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

FEB 11 2013

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

SUBJECT: Extending Benefits to Same-Sex Domestic Partners of Military Members

The implementation of the repeal of the "Don't Ask, Don't Tell" law has been led effectively by leaders throughout the chain of command and is now essentially completed. Discrimination based on sexual orientation no longer has a place in the military. Today, our military leaders are ensuring that all America's sons and daughters who volunteer to serve our Nation in uniform are treated with equal dignity and respect, regardless of their sexual orientation. Our work must now expand to changing our policies and practices to ensure fairness and equal treatment and to taking care of all of our Service members and their families, to the extent allowable under law.

It is therefore time to address the question of the benefits we will extend to same-sex domestic partners of Military Service members. There are currently 20 educational, survivor, and travel and transportation benefits that are available by designation of the Service member. A list of these member-designated benefits is contained in Attachment 1.

At the direction of the President, the Department has conducted a careful and deliberative review of the benefits currently provided to the families of Service members. We have now identified additional family member and dependent benefits that we can lawfully provide to same-sex domestic partners of Military Service members and their children through changes in Department of Defense policies and regulations. A list of those benefits is contained in Attachment 2. These benefits shall be extended to the same-sex domestic partners and, where applicable, children of same-sex domestic partners, once the Service member and their same-sex domestic partner have signed a declaration attesting to the existence of their committed relationship. A blank copy of the proposed declaration form is in Attachment 3.

Implementation of these benefit changes will require substantial policy revision, training, and in the case of identification cards, technical upgrades. However, it is my expectation that these benefits will be made available to same-sex domestic partners as expeditiously as possible. The Military Services will make every effort to ensure eligible same-sex domestic partners of Service members and their families receive the benefits listed in Attachment 2 by August 31, 2013, but in no case after October 1, 2013. This implementation effort will be led by the Acting Under Secretary of Defense for Personnel and Readiness, in coordination with the Military Departments. The Military Departments shall submit regular updates on their progress implementing this directive through the Acting Under Secretary of Defense for Personnel and Readiness.

Additional benefits, such as health care and housing allowances, are by statute currently only available to spouses and therefore cannot be made available to same-sex domestic partners of Service members under current law. In the event that the Defense of Marriage Act is no longer applicable to the Department of Defense, it will be the policy of the Department to construe the words "spouse" and "marriage" without regard to sexual orientation, and married couples, irrespective of sexual orientation, and their dependents, will be granted full military benefits. In addition, the benefits changes directed by this memorandum will be re-assessed at that time to determine whether other changes are needed or appropriate, to include whether unmarried same-sex domestic partnerships should be a basis for eligibility for benefits in the future.

With regard to on-base housing, burial, and benefits related to command sponsorship overseas, these benefits present complex legal and policy challenges due to their nexus to statutorily-prohibited benefits and due to ongoing reviews about how best to provide scarce resources. The Military Services will continue to review these benefits to determine how best to ensure that all Service members are treated equally regardless of sexual orientation.

The Department will immediately proceed with the planning and implementation of these changes and provide the Secretary of Defense an implementation plan within 60 days.

Attachments:
As stated

cc:
Chairman of the Joint Chiefs of Staff
General Counsel of the Department of Defense
Assistant to the Secretary of Defense for Public Affairs
Assistant Secretary of Defense for Legislative Affairs
Commandant, United States Coast Guard

ATTACHMENT 1

Member-Designated Benefits

- Service Members Group Life Insurance Beneficiary;
- Post Vietnam-Era Veterans Assistance Program Beneficiary;
- All-Volunteer Force Educational Assistance Program – Active Duty Death Benefit;
- Death Gratuity Beneficiary;
- Final Settlement of Accounts Beneficiary;
- Wounded Warrior Designated Caregiver;
- Thrift Savings Plan Beneficiary;
- Survivor Benefit Plan Beneficiary for Retirees;
- Casualty Notification;
- Escorts for Dependents of Deceased or Missing Members – Eligibility to be an Escort;
- Designation of Persons Having Interest in Status of a Missing Member;
- Veterans' Group Life Insurance Beneficiary;
- Person Eligible to Receive Effects of Deceased Persons;
- Travel and Transportation Allowance: Attendance at Yellow Ribbon Reintegration Events;
- Travel and Transportation Allowance: Transportation of Designated Individuals Incident to Hospitalization of Members for Treatment of Wounds, Illness, Injury;
- Designation of Persons Authorized to Direct Disposition of Remains of Members of the Armed Forces;
- Presentation of the Flag of the United States;
- Transportation for Survivors of Deceased Member to Attend the Member's Burial Ceremony or Memorial Service
- Hospital Visitation Privileges
- Membership in Family Readiness Groups

ATTACHMENT 2

Additional Benefits for Same-Sex Domestic Partners

Eligibility for the following benefits shall be extended to Service members, their same-sex domestic partners and, where applicable, children of same-sex domestic partners, where the Service member and their same-sex domestic partner have signed a declaration attesting to the existence of a committed relationship, a proposed draft of which is in Attachment 3:

- Dependent ID cards, which Will be Renewed in Accordance with Existing Policies
- Commissary Privileges
- Exchange Privileges
- Morale, Welfare and Recreation Programs
- Surveys of Military Families
- Quadrennial Quality of Life Review
- Emergency Leave
- Emergency Leave of Absence
- Youth Sponsorship Program
- Youth Programs
- Family Center Programs
- Sexual Assault Counseling Program
- Joint Duty Assignments
- Exemption from Hostile-Fire Areas
- Transportation to and from Certain Places of Employment and on Military Installations
- Transportation to and from Primary and Secondary School for Minor Dependents
- Authority of Service Secretary to Transport Remains of a Dependent
- Disability and Death Compensation: Dependents of Members Held as Captives
- Payments to Missing Persons
- Space-Available Travel on DoD Aircraft
- Child Care
- Legal Assistance

ATTACHMENT 3

DECLARATION OF DOMESTIC PARTNERSHIP

For purposes of this declaration, the following definitions apply:

DOMESTIC PARTNER means a person in a domestic partnership with a Service member of the same sex.

DOMESTIC PARTNERSHIP means a committed relationship between two adults, of the same sex, that meets all of the requirements below.

We attest/declare that the following statements are true and correct:

1. We are each other's sole domestic partner, in a committed relationship, and intend to remain so indefinitely;
2. Neither of us is married (legally or by common law), joined in civil union with, or domestic partners with anyone else;
3. We are at least 18 years of age and mentally competent to consent to contract;
4. We share responsibility for a significant measure of each other's common welfare and financial obligations;
5. We are not related in a way that, if we were of opposite sexes, would prohibit legal marriage in the State in which we reside; and,
6. With regard to a common residence:
   a. We have a common residence and intend to continue the arrangement; or
   b. We would have a common residence but for the requirements of military service.

We also agree to, and understand that:

7. We must inform my Service not later than 30 days after (a) the date of dissolution of the domestic partnership, (b) the date the partnership no longer meets the eligibility requirements, or (c) termination of the domestic partnership by death;
8. The dissolution of the relationship may result in the termination of benefits; and,
9. Falsification or failure to inform Service:
   a. Willful falsification of information within this declaration or failure to abide by its terms may lead to disciplinary action or constitute a criminal violation under the Uniform Code of Military Justice and/or title 18, U.S.C., section 1001. Falsification of information may also lead to the loss of benefits and/or the recovery of the cost of benefits received related to such falsification.
   b. Failure to inform my Service not later than 30 days after (a) the dissolution or termination of the domestic partnership, or (b) the date the partnership no longer meets eligibility requirements, may lead to disciplinary action or constitute a criminal violation under the Uniform Code of Military Justice. Such failure may also lead to the recovery of the cost of benefits received after the date of dissolution or

termination of the domestic partnership, or the date the partnership no longer meets eligibility requirements.

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Printed Name of Service Member

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Last Name First Name MI

Social Security Number

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Signature of Service Member/Grade/Service Date Signed

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Printed Name of Domestic Partner

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Last Name First Name MI

Social Security Number

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Signature of Domestic Partner/Grade/Service Date Signed

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Domestic Partnership Information

Date Domestic Partnership was formed: |_|_|/|_|_|/|_|_|_|_|

Common Residence:

|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|_|

|_|_|_|_|_|_|______Address

City State Zip

If no common residence, explain why:

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