



United States
Department of
Agriculture

Farm and Foreign
Agricultural
Services

Risk
Management
Agency

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BULLETIN NO.: MGR-14-001

TO: All Approved Insurance Providers
All Risk Management Agency Field Offices
All Other Interested Parties

FROM: Brandon C. Willis /s/ *Brandon C. Willis* 2/26/2014
Administrator

SUBJECT: Recognition of Same-Sex Married Couples

BACKGROUND:

Section 3 of the Defense of Marriage Act (DOMA), 1 U.S.C. § 7, provided that, for purposes of Federal law, the term “marriage” means only a legal union between one man and one woman as husband and wife, and that the term “spouse” refers only to a person of the opposite sex who is a husband or a wife. Because of Section 3 of DOMA, the Federal government had been prohibited from recognizing the legal marriages of same-sex couples for purposes of all Federal programs.

On June 26, 2013, the Supreme Court ruled that Section 3 of DOMA is unconstitutional. *See United States v. Windsor*, 133 S. Ct. 2675 (2013). This decision affects coverage under Federal crop insurance programs, which are governed by Federal law. As a result of the decision, the United States government (including the United States Department of Agriculture (USDA)) is no longer barred from recognizing same-sex marriages.

ACTION:

As a result of the Supreme Court’s decision, legally married same-sex couples will be treated as married individuals for Federal crop insurance purposes. This treatment applies to individuals whose marriages were performed in a jurisdiction where same sex marriages are legal, regardless of state of residency. This decision applies only to individuals in valid marriages, and does not apply to individuals who have entered into another similar relationship, such as a domestic partnership or civil union, recognized under state law that is not designated as a marriage under the laws of that state.

Beginning with the 2014 crop year, all applicants or carryover insureds who are married to a same-sex spouse, pursuant to the laws of the jurisdiction in which the marriage was performed, must report their spouse, who is deemed to have a substantial beneficial interest in the applicant or insured of at least 50 percent. All uses of the terms “spouse,”

“marriage,” and any other terms referring to marital status contained in the various policies and procedures of the Federal Crop Insurance Corporation shall be administered in a manner that ensures same-sex spouses are treated exactly the same as spouses of the opposite sex.

Approved insurance providers should advise all agents and all possible policyholders who are not currently reporting spouses that if they are in a same-sex marriage their spouse must be reported in the same manner as an opposite sex spouse, regardless of his or her state of residency.

Any policyholder who was married to a same-sex spouse on or prior to the date of this Bulletin, and who does not properly report his or her spouse within one-year of the date of this Bulletin, may have his/her benefits restricted under the policy.

DISPOSAL DATE:

This bulletin is for transmitting information. It will remain in effect until rescinded, revised, or upon publication of superseding procedures or regulations.