices or other establishments that are separate from the office processing the FOIA request.

2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records.

3. The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more DoD Components having substantial subject-matter interest in the records.

(b) The FOIA does not affirmatively explain “exceptional circumstances;” however, exceptional circumstances do not include a delay that results from predictable component backlogs, unless the DoD FOIA Program Component demonstrates reasonable progress in reducing its backlog.

(2) DoD Components receiving a misdirected FOIA request will follow the procedures in Subpart 286.7 of Title 32, CFR.

(3) DoD FOIA Program Components will provide interim responses when they are unable to make a final determination within the statutory 20 working days, and should communicate with the FOIA requester before the final response, if appropriate. These communications may include acknowledging receipt of the FOIA request and negotiating with the FOIA requester concerning the scope of the FOIA request, the response timeframe, and the fee agreement. However, such communications do not constitute a final response determination. The initial interim response will include, at a minimum:

(a) The date the 20-working-day statutory time period started for the FOIA request.

(b) The tracking number for the FOIA request.

(c) Contact information concerning how the FOIA requester can obtain information about the processing of the FOIA request.

(4) The statutory time period to make a release determination on a FOIA request usually begins on the date when the FOIA RSC responsible for the requested records receives the FOIA request. However, if the FOIA request was originally misdirected to another FOIA RSC, the timing provisions of Subpart 286.6 of Title 32, CFR, for misdirected requests apply.

(5) The 20-working-day statutory period for responding to a FOIA request begins only when a perfected FOIA request is received. After this time, a FOIA RSC may toll the statutory time period for only two reasons. In both situations, the FOIA requester's response to the DoD Component's request ends the tolling period.

(a) The time period may be tolled one time when the FOIA RSC goes back to the FOIA requester and reasonably asks for additional information (not connected to the assessment of fees).

(b) The time period may be tolled if it is necessary for the FOIA RSC to clarify issues regarding fee assessment with the FOIA requester. There is no limit to the number of times a DoD Component may go back to a FOIA requester to clarify fee assessment issues, which sometimes may be done in stages as the records are located and processed.

c. Estimated Completion Date. See Subpart 286.9 of Title 32, CFR.

d. Multi-Track Processing. See Subpart 286.8 of Title 32, CFR.

e. Expedited Processing. See Subpart 286.8 of Title 32, CFR.

f. Responsive Documents Originated by a Non-government Source.

(1) **Commercial or Financial Information.** See Subpart 286.10 of Title 32, CFR.

(2) **Foreign Government or International Organization Information.** The coordination provisions of this paragraph apply to the release of responsive information received from foreign governments or international organizations.

(a) DoD Components should coordinate directly with their foreign government counterparts when processing foreign government information responsive to a FOIA request. Coordination also may be made through the Department of State or the specific foreign embassy.

(b) When the DoD Components locate North American Aerospace Defense Command documents in their files responsive to a FOIA request, they will refer the documents to the United States Northern Command FOIA RSC, which will consult with the North American Aerospace Defense Command.

(c) Coordination with most international organizations may be made directly with those organizations.

(d) When a foreign government or international organization asks the DoD to withhold classified information originating with that foreign government or international organization, it is withheld pursuant to Exemption 1 of the FOIA.

(e) If the DoD Component is asked to withhold sensitive unclassified information originated by an international organization or foreign government, then the DoD Component withholds it pursuant to Exemption 3 and references the relevant statute as Section 130c of Title 10, U.S.C. To qualify for withholding, the information must meet these criteria:

1. If the information came into the DoD's possession or control prior to October 30, 2000, and more than 25 years prior to receipt of the FOIA request, the DoD Component notifies the foreign government or international organization of the request for disclosure. The information then qualifies for withholding only if the foreign government or international organization requests in writing that the information not be disclosed for a specific period of time. This date can be extended with a later request by the foreign government or international organization.

2. If the information came into possession or control of the DoD on or after October 30, 2000, the information cannot be withheld after the release date specified by the foreign government or international organization. When one or more foreign governments or international organizations provided the information, the latest date specified by any of them will be used. If no release date was specified, and the information came into the possession of the DoD Component more than 10 years prior to receipt of the FOIA request, the procedures set forth in Paragraph 6.2.f.(2)(e)1. apply.

g. Processing the Receipt of FOIA Fees. The Treasurer of the United States has established an account for FOIA receipts, Receipt Account 3210. When depositing the receipts, the appropriate disbursing office 2-digit prefix must precede the account number. This account will be used for depositing all FOIA receipts except for those of working capital and non-appropriated funded activities. Those activities must establish their own procedures for depositing FOIA receipts to the applicable fund. All checks or money orders remitting FOIA fees should be made payable to the U.S. Treasurer.

h. Creating a Record. To be subject to the FOIA, a record must exist and be in DoD possession and control when the DoD Component searches for it. The DoD Components are not obligated to create, compile, or answer questions to satisfy a FOIA request.

(1) However, in order to provide quality customer service, the DoD Components may compile a new record when doing so would result in a more useful response to the FOIA requester and would be less burdensome to the DoD Component than providing existing records. This could be the case when a FOIA requester wants, for example, a list of all travel locations for a single senior official. Instead of processing the large number of travel documents, the DoD Component may wish to compile a list of travel locations extracted from the documents.

(2) Prior to the creation of the document, any such compilation should be coordinated with and approved by the FOIA requester. The cost of creating or compiling such a record may not be charged to the FOIA requester unless the fee for creating the record is equal to or less than the fee that would be charged for providing the existing record. Fee assessments must be in accordance with Subparts 286.12 and 286.13 of Title 32, CFR.

i. Electronic Records and Searches.

(1) **Significant Interference.** Section (a)(3)(C) of the FOIA requires DoD Components to make reasonable efforts to conduct electronic searches for responsive documents, except when the searches would cause significant interference with the operation of the DoD Components' automated information systems.

(a) If extensive monetary or personnel resources are needed to conduct an electronic search, DoD Components should take this into account when determining whether they are making reasonable efforts to search for electronic records.

(b) Creating a computer program that produces specific requested fields or records contained within a well-defined database structure usually constitutes a "reasonable effort." However, creating a computer program to merge files with disparate data formats and extract specific elements from the resultant file is considered a special service rather than a reasonable effort.

(2) **Data Links.** The DoD Components are not required to expend DoD funds to establish data links that provide real-time or near-real-time data to a FOIA requester.

j. CISI and MFOQA Data Files. IDAs may deny CISI and MFOQA system data files from release under Exemption 3 of the FOIA after the DA has made a written determination that the information is exempt.

(1) When DoD Components have reason to believe that information responsive to a FOIA request is CISI or MFOQA system data file information, they will submit a package to the DA, through the DO&C, recommending exemption of the requested information. If the information believed to be CISI or MFOQA is the subject of a consultation, and the consulted DoD Component wishes to assert the exemption, the consulted component will submit the package for approval before responding to the consultation. The package will contain, at a minimum:

- (a) A cover memorandum from a DoD Component official.
- (b) A copy of the initial FOIA request.
- (c) A copy of the documents in electronic format, with only the CISI or MFOQA system data file information marked. Do not indicate information that will be denied under any other exemption.
- (d) Details on how the information recommended for exemption meets the threshold of qualifying as CISI or MFOQA system data file.

(e) A thorough explanation of the harm that could reasonably be expected to result if the information is released. This explanation must be as specific as possible to allow the DA to make a fully informed determination; however, it should contain only publicly releasable information since the DA's determination, accompanied by a statement of the basis for determination, will be made available on the FOIA section of the DoD Open Government Website.

(f) Any documentation of the public interest in the release of the information. This could be provided to the DoD Component by the FOIA requester or other interested parties supporting the FOIA request.

(g) A draft of the DA determination and statement of the basis for determination.

(2) The DO&C will provide the DA determination and the statement of the basis for the determination and post it in the FOIA section of the DoD Open Government Website.

(3) The DoD Component IDA will deny the exempt information and provide a copy of the determination to the FOIA requester. If the DoD Component denying the information is a consulted component, the DoD Component that received and is processing the request will make all necessary notifications to the requester. The FOIA requester will be advised of the right to appeal to the DoD Component's appellate authority.

6.3. INITIAL DETERMINATIONS.

a. Denials of Information.

(1) An IDA must make a determination of whether to withhold information responsive to a FOIA request. The IDA will review the withheld information to determine whether it meets the criteria for withholding pursuant to one or more of the FOIA exemptions. This determination may be made upon the recommendation of a review official.

(2) IDAs and review officials will not use the existence of classification markings or distribution limiting statements, such as "For Official Use Only" markings, as justification to withhold information. Information so marked must be reviewed after the receipt of a FOIA request to determine if a FOIA exemption allows the withholding of the information.

(3) To deny information in a requested record that is in the possession and control of the DoD Component, the IDA must determine that one or more of the FOIA exemptions justify withholding all or part of the record.

(4) A Glomar response constitutes a total denial.

b. Reasons for Denying a FOIA Request Other than Exemptions. The following are reasons, other than using one or more exemptions, for denying a FOIA request. The DoD FOIA Program Components will track each reason in its control system database for ease of retrieval and for its input to the annual report.

(1) **No Records.** A reasonable search of files failed to identify responsive records, or no search was undertaken because the DoD Component determined that it would not locate records responsive to the request.

(2) **Referral.** The DoD Component has transferred all responsive records to another DoD Component or federal agency.

(3) **Request Withdrawn.** The FOIA requester withdraws the FOIA request. Additionally, when a FOIA RSC sends a communication to ask if a requester still has interest in the request and the requester does not respond, the FOIA RSC will consider the request as withdrawn.

(4) **Fee-related Reason.** The FOIA requester is unwilling to pay fees associated with a FOIA request; the FOIA requester is past due in the payment of fees from a previous FOIA request; or the FOIA requester disagrees with the fee estimate.

(5) **Records not Reasonably Described.** A record has not been described with sufficient particularity to enable the DoD Component to locate it by conducting a reasonable search.

(6) **Not a Proper FOIA Request for Some Other Reason.** The FOIA requester has failed unreasonably to comply with procedural requirements, other than fee-related requirements, imposed by this issuance.

(7) **Not an Agency Record.** The information requested is not a record within the meaning of the FOIA.

(8) **Duplicate Request.** A duplicate request occurs when the FOIA requester asks for the same information requested in a prior request. If a search for documents responsive to the new request finds documents created since the search was accomplished for the previous request, then it is not considered duplicative. This includes identical requests received from the same requester for the same information through different means (e.g., e-mail, facsimile, mail, courier) at the same or different times.

(9) **Other.** The DoD Components may use the following additional reasons for denying FOIA requests:

(a) **Directed Requester to Another Agency.** The FOIA request is for another federal agency's records (e.g., the Department of State), and the FOIA RSC directs the requester to send a FOIA request to the appropriate agency. This would include a request for another agency's records that are already publicly available.

(b) **Litigation.** The FOIA request is administratively closed because the FOIA requester has filed a complaint in federal court. In this case, the FOIA RSC should consult legal counsel to determine whether to continue processing the FOIA request.

(c) **Misdirected Request.** A misdirected request will not be counted as a request received or processed for annual report purposes.

(d) **Unable to Contact Requester.** The FOIA RSC is unable to contact the FOIA requester after several attempts.

c. Responding to FOIA Requesters. All correspondence with FOIA requesters must include the FOIA request tracking number and the date of the FOIA request.

(1) **Grant.** When a DoD Component decides to release a record, the FOIA RSC should make a copy available promptly to the FOIA requester. Directing a FOIA requester on how to electronically obtain a publicly available DoD record (e.g., a record released under the FOIA and available in a DoD FOIA Program Component's FOIA Library) is considered a grant.

(2) **Adverse Determination.** When a DoD Component provides an adverse determination in response to a FOIA request, the official designated to respond will comply with the procedures in Subpart 286.9 of Title 32, CFR.

d. Providing Documents to FOIA Requesters. See Subpart 286.9 of Title 32, CFR.

e. Commercial Delivery Services. A FOIA RSC may use a commercial delivery service to deliver the requested information in a timelier manner if the FOIA requester asks for the service and pays directly for the service.

6.4. CONSULTATIONS, REFERRALS, AND COORDINATIONS.

a. General Provisions. See Subpart 286.7 of Title 32, CFR.

b. White House Information. DoD FOIA Program Components locating records originating with or containing White House equities, to include the National Security Council Staff, will forward the records as a consultation to the Office of Freedom of Information, which is the FOIA RSC for the OSD/JS. The Office of Freedom of Information will coordinate with the National Security Council Staff and then return the records to the DoD Component for response to the FOIA requester.

c. Government Accountability Office (GAO) Information. The GAO is outside the Executive Branch and not subject to the FOIA. FOIA requests for GAO documents within DoD files will be processed pursuant to the FOIA. If necessary, the DoD Components will consult with the GAO on the releasability of the requested information. The DoD Component will make the final response.

6.5. APPEALS. See Subpart 286.11 of Title 32, CFR.

6.6. FEE SCHEDULE. See Subparts 286.12 and 286.13 of Title 32, CFR.

6.7. FOIA LITIGATION.

a. FOIA requesters may seek an order from a U.S. District Court to compel release of information after administrative remedies have been exhausted (e.g., when the FOIA requester has filed an administrative appeal of an adverse action or when the DoD FOIA Program Component has failed to respond within the time limits prescribed by the FOIA). The Department of Justice “Freedom of Information Act Guide” provides more detailed guidance on FOIA litigation.

b. If a DoD Component is served with a complaint concerning a FOIA request that is still open, it will administratively close the FOIA request after consultation with legal counsel.

c. FOIA officers should confer with legal counsel or Department of Justice attorneys on whether administrative processing should continue and whether it is appropriate to communicate directly with the FOIA requester or requester’s counsel.

SECTION 7: EDUCATION AND TRAINING

7.1. GENERAL. In accordance with Section (j)(2)(F) of the FOIA, the purpose of the DoD FOIA educational and training programs is to provide DoD personnel who have FOIA responsibilities as one of their primary duties, and DoD attorneys, with the knowledge and skills necessary to ensure compliance with the FOIA. Fulfilling this purpose will improve customer service to members of the public and improve the public trust in the DoD.

7.2. PROCEDURES.

a. The DO&C establishes a DoD FOIA educational and training program to provide personnel involved in the day-to-day processing of FOIA requests with a thorough understanding of the provisions and requirements of Part 286 of Title 32, CFR, the FOIA, and this issuance.

b. Each DoD FOIA Program Component designs its FOIA educational and training programs to fit the particular requirements of its personnel, dependent upon their degrees of involvement in implementing the FOIA. These programs will service two target audiences.

(1) Personnel who are involved in the day-to-day processing of FOIA requests.

(2) Staff personnel who provide search or review staff-support to the DoD FOIA Program Component FOIA process.

7.3. SCOPE AND PRINCIPLES.

The programs will:

a. Familiarize personnel with the requirements of the FOIA and its implementation by Part 286 of Title 32, this issuance, and respective DoD FOIA Program Component issuances.

b. Instruct personnel who act in FOIA matters on the provisions of Part 286 of Title 32 and this issuance, and advise them of the legal hazards involved in and the strict prohibition against arbitrary and capricious withholding of information.

c. Provide procedural and legal guidance and instruction to initial denial and appellate authorities concerning the discharge of their responsibilities.

7.4. IMPLEMENTATION. To ensure uniformity of interpretation, the DoD FOIA Program Components will coordinate their educational and training programs with the DO&C.

GLOSSARY

G.1. ACRONYMS.

CFR	Code of Federal Regulations
CISI	Critical Infrastructure Security Information
DA	Director of Administration
DO&C	Directorate for Oversight and Compliance
DoDD	DoD directive
DoDI	DoD instruction
DoDM	DoD manual
FOIA	Freedom of Information Act
GAO	Government Accountability Office
IDA	initial denial authority
MFOQA	military flight operations quality assurance
OGIS	Office of Government Information Services
RSC	Requester Service Center
U.S.C.	United States Code

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

administrative appeal. A request by a member of the public, made pursuant to the FOIA, asking the appellate authority of a DoD Component to reverse, modify, or reconsider any adverse determination.

adverse determination. Defined in Subpart 286.9 of Title 32, CFR.

agency record. Includes all documents or records created or obtained by a U.S. Government agency that are in the agency's possession and control at the time a FOIA request is received. Four factors determine an agency's control:

The intent of the creator of the document to retain control over the record.

The ability of the agency to use and dispose of the record as it sees fit.

The extent to which agency personnel have read or relied upon the document.

The degree to which the document was integrated into the agency's record systems or files. Records maintained by a government contractor for records management purposes are considered in the DoD Component's possession. Records created by an agency employee during employment, including e-mails, may be either agency records or personal files.

Examples of agency records include:

Research data produced during the performance of a federal grant used by the U.S. Government in developing an agency action that has the force and effect of law, in accordance with Office of Management and Budget Circular No. A-110.

All recorded information, regardless of form or characteristics. "Form or characteristics" refers to physical media type or transmission mode desired by the FOIA requester (e.g., computer disk, computer tape, file transfer protocol, photographs, videotape, and microfiche).

Examples of agency records do **not** include:

Objects or articles such as structures, furniture, vehicles, and equipment, whatever their historical value or value as evidence.

Anything that is not a tangible or documentary record, such as an individual's memory or oral communication.

Personal files.

The definition of an agency record under the FOIA is more expansive than the definition of a federal record. For example, documents such as drafts and working files are not considered official records, but are still agency records responsive to FOIA requests.

appellate authority. The DoD FOIA Program Component head, or designee, having jurisdiction to review and possibly reverse, remand, or amend any adverse determination.

CISI. Defined in Section 130e(c) of Title 10, U.S.C.

consultation. The process whereby, in certain situations, a federal agency transfers a FOIA responsive document to another federal agency or non-government entity to obtain recommendations on the releasability of the document. After review, the document is returned to the original agency for response to the FOIA requester or further review.

Defense Criminal Investigative Organization. A DoD Component that conducts criminal investigations. These are the U.S. Army Criminal Investigation Command, Naval Criminal Investigative Service, Air Force Office of Special Investigations, and Defense Criminal Investigative Service.

deliberative. Having the function of deliberating.

electronic records. Records (including e-mail) created, stored, and retrievable by electronic means.

federal agency. Defined in Section 552(f)(1) of Title 5, U.S.C.

first-party requester. A FOIA requester that is requesting information that is about themselves.

FOIA Public Liaison. A supervisory official to whom a FOIA requester can raise concerns about the service the FOIA requester receives from a FOIA RSC and who is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

FOIA request. A written request for agency records that reasonably describes the records sought, enabling a DoD Component employee familiar with the files to locate the records with a reasonable amount of effort.

FOIA requester. Any person, including a partnership, corporation, association, State or State agency, foreign government, foreign national, or a lawyer or other representative acting on behalf of any person who submits a FOIA request. This definition specifically excludes agencies within the Executive Branch of the U.S. Government.

FOIA RSC. A DoD Component office that receives FOIA requests from and responds directly to the public on the status of their request.

form. The storage media that hold content in digital form on which responsive information is provided to FOIA requesters. Examples are electronic documents, audiovisual material on tape, and all storage media that hold content in digital form and that are written and read by a laser (e.g., all the various compact disk and digital video disk variations).

format. A layout for data.

Glomar response. A response to a FOIA request where the DoD Component neither confirms nor denies the existence or nonexistence of records responsive to the FOIA request.

IDA. An official who has been granted authority by a DoD Component head to withhold information requested pursuant to the FOIA for one or more of the nine categories of records exempt from mandatory disclosure, as described in Section 5.

inherently governmental activity. A function that is so intimately related to the public interest as to require performance by U.S. Government personnel because it requires the exercise of discretion in applying government authority or the making of value judgments in making decisions for the U.S. Government.

international organization. Defined in Section 130c(h)(3) of Title 5, U.S.C.

MFOQA system data file. Defined in Section 2254(a)(2) of Title 10, U.S.C.

Military Department counterintelligence organization. An element within a Military Department that is authorized to conduct counterintelligence investigations. They are Army Counterintelligence, Naval Criminal Investigative Service, and the Air Force Office of Special Investigations.

misdirected FOIA request. A FOIA request for DoD records that is addressed to FOIA RSC that is not itself the FOIA RSC to process the request. For example, a FOIA requester sends a request for an Air Force contract to the Navy.

neutral. An individual who, with respect to an issue in controversy, functions specifically to aid the parties in resolving the controversy.

non-responsive. Information or records not requested by a FOIA requester.

perfected FOIA request. A FOIA request that arrives at the FOIA RSC of the DoD Component in possession of the records. The statutory time limit for responding to a FOIA request does not begin until it is perfected.

person. Defined in Section 551(2) of Title 5, U.S.C.

personal file. Documents unrelated to the conduct of agency business or indirectly related to agency business but outside the scope of agency records. A personal file is not subject to the FOIA. FOIA case law predominantly refers to personal files as personal records. Examples include:

Business or professional files created before entering U.S. Government service; files created during or relating to previously held positions, political materials, and reference files.

Private files brought into, created, or received in the office; family and personal correspondence; and materials documenting professional activities and outside business or political pursuits, including manuscripts and drafts for articles and books and volunteer and community service records that are considered personal, even if created or received while in office, because they do not relate to agency business.

Work-related personal files, including e-mails, diaries, journals, notes, and personal calendars and appointment schedules. Though work-related, these files may be personal if they are used only as reminders and personal observations on work-related topics and not for the transaction of government business.

pre-decisional information. Information created before the decision maker reached a final decision.

Privacy Act request. Defined in DoD 5400.11-R.

Privacy Act system of records. Defined in DoD 5400.11-R.

referral. The process whereby a DoD FOIA Program Component receiving a FOIA request locates documents originating with another DoD Component or federal agency. Accordingly, the FOIA request and documents are transferred to the originating DoD Component or federal agency for response directly to the FOIA requester.

responsive. Information or agency records requested by a FOIA requester.

toll. To delay, suspend, or hold off the effects of a statute.

REFERENCES

- Code of Federal Regulations, Title 32, Part 286
- Code of Federal Regulations, Title 48
- Department of Justice “Guide to the Freedom of Information Act,” current edition¹
- Department of Justice, Office of Information Policy, FOIA Update, Vol. XVI, No. 3, “Determining the Scope of a FOIA Request,” January 1, 1995
- Deputy Secretary of Defense Memorandum, “Reorganization of the Office of the Deputy Chief Management Officer,” July 11, 2014
- DoD 5230.30-M, “DoD Mandatory Declassification Review (MDR) Program,” December 22, 2011
- DoD 5400.11-R, “Department of Defense Privacy Program,” May 14, 2007
- DoD Directive 5100.03, “Support of the Headquarters of Combatant and Subordinate Unified Commands,” February 9, 2011
- DoD Directive 5105.53, “Director of Administration and Management (DA&M),” February 26, 2008
- DoD Directive 5105.82, “Deputy Chief Management Officer (DCMO) of the Department of Defense,” October 17, 2008
- DoD Directive 5400.07, “DoD Freedom of Information Act (FOIA) Program,” January 2, 2008
- DoD Instruction 1100.22, “Policy and Procedures for Determining Workforce Mix,” April 12, 2010
- DoD Instruction 5400.04, “Provision of Information to Congress,” March 17, 2009
- DoD Instruction 6055.07, “Mishap Notification, Investigation, Reporting, and Record Keeping,” June 6, 2011
- DoD Manual 5200.01, Volume 1, “DoD Information Security Program: Overview, Classification, and Declassification,” February 24, 2012
- DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014, as amended
- Office of Federal Procurement Policy Letter 11-01, “Performance of Inherently Governmental and Critical Functions,” September 12, 2011
- Office of Management and Budget Circular No. A-11, “Preparation, Submission, and Execution of the Budget,” June 2015
- Office of Management and Budget Circular No. A-76, “Performance of Commercial Activities,” May 29, 2003
- Office of Management and Budget Circular No. A-110, “Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations,” September 20, 1999
- United States Code, Title 5
- United States Code, Title 10

¹ Available at: <https://www.justice.gov/oip/doj-guide-freedom-information-act>

DoDM 5400.07, January 25, 2017

United States Code, Title 17, Section 106

United States Code, Title 50, Section 401a(4)

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

LT JANE DOE,

Plaintiff,

v.

MARK T. ESPER, *et al.*,

Defendants.

CIVIL ACTION NO. 1:20-cv-10530-FDS

**DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS
IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

I. Department of Defense Policy Prior to 2015

1. For decades, military standards presumptively barred the accession and retention of transgender individuals. Department of Defense Report and Recommendations on Military Service by Transgender Persons at 7 (Feb. 2018), Dkt. 12-3 (hereinafter, "DoD Report").

2. The third edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM), published by the American Psychiatric Association (APA), treated "transsexualism" as a disorder. *See* DoD Report at 10 (citing American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, at 261–64 (3d ed. 1980)).

3. The military's retention standards prior to 2015 generally permitted the discharge of service members with "transsexualism" or "sexual gender and identity disorders." DoD Report at 11 (citing Department of Defense Instruction (DoDI) 1332.38, Physical Disability Evaluation (Nov. 14, 1996) cancelled by DoDI 1332.18, Disability Evaluation System (Aug. 4, 2014)).

4. In 2013, the APA published the fifth edition of the DSM, which replaced the term “gender identity disorder” (itself a replacement for “transsexualism” in the fourth edition) with “gender dysphoria.” Ex. 2 (Diagnostic and Statistical Manual of Mental Disorders (5th ed.) (hereinafter, “DSM-5”) at 451; *see also* DoD Report at 10, 12.

5. The DSM-5 defines the mental condition of “gender dysphoria” as a “marked incongruence between one’s experience/expressed gender and assigned gender, of at least 6 months duration,” that is “associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning.” Ex. 2 (DSM-5) at 452–53; *see also* DoD Report at 12–13, 20.

6. Treatment for gender dysphoria often involves psychotherapy and, in some cases, may include gender transition through cross-sex hormone therapy, sex-reassignment surgery, or living and working in one’s preferred gender. Ex. 2 (DSM-5) at 451; *see also* DoD Report at 22; RAND Corp., *Assessing the Implications of Allowing Transgender Personnel to Serve Openly* (2016) (hereinafter, “RAND Report”) at 6–7, 21, 79–81, Dkt. 32-2 at 54–165.

7. The DSM-5 states that “[c]linically referred adults with gender dysphoria may have coexisting mental health problems, most commonly anxiety and depressive disorders.” Ex. 2 (DSM-5) at 459.

8. The DSM-5 states that “[a]fter gender reassignment, adjustment may vary, and suicide risk may persist.” Ex. 2 (DSM-5) at 454.

9. The APA has stated that, by itself, identification with a gender different from one’s biological sex—i.e., transgender status—was not a mental disorder because “not all transgender people suffer from gender dysphoria.” Am. Psychiatric Ass’n, “Expert Q & A: Gender Dysphoria,” *available at* <https://www.psychiatry.org/patients-families/gender-dysphoria/expert-q-and-a> (last visited May 18, 2020); *see also* DoD Report at 20.

10. Many mental and behavioral health conditions in the DSM-5 are presumptively disqualifying when applying the medical standards for appointment, enlistment, or induction into the

military. *See* Ex. 6 (Department of Defense Instruction 6130.03, “Medical Standards for Appointment, Enlistment, or Induction into the Military Services” (May 6, 2018)) at 11, 44–46 (listing “learning, psychiatric, and behavioral disorders” that are presumptively disqualifying for military service); Hebert Decl. ¶ 9.

II. DoD’s Review by Medical and Professional Experts in 2015

11. In April 2015, the Department of Defense’s Accessions Medical Standards Working Group (AMSWG) began a review of military entry standards for individuals diagnosed with or a history of gender dysphoria in light of recent updates to the DSM-5. Declaration of Lernes Hebert (“Hebert Decl.”) (May 18, 2020), Ex. D (Meeting Minutes, Accessions Medical Standards Working Group (Apr. 7–9, 2015)) at 7.

12. The AMSWG recommended an accessions standard where a current diagnosis or history of gender dysphoria would disqualify an individual from military service unless the individual was 1) “[s]table without psychotropic medications or mental health treatment for 36 months[;]” 2) “[o]utpatient mental healthcare for the resolution of gender dysphoria [had not been] required for greater than 24 cumulative months” (except where therapy was more supportive in nature); and 3) the individual “did not require inpatient mental health treatment in hospital or residential facility.” Hebert Decl. Ex. D (Meeting Minutes, Accessions Medical Standards Working Group (Apr. 7–9, 2015)) at 7.

III. Development of the Carter Policy

13. In July 2015, then-Secretary of Defense Ashton Carter ordered the creation of a working group “to study over the next six months the policy and readiness implications of welcoming transgender persons to serve openly,” and instructed it to “start with the presumption that transgender persons can serve openly without adverse impact on military effectiveness and readiness.”

Memorandum from Secretary Carter (July 28, 2015), Dkt. 12-4; Statement by Secretary of Defense Ash Carter on DOD Transgender Policy, Release No. NR-272-15 (July 13, 2015), *available at* <https://www.defense.gov/Newsroom/Releases/Release/Article/612778/> (last visited May 18, 2020); *see also* DoD Report at 13; Hebert Decl. ¶ 5.

14. The Joint Chiefs of Staff contacted the Office of the Secretary of Defense after Secretary Carter made the July 2015 announcement that ordered the creation of the working group. The Joint Chiefs of Staff asked for a briefing on the forthcoming policy review. Hebert Decl. ¶ 6.

15. Some of the Service Chiefs expressed concern that the review may not be objective and that the presumption appeared to mandate a pre-determined outcome. A similar concern was expressed to DoD in a letter from the then-Chairman of the House Committee on Armed Services. Hebert Decl. ¶ 6.

16. The working group noted that several studies suggested that individuals diagnosed with gender dysphoria have higher than normal associated rates of depression and suicide. *See* Hebert Decl. Ex. A (Transgender Service Review Work Group Out) at 8; Hebert Decl. ¶ 10.

17. The working group heard from a civilian endocrinologist and a civilian plastic surgeon who spoke about care for transgender individuals, but the working group did not hear from any doctor who had treated gender dysphoria (or its comorbidities) from a psychiatric or psychological perspective. Hebert Decl. ¶ 11, Ex. A at 28–43 (showing agendas and speakers at meetings).

18. The Department of Defense commissioned the RAND National Defense Research Institute (RAND) to conduct a study to “(1) identify the health care needs of the transgender population, transgender service members’ potential health care utilization rates, and the costs associated with extending health care coverage for transition-related treatments; (2) assess the potential readiness impacts of allowing transgender service members to serve openly; and (3) review the experiences of foreign militaries that permit transgender service members to serve openly.” RAND National Defense

Research Institute, *Assessing the Implications of Allowing Transgender Personnel to Serve Openly*, at 1 (2016) (hereinafter, “RAND Report”), Dkt. 12-5.

19. In its final report, RAND included a discrete section of “limitations and caveats” in which it recommended caution in interpreting its study results because of “the lack of rigorous epidemiological studies of the size or health care needs of either the U.S. transgender population or the transgender population serving in the military” and “no definitive data” on these populations. RAND Report at 3–4.

20. The RAND Report concluded that allowing transgender service members to serve in their preferred gender would limit deployability, impede readiness, and impose costs on the military, but also stated that those impacts were “negligible,” “marginal,” or “minimal.” RAND Report at xii, 39–42, 46–47, 69–70.

21. Some of the Service Surgeons General recommended a stability period between 24 and 36 months, after which waiver would be permitted for accession into the military. Hebert Decl. ¶ 19.

22. Those Service Surgeons General who recommended a stability period between 24 and 36 months, after which waiver would be permitted for accession into the military, did so to more closely align the military accession standards for gender dysphoria with anxiety disorder and major depressive disorder. Hebert Decl. ¶ 19.

23. On June 30, 2016, Secretary Carter approved the publication of Directive-type Memorandum (DTM) 16-005, entitled “Military Service of Transgender Service Members.” DTM 16-005, Dkt. 12-6.

24. In DTM 16-005, Secretary Carter directed the Department of Defense to revise its accession standards by July 1, 2017. Under these revised accession standards, a history of “gender dysphoria,” “medical treatment associated with gender transition,” or “sex reassignment or genital reconstruction surgery” would remain disqualifying unless an applicant provided a certificate from a licensed medical

provider that the applicant had been stable or free from associated complications for 18 months. DTM 16-005 at Attachment, ¶ 2.

25. DTM 16-005 states that effective June 30, 2016, current service members could not be discharged “solely on the basis of their gender identity” or their “expressed intent to transition genders.” DTM 16-005 at Attachment, ¶ 1.

26. On June 30, 2016, Secretary Carter approved the publication of Department of Defense Instruction (DoDI) 1300.28, entitled “In-service Transition for Service Members Identifying as Transgender.” DoDI 1300.28, Dkt. 12-8.

27. DoDI 1300.28 allowed for a service member who was diagnosed with gender dysphoria to transition genders. DoDI 1300.28, ¶ 3.1.b.

28. Under DoDI 1300.28, transgender service members must receive a diagnosis from a military medical provider for which gender transition is medically necessary in order to change the service member’s gender marker in DEERS and be subject to standards and requirements consistent with that gender marker. DoDI 1300.28 ¶ 3.3(a)(3); *see also* DoD Report at 15.

29. Consistent with these directives, the Navy issued guidance to commands regarding this policy. *See generally* Ex. 1 (U.S. Navy Transgender and Gender Transition Commanding Officer’s Toolkit).

30. Under this guidance, sailors were required to obtain a waiver if their transition could not be completed in 18 months. *See* Ex. 1 (U.S. Navy Transgender and Gender Transition Commanding Officer’s Toolkit) at 3.

IV. Secretary Mattis's Decision to Delay Accession of Individuals with Gender Dysphoria Under Carter Policy

31. On May 8, 2017, then-Deputy Secretary of Defense Robert Work directed the Military Services to assess the Department's readiness to begin accessing transgender applicants into military service on July 1, 2017. Hebert Decl. ¶ 22.

32. The Army requested "a delay in implementing the draft accessions policy until July 1, 2019, to allow for a meaningful analysis and determination regarding the impact of transgender accessions on the Army's readiness," and noted that "some transgender Soldiers experience extensive medical non-deployability both before and after transition[.]" Hebert Decl. ¶ 22.

33. The Air Force recommended a 12 to 36 month delay of the Carter accessions policy, and noted that "information received from Combatant Commands (CCMDs) raises significant concerns about the potential availability, readiness, and deployability of potential transgender accessions that warrants more study." Hebert Decl. ¶ 22.

34. The Navy stated that it was ready to access new accessions but was willing to support the delay requested by the other Services. Hebert Decl. ¶ 22.

35. The Marine Corps requested a 24-month delay of the new accessions policy. Hebert Decl. ¶ 22.

36. On June 30, 2017, Secretary Mattis, approved the Services' recommendation to delay the implementation of the Carter accessions standards. Hebert Decl. ¶ 23.

37. Also on June 30, 2017, Secretary Mattis established a study group that included the representatives of the Service Secretaries and senior military officers, many with combat experience, to conduct a six-month review of the impact of the Carter accessions standards on military readiness and lethality. Hebert Decl. ¶ 23.

V. Presidential Statements on Twitter and Presidential Memorandum

38. While that review was ongoing, the President stated on Twitter on July 26, 2017 that “the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military.” Twitter Statements, Dkt. 12-12.

39. On August 25, 2017, the President issued a memorandum stating that former Secretary Carter had “failed to identify a sufficient basis to conclude that terminating the Departments’ longstanding policy”—which generally disqualified transgender individuals from service—“would not hinder military effectiveness and lethality, disrupt unit cohesion, or tax military resources.” Military Service by Transgender Individuals, 82 Fed. Reg. 41319 (Aug. 25, 2017) §§ 1(a), 2(a), Dkt. 12-15.

40. The President’s memorandum also ordered “further study” into the risks of maintaining the Carter policy and adherence to current accession standards while that review was ongoing. Military Service by Transgender Individuals, 82 Fed. Reg. 41319 (Aug. 25, 2017) §§ 1(a), 2(a), Dkt. 12-15.

VI. The Department’s Development of the 2018 Policy

41. On September 14, 2017, Secretary Mattis established a Panel of Experts (Panel) to “conduct an independent multi-disciplinary review and study of relevant data and information pertaining to transgender Service members.” Memorandum from James N. Mattis, Secretary of Defense, “Terms of Reference—Implementation of Presidential Memorandum on Military Service by Transgender Individuals, at 1–2 (Sept. 14, 2017), Dkt. 12-16; *see also* Military Service by Transgender Individuals – Interim Guidance (Sept. 14, 2017), Dkt. 12-17; DoD Report at 17; Hebert Decl. ¶ 25.

42. The Panel consisted of the members of senior military leadership who had “the statutory responsibility to organize, train, and equip military forces and are uniquely qualified to evaluate the impact of policy changes on the combat effectiveness and lethality of the force.” DoD Report at 18; Hebert Decl. ¶ 25.

43. Unlike the working group that led to the creation of the Carter policy, the Panel was not required to apply a presumption that transgender persons, including transgender individuals diagnosed with gender dysphoria, were generally qualified for military service. Hebert Decl. ¶ 29.

44. In 13 separate meetings over the span of 90 days, the Panel met with military and civilian medical professionals, military and civilian personnel experts, commanders of transgender service members, and transgender service members themselves. DoD Report at 18; Hebert Decl. ¶ 26.

45. The Panel reviewed information regarding gender dysphoria, its treatment, and its impact on military effectiveness, unit cohesion, and military resources. DoD Report at 18; Hebert Decl. ¶ 28.

46. The Panel received briefing from three separate working groups or committees dedicated to issues involving personnel, medical treatment, and military lethality. DoD Report at 18; Hebert Decl. ¶ 25.

47. The Panel considered the military's experience with the Carter policy to date and considered evidence supporting and cutting against its recommendations. DoD Report at 18; Hebert Decl. ¶ 28.

48. As part of its review, the Panel examined data related to current service members diagnosed with gender dysphoria. DoD Report at 21–22; Hebert Decl. ¶ 28; *see* Ex. 5 (*Health Data on Active Duty Service Members with Gender Dysphoria*) (Dec. 13, 2017), at ADMINISTRATIVE_RECORD_003011–42.

49. This same data was not available to RAND nor the Carter Transgender Service Review Working Group in 2016. DoD Report at 21–22; Hebert Decl. ¶ 28.

50. The Panel provided Secretary Mattis with a set of recommendations. DoD Report at 18–19.

51. After considering the Panel's recommendations, along with additional information, Secretary Mattis, with the agreement of the Secretary of Homeland Security, sent the President a memorandum in February 2018 proposing a new policy consistent with the Panel's conclusions. Memorandum for the President Regarding Military Service by Transgender Individuals (Feb. 22, 2018), Dkt. 12-2 (hereinafter, "Mattis Memorandum"); Hebert Decl. ¶ 31.

52. The Mattis Memorandum was accompanied by a 44-page report setting forth in detail the bases for the Department of Defense's recommended new policy. Mattis Memorandum at 3; *see* DoD Report.

53. The Mattis Memorandum states, "Based on the work of the Panel and the Department's best military judgment," the Department of Defense had concluded "that there are substantial risks associated with allowing the accession and retention of individuals with a history or diagnosis of gender dysphoria and require, or have already undertaken, a course of treatment to change their gender." Mattis Memorandum at 2.

54. The Mattis Memorandum states that the Department of Defense had found "that exempting such persons from well-established mental health, physical health, and sex-based standards, which apply to all Service members, including transgender Service members without gender dysphoria, could undermine readiness, disrupt unit cohesion, and impose an unreasonable burden on the military that is not conducive to military effectiveness and lethality." Mattis Memorandum at 2.

55. The Mattis Memorandum states that the RAND Report "contained significant shortcomings" because, *inter alia*, it relied on "limited and heavily caveated data to support its conclusions, glossed over the impacts of healthcare costs, readiness, and unit cohesion, and erroneously relied on the selective experiences of foreign militaries with different operational requirements than our own." Mattis Memorandum at 2.

56. The Mattis Memorandum states, "In short, this policy issue has proven more complex than the prior administration or RAND assumed." Mattis Memorandum at 2.

57. Secretary Mattis proposed a policy that continued some aspects of the Carter policy and departed from others. *Compare* Mattis Memorandum at 2–3, *and* DoD Report at 4–6, 33–43, *with* DTM 16-005.

58. Under the 2018 policy, as under the Carter policy, individuals who “identify as a gender other than their biological sex” but who do not suffer clinically significant “distress or impairment of functioning in meeting the standards associated with their biological sex”—and therefore have no history or diagnosis of gender dysphoria—may serve if “they, like all other persons, satisfy all standards and are capable of adhering to the standards associated with their biological sex.” DoD Report at 4.

59. Under the 2018 policy, individuals who both are “diagnosed with gender dysphoria, either before or after entry into service,” and “require transition-related treatment, or have already transitioned to their preferred gender,” are presumptively “ineligible for service.” DoD Report at 5.

60. This presumptive disqualification for individuals who both are “diagnosed with gender dysphoria, either before or after entry into service,” and “require transition-related treatment, or have already transitioned to their preferred gender,” is subject to both individualized “waivers or exceptions” as well as a categorical reliance exception for service members who took advantage of the Carter policy. DoD Report at 5; *see* Department of Defense DTM 19-004 at 2, Attach. 2 at 5, Attach. 3 at 10, Dkt. 12-19.

61. Service members “who were diagnosed with gender dysphoria by a military medical provider after the effective date of the Carter policy, but before the effective date of any new policy,” including those who entered the military “after January 1, 2018,” “may continue to receive all medically necessary care, to change their gender marker in the Defense Enrollment Eligibility Reporting System (DEERS), and to serve in their preferred gender, even after the new policy commences.” DoD Report at 5.

62. Under the new policy, individuals who “are diagnosed with, or have a history of, gender dysphoria” but who neither require nor have undergone gender transition are likewise “generally disqualified from accession or retention.” DoD Report at 5.

63. This presumptive disqualification for individuals who “are diagnosed with, or have a history of, gender dysphoria” but who neither require nor have undergone gender transition is subject to both

individualized “waivers or exceptions” as well as a categorical reliance exception for service members who took advantage of the Carter policy. DoD Report at 5.

64. Under the new policy, with respect to accession, individuals with a history of gender dysphoria may enter the military if they (1) can demonstrate “36 consecutive months of stability (i.e., absence of gender dysphoria) immediately preceding their application”; (2) “have not transitioned to the opposite gender”; and (3) “are willing and able to adhere to all standards associated with their biological sex.” DoD Report at 5.

65. Under the new policy, with respect to retention, individuals diagnosed with gender dysphoria after entering the military may remain so long as they (1) can comply with Department and Service-specific “non-deployab[ility]” rules; (2) do “not require gender transition”; and (3) “are willing and able to adhere to all standards associated with their biological sex.” DoD Report at 5.

66. On March 23, 2018, the President issued a new memorandum that revoked the 2017 Memorandum “and any other directive” the President “may have made with respect to military service by transgender individuals,” thereby allowing the Secretaries of Defense and Homeland Security to “exercise their authority to implement any appropriate policies concerning military service by transgender persons.” *Military Service by Transgender Individuals*, 83 Fed. Reg. 13367 (Mar. 23, 2018), Dkt. 12-18.

VII. Implementation of the 2018 Policy

67. On March 12, 2019, the Department of Defense issued a memorandum implementing the standards announced in Secretary Mattis’s February 2018 Memorandum and the accompanying DoD Report. *See generally* DTM 19-004.

68. DTM 19-004 prohibits the denial of accessions into the military; involuntary separation or discharge from the military; denial of reenlistment or continuation of service in the military; or

subjecting an individual to adverse action or mistreatment on the basis of gender identity. DTM 19-004 at 2.

69. Pursuant to DTM 19-004, service members who are not exempt from the policy “may consult with a military medical provider, receive a diagnosis of gender dysphoria, and receive mental health counseling, but may not obtain a gender marker change in DEERS or serve in their preferred gender.” DTM 19-004 at 9.

70. Service members who are not exempt “[m]ay not be separated solely based on a diagnosis of gender dysphoria without first being medically evaluated for possible referral to the Disability Evaluation System (DES) pursuant to DoDI 1332.18 or the USCG Physical Disability Evaluation System (PDES), pursuant to Commandant Instruction (COMDTINST) M1850.2 (series).” DTM 19-004 at 9.

71. On March 19, 2019, the Navy issued further guidance regarding DTM 19-004. *See* ALNAV 022/19, Dkt. 12-20; NAVADMIN 070/19, Dkt. 12-21.

72. NAVADMIN 070/19 describes DTM 19-004 and provides guidance on the procedure for requesting an Exception to Policy (“ETP” or “waiver”). *See* NAVADMIN 070/19 § 4.b.

VIII. The Navy Grants Lieutenant Jane Doe’s Waiver Request

73. Plaintiff Lieutenant (LT) Jane Doe sought treatment for depression and anxiety in the spring of 2019. Compl. ¶ 76.

74. In June 2019, a military medical provider diagnosed LT Doe with gender dysphoria, but did not make a finding that transition treatment was medically necessary. Compl. ¶¶ 77, 85.

75. Because LT Doe received the gender dysphoria diagnosis after the effective date of DTM 19-004, she submitted a request to waive the standards of the new policy and serve under the standards of the prior policy. Compl. ¶ 80.

76. To support her waiver request, LT Doe attached three letters of recommendation from her current and former supervisors, who all recommended that the Navy approve her waiver request. *See* Ex. 4 (Letters from Commanders (Aug. 13, 2019, Sept. 20, 2019, Oct. 4, 2019)).

77. In the letters of recommendation supporting her waiver request, LT Doe's current and former supervisors praised her work performance, education, and character. *See* Ex. 4 (Letters from Commanders (Aug. 13, 2019, Sept. 20, 2019, Oct. 4, 2019)).

78. In one of the letters of recommendation supporting her waiver request, a commander stated that officers in LT Doe's position "rarely deploy," and "[a]s such [she] is ideally situated to transition at the right time for [her] regardless of where [she] is serving in the community." *See* Ex. 4 (Letter from Commander (Sept. 20, 2019)).

79. While LT Doe's waiver request was pending, the Naval Medical Forces Atlantic Transgender Care Team reviewed LT Doe's medical records, agreed with the diagnosis of gender dysphoria, and determined that gender transition is medically necessary. Compl. ¶ 85.

80. LT Doe's waiver request was fully approved on May 13, 2020. Ex. 3 (Letter from Acting Secretary James E. McPherson).

81. Because her waiver request was approved, LT Doe is designated as a member of the exempt population and thus may begin her transition and receive all medically necessary care as directed by DoD Instruction 1300.28. *See* DTM 19-004 at 8; Ex. 3 (Letter from Acting Secretary James E. McPherson).

82. Pursuant to DoD Instruction 1300.28, which governs in-service transition for transgender service members, once a military medical provider determines that her medical treatment plan is complete, LT Doe will be able to serve in her preferred gender and obtain a gender marker change in DEERS. *See* DoDI 1300.28 at 7; *see also* DTM 19-004 at 8; Ex. 1 (Navy Commanding Officer's Toolkit) at 5, 19.

May 18, 2020

Respectfully Submitted,

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EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

LT JANE DOE,

Plaintiff,

v.

MARK T. ESPER, *et al.*,

Defendants.

CIVIL ACTION NO. 1:20-cv-10530-FDS

DECLARATION OF LERNES J. HEBERT

I, Lernes J. Hebert, do hereby declare as follows:

1. I am currently the Deputy Assistant Secretary of Defense for Military Personnel Policy, in the Office of the Under Secretary of Defense for Personnel and Readiness. I have held this position in either an acting or appointed capacity since January 2017. As the Deputy Assistant Secretary, I am responsible for overseeing the full spectrum of human resource policies, including accessions, compensation, development, separations, and recognition programs for over two million active duty, Guard, and Reserve military personnel serving in the Department of Defense (“DoD” or “the Department”). I am also directly responsible for policies to sustain the all-volunteer force.

2. Between September 2012 and January 2017, I served as Principal Director, Military Personnel Policy in the Office of the Under Secretary of Defense for Personnel and Readiness and have served in Military Personnel Policy since August 2003. During that time, I have led the Department through a number of major personnel initiatives and policy changes

including initiatives to restructure career longevity provisions, joint officer management, and general and flag officer management.

3. Prior to my retirement from the United States Air Force in the rank of Colonel after 24 years of active service, I served at every level of the field of personnel management to include key assignments in the Office of the Secretary of Defense, the Air Staff, at the Air Force Personnel Center, and with Air Combat Command. I hold a Master of Science degree in National Security Strategy from the National War College, a Masters of Arts degree in Management and Computer Resource Management from Webster University, and a Bachelor of Science degree in Management from the University of Louisiana.

4. In the exercise of my official duties, I have been made aware of the above-captioned lawsuit, as well as four additional suits by transgender individuals pending in other jurisdictions. I submit this declaration in support of Defendants' Consolidated Opposition to Plaintiff's Motion for a Preliminary Injunction and Motion to Dismiss Plaintiff's Complaint, or, in the Alternative, Motion for Summary Judgment. The statements made herein are based on my personal knowledge and information available to me in the course of my official duties.

Secretary Carter Initiates a Policy Review

5. On July 28, 2015, then-Secretary of Defense Ashton Carter issued a memorandum to the Secretaries of the Military Departments announcing that effective July 13, 2015, the authority to approve any involuntary separation or denial of reenlistment based on gender identity was elevated and required the personal approval of the Under Secretary of Defense for Personnel and Readiness. This memorandum also created the Transgender Service Review Working Group ("TSRWG"), which was chartered to formulate policy options for DoD regarding the military service of transgender service members and provide the Secretary with

recommendations within 180 days. The memorandum specifically directed the TSRWG to presume that transgender persons can serve openly without adverse impact to military effectiveness and readiness, unless objective, practical impediments are identified.

6. Shortly after Secretary Carter made this announcement, the Office of the Secretary of Defense (“OSD”) was contacted by the Joint Chiefs of Staff who asked for a briefing on the forthcoming policy review. Some of the Service Chiefs expressed concern that the review may not be objective and that the presumption appeared to mandate a pre-determined outcome. A similar concern was expressed to DoD in a letter from the then-Chairman of the House Committee on Armed Services.

Formation of the TSRWG

7. The TSRWG was chaired by then-Acting Under Secretary of Defense for Personnel and Readiness Brad Carson and was composed of senior civilians and military personnel representing the Services’ personnel offices, the Surgeons General from the Services and Joint Staff, representatives from the U.S. Coast Guard, as well as senior OSD staff from Personnel and Readiness, Health Affairs, Legislative Affairs, Public Affairs, and the Office of the General Counsel. At the time, I served as the Principal Director for Military Personnel Policy. Mr. Anthony Kurta, who at the time was serving as the Deputy Assistant Secretary of Defense for Military Personnel Policy, and I were key representatives of the Office of the Under Secretary of Defense for Personnel and Readiness at TSRWG meetings. I personally attended and participated in 11 of the 13 TSRWG bi-weekly meetings held between August 15, 2015 and January 19, 2016. I also participated in a debrief of the results of the TSRWG’s various lines of effort and products that was given to Mr. Carson on February 17, 2016.

8. At the beginning of the TSRWG process, there was some degree of disparity in the level of familiarity and expertise among working group members regarding transgender issues, including the medical needs of transgender service members. Portions of some of the earliest meetings were devoted to getting all TSRWG members to a base level of understanding. For example, some TSRWG members initially did not fully appreciate that gender dysphoria is a separate behavioral health condition affecting only a portion of transgender individuals. As we learned, the Fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association (“DSM-5”) states that individuals with gender dysphoria are a subset of transgender individuals who experience “significant distress or problems functioning” as a result of an incongruence between their expressed gender and/or secondary sex characteristics.

Challenges Faced by the TSRWG

9. In my experience, it was unusual that a medical condition, such as gender dysphoria, should carry with it a presumption of fitness for military service, as directed by Secretary Carter, and particularly unusual for a mental or behavioral health condition in the DSM-5 to carry such a presumption. I am unaware of any other medical condition or any other mental or behavioral health condition where such a presumption of fitness for military service is applied. Indeed, as outlined in Department of Defense Instruction 6130.03, many mental and behavioral health conditions in the DSM-5 are presumptively disqualifying when applying the medical standards for appointment, enlistment, or induction into the military.

10. The TSRWG attempted to come to grips with several other thorny issues, some of which are addressed in the TSRWG’s written “Report Out,” which was briefed to Mr. Carson on February 17, 2016. A copy of the Report Out is attached as Exhibit A. For example, one

challenge was a lack of information regarding the efficacy of transition treatment to relieve the “significant distress” associated with gender dysphoria. The TSRWG was presented with the results of several studies suggesting that individuals diagnosed with gender dysphoria have higher than normal associated rates of depression and suicide, as well as medical research that indicated important short-term medical and psychiatric benefits from gender reassignment treatment in some individuals. But, there was limited data on the rates of improvement or the continued level of improvement during transition or post-transition. This made crafting a policy that would account for a stability period after which a transitioning service member would again be worldwide deployable or a transitioned applicant for military service would be able to complete basic training extremely challenging. This challenge was exacerbated by the fact that a number of studies and experts in the field of transgender care often seemed to blur the lines between scientific research and advocacy. In fact, some of the advocacy groups that the TSRWG consulted consistently advocated for no stability period beyond the standard recovery periods associated with surgical procedures. Those groups opined that any post-transition distress was purely due to the social stigma and not due to gender dysphoria which they claim transition entirely resolved. Yet, the TSRWG could not identify any empirical data which supported these theories.

11. In a related matter, a senior military member of the TSRWG who represented the Office of the Surgeon General for one of the Services complained about an apparent outsized role that advocacy groups had in shaping the TSRWG’s medical analysis and recommended that the TSRWG also hear from a medical professional, Dr. Paul R. McHugh, who was known to have differing views. While the TSRWG did invite a distinguished plastic surgeon and distinguished endocrinologist to speak on transgender care in the civilian community, the

working group never heard from Dr. McHugh or any doctor who had treated gender dysphoria (or its comorbidities) from a psychiatric or psychological perspective.

RAND Study and Report

12. To assist the TSRWG, DoD also contracted the services of the RAND National Defense Research Institute. RAND was to complete its study and provide its recommendations within the 180-day window Secretary Carter had allotted to the TSRWG to complete its review. The RAND study encountered some challenges similar to those faced by the TSRWG because of gaps in reliable data. Indeed, in its final report, RAND included a discrete section of “limitations and caveats” in which it recommended caution in interpreting its study results because of “the lack of rigorous epidemiological studies of the size or health care needs of either the U.S. transgender population or the transgender population serving in the military” and “no definitive data” on these populations.

13. In the course of assisting the TSRWG, RAND researchers gave several presentations to DoD in which these and additional challenges were highlighted. For example, in one presentation given in January 2016, attached as Exhibit B, RAND specifically noted that “[u]ncertainty remains regarding the long term efficacy of G[ender] R[eassignment] T[reatment], though existing data suggests potentially important short term medical and psychiatric benefits[.]” In that same presentation, RAND opined on the impact to unit cohesion and noted that there was “[n]o direct evidence, applicable surveys, or systematic information to determine attitudes on transgender individuals among military members[.]” Although RAND further stated that “evidence from previous integration efforts (*e.g.*, gays, lesbians, and women) indicates that such integration had minimal impact on unit cohesion and readiness,” both the TSRWG and the later Panel of Experts found that such prior examples of integration had little

applicability to the unique concerns at issue in its review of military service by individuals diagnosed with gender dysphoria because those integration efforts did not involve potential lost deployment time due to a medical condition.

14. Other assumptions made by RAND to support some of their conclusions, subsequently turned out to be simply wrong. For example, in February 2016, RAND again briefed members of the TSRWG. That presentation is attached as Exhibit C. In that presentation, RAND estimated the maximum total non-deployable days for certain medical treatments for gender dysphoria. Although RAND identified cross-sex hormone treatments as the largest percentage of treatments, and noted that deployment limitations may apply based on such treatments, it accounted for zero non-deployability days based on “pending accommodations[.]” In its final report, RAND explained that it based its estimate of zero non-deployability days for cross-sex hormone treatments on an assumption that DoD would either depart from Endocrine Clinical Practice Guidelines for the Treatment of Gender-Dysphoric / Gender-Incongruent Persons or deploy independent medical personnel to supervise hormone treatments administered to individuals diagnosed with gender dysphoria in a deployed environment. Ultimately, however, as the Panel of Experts discovered during its subsequent policy review, several of the Military Services and at least one Combatant Command¹ (*i.e.*, MOD 13 to USCENTCOM Individual Protection and Individual/Unit Deployment Policy) determined that administering hormone treatments in a forward deployed environment or declining to apply established medical guidelines, were not feasible accommodations.

¹ A Combatant Command is a military command which has broad, continuing missions. *See* 10 U.S.C. § 161. These commands are established to provide effective command and control of U.S. military forces, regardless of branch of service, in peace and war. They are organized either on a geographical basis or on a functional basis. U.S. Central Command is the geographical command responsible for responding to crises, deterring and defeating threats, and increasing regional stability throughout the Middle East.

15. In addition, subsequent data showed that RAND underestimated the utilization rates of medical treatment for gender dysphoria. Specifically, RAND estimated that the open service directive would result in approximately 140 active duty service members initiating transition-related hormone treatment. However, the data provided to the Panel of Experts, based on actual treatment records of military service members, shows that the rate of hormone-related transition care was approximately five times higher than RAND's estimate.

Input from Military Medical Professionals

16. Early in the process, the TSRWG was presented with the results of recently completed work on gender dysphoria from DoD's Accessions Medical Standards Working Group ("AMSWG"). The AMSWG is a standing committee established under the direction of the DoD Medical and Personnel Executive Steering Committee ("MEDPERS"). (Since January 2017, I have served as the MEDPERS co-chair.) The AMSWG is composed of medical and personnel subject-matter experts from across the Department, the Military Services, and the U.S. Coast Guard and meets regularly to review military accession standards involving over 30 bodily systems and medical focus areas, carefully considering evidence-based clinical information, peer-reviewed scientific studies, scientific expert consensus, and the performance of existing military medical accession standards in light of empirical data on attrition, deployment readiness, waivers, and disability rates. The TSRWG was presented with the AMSWG's recommendations to update the Department of Defense medical standards for accessions into the military—DoD Instruction 6130.03—in light of updates to DSM-5.

17. As reflected in the minutes of their April 2015 meetings, attached as Exhibit D, the AMSWG recommended that a current diagnosis or history of gender dysphoria be disqualifying for accession unless: (1) the applicant was stable without psychotropic medications or mental health treatment for 36 months; (2) outpatient mental healthcare for the

resolution of gender dysphoria was not required for greater than 24 cumulative months. (If therapy is more supportive in nature, *e.g.*, through the transition process, the same provision would not apply); and (3) the applicant did not require inpatient mental health treatment in hospital or residential facility.

Input from the Military Services and Decision

18. As part of the TSRWG process, input was sought from personnel experts from the Military Services on a new accessions standard for transgender individuals and individuals diagnosed with gender dysphoria. The positions of the Military Services were collected and assembled into a matrix which was presented to Mr. Carson in February 2016. The matrix is attached as Exhibit E. As reflected in the matrix, there were several disagreements between the Military Services regarding accessions standards, including whether DoD should require potential service members' biological sex to correspond with their gender identity, the length of any period of stability required before an individual could access into the military, and whether or not service members should be allowed to transition within their first term of service. The Army and Marine Corps recommended a more conservative approach, similar to the policy that was recommended by the Panel of Experts to Secretary Mattis in 2018. The Navy and the Air Force recommended a policy that would allow for service in one's preferred gender, with the Navy recommending a stability period prior to accession in the military of 12 months and the Air Force recommending a 24-month stability period.

19. Although not captured in this particular matrix, some of the Service Surgeons General advocated for a stability period between 24 and 36 months, after which waiver would be permitted, to more closely align with the comorbidities of gender dysphoria—*anxiety disorder and major depressive disorder.*

20. Ultimately, then-Secretary Carter adopted the views favoring service consistent with one's gender identity and set the stability period for accessions at 18 months, as announced on June 30, 2016, as DTM 16-005, Military Service of Transgender Service Members. Secretary Carter also directed that these accessions standards be reviewed within two years and be maintained or changed consistent with applicable medical standards and clinical practice guidelines in order to ensure military readiness and promote effectiveness in recruiting and retention.

The New Administration

21. Following the start of the Trump Administration, some of the Services sought to have then-Secretary Mattis reconsider the Carter policy, based in part on recent challenges encountered while implementing the 2016 policy. Further, the Service Surgeons General formally recommended extending the 18-month Carter policy accessions stability period to at least 24 months, noting that "currently accepted clinical practice guidelines and our experience in DoD demonstrate that successful gender transition is a protracted process, often requiring several years to reach clinical stability." This memorandum is attached as Exhibit F.

22. In response to these concerns, on May 8, 2017, then-Deputy Secretary of Defense Robert Work directed the Military Services to assess the Department's readiness to begin accessing transgender applicants into military service on July 1, 2017, as directed under the Carter policy. Each of the Service Secretaries formally responded to the Deputy Secretary, and each one of them recommended a delay of the Carter accessions policy. The Services' responses are attached as Exhibit G. The Army requested "a delay in implementing the draft accessions policy until July 1, 2019, to allow for a meaningful analysis and determination regarding the impact of transgender accessions on the Army's readiness," noting that "some

transgender Soldiers experience extensive medical non-deployability both before and after transition[.]” The Air Force recommended a 12- to 36-month delay of the Carter accessions policy, noting that “information received from Combatant Commands (CCMDs) raises significant concerns about the potential availability, readiness, and deployability of potential transgender accessions that warrants more study.” The Navy stated that it was ready to access new accessions but was willing to support the delay requested by the other Services. And, the Marine Corps requested a 24-month delay of the Carter accessions policy.

23. On June 30, 2017, before the Carter accessions standards were set to take effect, Secretary Mattis approved the Services’ recommendation to delay the implementation of those standards for an additional six months to evaluate more carefully their impact on military readiness and lethality. Secretary Mattis also established a study group that included the representatives of the Service Secretaries and senior military officers, many with combat experience, to conduct this six-month review.

24. On August 25, 2017, while this review was ongoing, the President sent the Secretaries of Defense and Homeland Security a memorandum expressing his concern that the Carter policy “failed to identify a sufficient basis” for changing longstanding policy and that “further study is needed to ensure that continued implementation of last year’s policy change would not have ... negative effects.” The President then directed DoD and the Department of Homeland Security (“DHS”) to reinstate the preexisting policy concerning accession of transgender individuals “until such time as a sufficient basis exists upon which to conclude that terminating that policy” would not “hinder military effectiveness and lethality, disrupt unit cohesion, or tax military resources.” The President’s Memorandum also made clear, however,

that DoD and DHS could notify him “at any time, in writing, that a change to this policy is warranted.”

Creation of Panel of Experts

25. On September 14, 2017, then-Secretary Mattis created a Panel of Experts (“the Panel”) comprised of senior uniformed and civilian Defense Department and U.S. Coast Guard leaders and directed them to consider the issue of military service by transgender individuals and individuals with gender dysphoria and develop policy proposals based on data, as well as their professional military judgment, that would enhance the readiness, lethality, and effectiveness of the military. The Panel consisted of senior military and civilian leaders who had the statutory responsibility to organize, train, and equip military forces and who, based on their positions and experience, were uniquely qualified to evaluate the impact of policy changes on the combat effectiveness and lethality of the force. The Panel’s task was to “conduct an independent multidisciplinary review and study of relevant data and information pertaining to transgender Service members.” The Panel was supported by three working groups, which were assigned areas of focus and expertise. Secretary Mattis also directed the Panel to provide its best military advice based on increasing the lethality and readiness of the armed forces, without regard to any external factors.

Work of the Panel of Experts

26. The Panel met 13 times over a span of 90 days. I attended and participated in all of the Panel’s meetings. In the first Panel meeting on October 13, 2017, Mr. Kurta, who was then performing the duties of the Under Secretary of Defense for Personnel and Readiness, chaired the Panel and gave an overview of Secretary Mattis’s direction. Mr. Kurta advised the Panel that because the President’s memorandum made clear that at any time the Department

could advise the President that a change in policy was warranted, the Panel was free to consider a full range of policy options. The Panel members agreed that this was the correct interpretation of the President's Memorandum and Secretary Mattis's direction to the Panel. Additionally, the members of the Panel agreed that their recommendations should be free of political considerations.

27. To fulfill its mandate, the Panel addressed three primary questions:

- Should the Department of Defense access transgender individuals?
- Should the Department allow transgender individuals to transition gender while serving, and if so, what treatment should be authorized?
- How should the Department address transgender individuals who are currently serving?

28. In order to provide evidence-based recommendations regarding these questions, the Panel met with and received input from transgender Service members, commanders of transgender Service members, military medical professionals, and civilian medical professionals with experience in the care and treatment of individuals with gender dysphoria. The Panel also reviewed information and analyses about gender dysphoria, the treatment of gender dysphoria, and the effects of currently serving individuals with gender dysphoria on military effectiveness, unit cohesion, and resources. The Panel's analysis was also informed by the Department's own data and experience obtained since the Carter policy took effect, *e.g.*, Health Data on Active Duty Service Members with Gender Dysphoria, December 13, 2017. This data was not available to RAND or the TSRWG in 2016.

29. Unlike the TSRWG, the Panel was not required to apply a presumption that transgender persons, including transgender individuals diagnosed with gender dysphoria, were

generally qualified for military service; the Panel made no assumptions but instead attempted to apply the relevant standards applicable to every service member to determine the extent to which transgender persons, including transgender individuals diagnosed with gender dysphoria, are qualified for military duty. Further, while the RAND report analyzed the factors of military readiness, deployability, unit cohesion, and cost on a force-wide or macro level, the Panel also looked at impacts at the unit or micro level, including the impact that high numbers of non-deployable military personnel place on families whose service members deploy more often to backfill or compensate for non-deployable persons.

30. After extensive review and deliberation, which included evidence in support of and against the Panel's recommendations, the Panel concluded that there are substantial risks associated with allowing the accession and retention of individuals with a history or diagnosis of gender dysphoria and who require, or have already undertaken, a course of treatment to change their gender. Furthermore, the Panel found that exempting such persons from well-established mental health, physical health, and sex-based standards, which apply to all service members, including transgender service members without gender dysphoria, could undermine readiness, disrupt unit cohesion, and impose an unreasonable burden on the military that is not conducive to military effectiveness and lethality. The Panel did recommend, however, that individuals who relied on the Carter policy be allowed to continue serving in their preferred gender.

Adoption of Panel Recommendations

31. Once the Panel finalized its recommendations, the then-Under Secretary of Defense, Robert Wilkie, Mr. Kurta, and I presented those recommendations to the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff and then to Secretary

Mattis. Secretary Mattis made his decision to accept the recommendations of the Panel and directed a formal report to be created. That report, titled Department of Defense Report and Recommendations on Military Service by Transgender Persons, was created under the authority of Under Secretary of Defense for Personnel and Readiness and submitted to then-Secretary Mattis, who in turn submitted it to the President, along with a three-page cover memo on February 22, 2018. On March 23, 2018, the President accepted then-Secretary Mattis's recommendation and withdrew his August 25, 2017 Memorandum.

Conclusion

32. Having participated in both the review by the TSRWG convened by then-Secretary Carter and the Panel of Experts convened by former Secretary Mattis, it is my view that the work of both groups reflected thoughtful, considered processes that incorporated the experience and expertise of dedicated military and civilian officials to address difficult, complex, and controversial issues. In my opinion, the most substantial factors that account for the different outcomes in these reviews are: (1) the general presumption of fitness for military service that was applied by the TSRWG but not the Panel of Experts; (2) additional knowledge DoD and the Military Services gained from their experience under the Carter policy; (3) the additional data available to the Panel of Experts to review regarding impacts under the Carter policy; (4) the fact that the Panel of Experts' review included more analysis of unit-level implications than during the TSRWG review; and (5) that Secretary Mattis was less willing than Secretary Carter to assume risk in the absence of clear data regarding impacts on military readiness and deployability.

Pursuant to 28 U.S.C. § 1746(2), I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 18th day of May 2020, in Arlington, Virginia.



Lernes J. Hebert
Deputy Assistant Secretary of Defense for Military
Personnel Policy
Office of the Under Secretary of Defense for Personnel
and Readiness

EXHIBIT F

Stenographic Transcript
Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

HEARING TO RECEIVE TESTIMONY ON THE DEPARTMENT OF DEFENSE
BUDGET POSTURE IN REVIEW OF THE DEFENSE AUTHORIZATION
REQUEST FOR FISCAL YEAR 2019 AND THE FUTURE YEARS DEFENSE
PROGRAM

Thursday, April 26, 2018

Washington, D.C.

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1 look at what they are doing with their support for terrorism
2 from Bahrain to Yemen, from Syria to Lebanon and elsewhere,
3 their maritime threat, their cyber threat. We have got to
4 look at all these things, sir, as a whole, but at the same
5 time focus on this imperfect arms control agreement and
6 determine if that is in our best interest.

7 Senator Sullivan: Trust factor?

8 Secretary Mattis: I think trust but verify would be an
9 exaggeration. I think it is distrust and verify.

10 Senator Sullivan: Thank you.

11 Senator Inhofe: Thank you, Senator Sullivan.

12 Senator Gillibrand: Thank you, Mr. Chairman.

13 General Dunford, your fellow chiefs have told me that
14 they are not aware of any instances of issues with unit
15 cohesion, morale, and discipline as a result of open
16 transgender service. Have you heard of any such incidents?

17 General Dunford: Senator, thanks. I would not
18 typically hear of individual cases of cohesion or discipline
19 issues.

20 And maybe just a comment on transgender. For me, the
21 issue with transgender has never been about cohesion or
22 discipline anyway. It was just about any individual,
23 regardless of circumstances, being able to meet the physical
24 and mental qualifications of being worldwide deployable. So
25 if an individual is serving without accommodation, then I do

1 not think I would expect to see discipline or cohesion
2 issues in that unit.

3 Senator Gillibrand: During our last discussion on this
4 topic, you said that you would treat all service members,
5 including transgender service members, with dignity and
6 respect.

7 The recommendations on transgender service and the
8 accompanying panel report were released as part of the DOJ's
9 filing on Friday night. Service members found out in the
10 news that the Department had submitted a report that cast
11 dispersions on their fitness to serve, implied they could
12 harm the lethality of the force, and left their futures in
13 the military up in the air.

14 Do you think this rollout accords transgender service
15 members with the dignity and respect they deserve?

16 General Dunford: Senator, one thing we have tried to
17 clarify for our men and women that are current serving is
18 that -- and I cannot talk about any changes in the policy.
19 But one thing that did not change was the status of the men
20 and women that are currently serving.

21 Senator Gillibrand: That is not the impression the
22 report leaves.

23 Do you know whether this has created anxiety among
24 these troops? Have you met with any transgender troops
25 given this report?

1 General Dunford: I have not since the report was
2 released, Senator.

3 Senator Gillibrand: I recommend that you do so so you
4 are more informed.

5 Secretary Mattis, one of the things that struck me
6 about your panel's report was its claim that, quote, unlike
7 past reviews, the panel's analysis was informed by the
8 Department's own data and experience obtained since the
9 Carter policy took effect. That is why I have been asking
10 the chiefs about unit cohesion. In fact, General Milley put
11 it with regard to the Army as precisely zero instances of
12 units with less unit cohesion, morale, and discipline.

13 I am very concerned about this report because it says
14 that there is, quote, scientific uncertainty surrounding the
15 efficacy of transition-related treatments for gender
16 dysphoria. Yet, the American Medical, Psychological, and
17 Psychiatric Associations have all said the report
18 misrepresents what is the scientific consensus when it comes
19 to gender dysphoria and transition. In fact, despite the
20 report's stated concerns about deployability of transgender
21 service members because of gender dysphoria or associated
22 medical care, a report being issued today by the Palm Center
23 here, which I am going to give to you so you can read in
24 full, says that, quote, out of 994 service members diagnosed
25 with gender dysphoria in 2016 and the first half of 2017, 40

1 percent deployed in support of Operation Enduring Freedom,
2 Operation Iraqi Freedom, or Operation New Dawn, and only one
3 had an issue during that deployment.

4 It appears that this report that your Department has
5 issued is not based on the Department's data or science but
6 rather, quote, potential risks that the authors cannot back
7 up. And in fact, this seems to me to be the same uninformed
8 and unfounded concerns that led to the opposition of
9 repealing don't ask/don't tell, integrating women into the
10 military, integrating African Americans into the military.
11 And I think you need to do a lot more work on this topic to
12 inform yourselves.

13 What is so different about transgender service that
14 makes you think that though the data and medical science do
15 not justify it, transgender service will harm the readiness
16 and lethality of our force?

17 Secretary Mattis: Well, Senator, I regret the way you
18 characterize it. I would remind you that when I came into
19 this job, I said I do not come in with a preordained or
20 agenda to change something. I am in to carry three lines of
21 effort forward. One of them was to create a more lethal
22 military. And I believe that service in the military is a
23 touchstone for patriotic Americans. The military protects
24 all Americans' freedom and liberty to live as they choose,
25 and we are proud of that.

1 71 percent of 18 to 24-year-old men and women in this
2 country do not qualify for medical, legal, behavioral,
3 intellectual reasons to enlist as a private in the U.S.
4 Army. 71 percent.

5 In this case, I was meeting with the service chiefs and
6 the Chairman -- not the Joint Chiefs, the service chiefs --
7 last spring, and they were asking me questions because we
8 were coming up on the advent of the induction of
9 transgender. And they wanted to know how they were going to
10 deal with certain issues about basic training, about
11 deployability. I said, did you not get all of this when the
12 policy came out? The Carter policy we call it. They said
13 no. And I said, well, did you have input? They said no,
14 they did not.

15 So I convened that panel. That panel was made up of
16 combat veterans, the vice chiefs of the services, and the
17 under secretaries. And they called together transgender
18 troops. They brought in commanders of transgender troops,
19 and they brought in and listened to civilian and military
20 medical experts who have provided care for transgenders both
21 in the military and outside. And I gave my 44-page advice.
22 I would like to have it entered, Chairman, for the record.

23 [The information referred to follows:]

24 [COMMITTEE INSERT]

25

1 Senator Gillibrand: And a list of all experts you
2 consulted, please.

3 Secretary Mattis: Pardon?

4 Senator Gillibrand: I would like a list of all the
5 experts, medical experts, that were consulted for that
6 report, please.

7 Secretary Mattis: Right now, this is under litigation.
8 I will see what I can provide or when I can provide it. I
9 will do that, Senator.

10 But at the same time, basically my responsibility is to
11 give the best advice I can for making a lethal force. And I
12 think that right now the Carter policy is still in effect,
13 and we have the four cases being litigated.

14 Why these issues like this would not come to the
15 service chief level during this was a very, very, I would
16 call it, newsworthy situation. And the reason is that under
17 the Carter policy, the reporting is opaque. We cannot
18 report that a problem emanated from a transgender. We
19 cannot under the Carter policy do that. So the question you
20 have asked the service chiefs and the Chairman are ones that
21 right now the Carter policy prohibited that very information
22 from coming up because it is private information. And it is
23 specifically called out in his policy statement. So it is
24 impossible for them to have responded to you.

25 And I would just say that right now we look at medical

1 conditions. If gender dysphoria has anxiety or it has some
2 kind of depression, we do not allow anyone in with that. I
3 would have to make a special category that said you can have
4 these disqualifying factors only if you are transgender, and
5 then we can bring you in. I think you understand why we
6 have not chosen to do that.

7 Senator Inhofe: Thank you.

8 Senator Fischer?

9 Senator Fischer: Thank you, Mr. Chairman.

10 Secretary Mattis, in last year's NDAA, Congress
11 required the Department to evaluate whether existing cruise
12 missile systems could be converted into a ground-launched
13 version as part of our response to Russia's violation to the
14 INF Treaty. The Department's response, which was a letter
15 from Under Secretary Lord, was sent to the committee 2 weeks
16 ago. And it states that DOD is in the early stages of
17 identifying the system requirements and is therefore unable
18 to conduct an assessment at this time.

19 I know the Department is moving forward on a broader
20 effort beyond just a ground-launched cruise missile, but I
21 am concerned about the urgency of our response because, as
22 we both know, we can spend the next 3 years defining
23 requirements and analyzing alternatives and not conduct any
24 actual research and development.

25 So I would just ask, what is your expected timeline for