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SUBJ/GUIDANCE ON THE APPLICATION OF FEDERAL ETHICS RULES TO FEDERAL EMPLOYEES WITH SAME-SEX SPOUSES//

REF/A/DOC/OFFICE OF GOVERNMENT ETHICS/LEGAL ADVISORY 13-10/19AUG13//
NARR/REF A is an Office of Government Ethics Legal Advisory discussing the effects of United States V. Windsor on the federal ethics rules.

RMKS/1. Application of Federal Ethics Rules to Same-Sex Spouses. On June 26, 2013, the U.S. Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. As a result of this decision, federal ethics rules will now apply to employees in same-sex marriages in the same way that they apply to all married employees. The ethics rules affect married employees in a number of ways. If you are required to file a public or confidential financial disclosure report, you must include your spouse's finances on your next report, including, if applicable, your next periodic transaction report. In addition, your spouse's financial interests are treated as if they were your own under the conflict of interest laws. For example, you may not work on any assignments that will affect your spouse's financial interests.

2. Application of Federal Ethics Rules to Domestic Partners. Although the criminal conflict of interest statutes and the financial disclosure reporting requirements do not apply in the same manner to employees in domestic partnerships or civil unions, employees in domestic partnerships or civil unions might still be disqualified from working on assignments affecting their partners or members of their households.

3. Effective Date. The application of federal ethics rules that employ the terms "marriage," "spouse," and "relative," to federal employees with same-sex spouses is 19 August 2013. For example, federal employees who have filed financial disclosure reports before 19 August 2013 need not amend the reports to add new information about his or her same-sex spouse. Going forward, a federal employee who is subject to public or confidential filing requirements must report information regarding the financial interests of the same-sex spouse in accordance with existing ethics provisions.

4. Additional Guidance from DON. If you have any questions about how these changes affect you, please contact your local ethics counselor.

5. Released by Ray Mabus, Secretary of the Navy.//

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