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

AUG 13 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS

SUBJECT: Extending Benefits to the Same-Sex Spouses of Military Members

The Department of Defense welcomes the Supreme Court's recent decision declaring section 3 of the Defense of Marriage Act, which prevented Federal recognition of same-sex marriages, to be unconstitutional. The Department has begun the process of implementing the Supreme Court's decision in consultation with the Department of Justice and other executive branch agencies. It is now the Department's policy to treat all married military personnel equally. The Department will construe the words "spouse" and "marriage" to include same-sex spouses and marriages, and the Department will work to make the same benefits available to all military spouses, regardless of whether they are in same-sex or opposite-sex marriages. The Department will continue to recognize all marriages that are valid in the place of celebration.

The implementation effort is led by the Acting Under Secretary of Defense for Personnel and Readiness, in coordination with the Military Departments. It is my expectation that all spousal and family benefits, including identification cards, will be made available to same-sex spouses no later than September 3, 2013. The Acting Under Secretary of Defense for Personnel and Readiness will issue further guidance as necessary as the Department works through this process.

On February 11, 2013, my predecessor directed that the Department of Defense extend, by August 31, 2013, certain benefits to same-sex domestic partners of military members, and, where applicable, the children of the same-sex domestic partner, once the Service member and their same-sex domestic partner signed a declaration attesting to the existence of their committed relationship. He also stated that the Department would reassess this decision if the Defense of Marriage Act were to become no longer applicable to the Department. After the recent Supreme Court decision made the Act inapplicable to the Department, that reassessment was conducted.

As the Supreme Court's ruling has made it possible for same-sex couples to marry and be afforded benefits available to any military spouse and family, I have determined, consistent with the unanimous advice of the Joint Chiefs of Staff, that the extension of benefits to the same-sex domestic partners of military members is no longer necessary to remedy the inequity that was caused by section 3 of the Defense of Marriage Act.

We recognize that same-sex couples not stationed in a jurisdiction that permits same-sex marriage would have to travel to another jurisdiction to marry. Accordingly, the Department will implement policies to allow military personnel in such a relationship non-chargeable leave for the purpose of traveling to a jurisdiction where such a marriage may occur. This will provide

accelerated access to the full range of benefits offered to married military couples throughout the Department and help level the playing field between opposite-sex and same-sex couples seeking to be married.

The Department of Defense remains committed to ensuring that all men and women who serve our country and their families are treated fairly and equally. Expeditious implementation of the decisions announced in this memorandum will help the Department remain true to that commitment.

Thank you.

cc:
Secretary of Homeland Security
Secretary of Health and Human Services
Secretary of Commerce
Chairman of the Joint Chiefs of Staff
Commandant of the Coast Guard
General Counsel of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant to the Secretary of Defense for Public Affairs