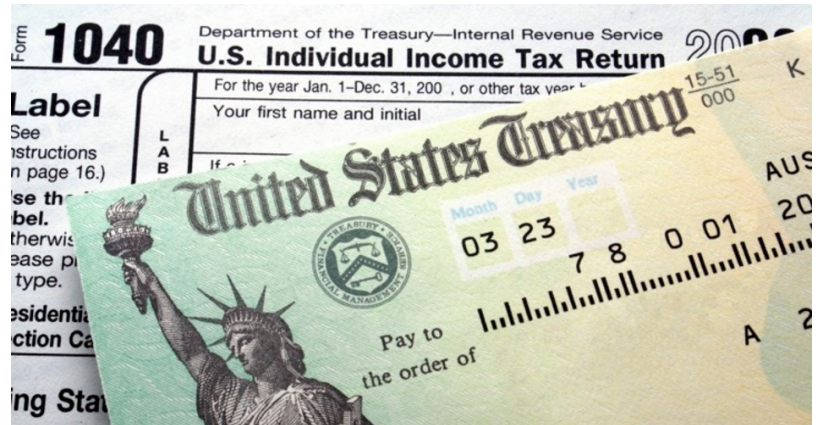




Written by [Dave Bohon](#) on September 1, 2013

Federal Government Extends Tax Benefits to Same-sex Pairs

The federal government has announced that homosexual “married” pairs will now be extended the same tax benefits as traditional married couples. On August 29 the U.S. Treasury [issued a statement](#) confirming an Internal Revenue Service ruling that “same-sex couples, legally married in jurisdictions that recognize their marriages, will be treated as married for federal tax purposes.” The IRS emphasized that its ruling would apply “regardless of whether the couple lives in a jurisdiction that recognizes same-sex marriage or a jurisdiction that does not recognize same-sex marriage.”



The announcement comes two months after the U.S. Supreme Court [overturned the 1996 federal Defense of Marriage Act \(DOMA\)](#), which defined marriage as only between a man and a woman for the purposes of federal business.

“Today’s ruling provides certainty and clear, coherent tax filing guidance for all legally married same-sex couples nationwide,” said Treasury Secretary Jacob Lew. “It provides access to benefits, responsibilities, and protections under federal tax law that all Americans deserve. This ruling also assures legally married same-sex couples that they can move freely throughout the country knowing that their federal filing status will not change.”

Any homosexual couple who has been legally “married” in one of the 50 states, the District of Columbia, a U.S. territory, or a foreign country will be covered by the ruling, which applies to all income tax policy where marriage is a factor, including filing status, personal and dependency exemptions, employee benefits, contributions to retirement accounts, and child tax credits.

“However,” declared the Treasury announcement, “the ruling does not apply to registered domestic partnerships, civil unions, or similar formal relationships recognized under state law.”

Meanwhile, the [Department of Health and Human Services](#) issued its own edict on benefits for homosexual couples, declaring that, relative to the Supreme Court’s ruling against DOMA, legally “married” homosexual partners enrolled in a private Medicare plan will have equal access to placement in nursing homes.

“Today, Medicare is ensuring that all beneficiaries will have equal access to coverage in a nursing home where their spouse lives, regardless of their sexual orientation,” announced Medicare spokesperson Marilyn Tavenner. “Prior to this, a beneficiary in a same-sex marriage enrolled in a Medicare Advantage plan did not have equal access to such coverage and, as a result, could have faced time away from his or her spouse or higher costs because of the way that marriage was defined for this purpose.”

HHS Secretary Kathleen Sebelius declared that her bureaucracy was “working swiftly to implement the Supreme Court’s decision and maximize federal recognition of same-sex spouses in HHS programs.”



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She said that the latest move “is the first of many steps that we will be taking over the coming months to clarify the effects of the Supreme Court’s decision and to ensure that gay and lesbian married couples are treated equally under the law.”

Homosexual activists applauded the Obama Administration for these latest efforts to push the nation into embracing same-sex relationships as normal. “With today’s ruling, committed and loving gay and lesbian married couples will now be treated equally under our nation’s federal tax laws, regardless of what state they call home,” Chad Griffin of the Human Rights Campaign said of the IRS announcement. “These families finally have access to crucial tax benefits and protections previously denied to them under [DOMA].”

Pro-family groups that have been at the forefront of defending marriage responded with predictable disappointment. Brian Brown of the National Organization for Marriage said that the IRS was “grossly overstepping its authority” in making the tax change. “The Obama Administration is intent on forcing same-sex ‘marriage’ on an unwilling public,” said Brown in a statement. “Congress alone has the responsibility of determining federal tax law.”

Similarly, Chris Gacek of the Family Research Council said that “state family policies have been undermined” by the ruling, adding that his group was “displeased to see the Obama administration’s lack of respect for state marriage laws.”

Thus far, only 12 states have legalized homosexual marriage: Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Washington, and Vermont.

But because the ruling applies to homosexual couples who have been “legally married,” no matter where they live, all states — even those where marriage is still defined as only between a man and a woman — will be impacted by the IRS edict.

Marvin Kirsner, a tax attorney with the law firm Greenberg Traurig, wrote in an e-mail that the IRS ruling “will likely create administrative headaches for state taxing authorities in states that do not recognize same-sex marriages, because most state income tax regimes begin with federal taxable income as the starting point.” He added that “these state taxing authorities will have to figure out how to deal with a same-sex married couple who file a joint income tax return for federal tax purposes.”

Bryan Fischer, director of issues analysis for the American Family Association, predicted that there would soon be “enormous federal pressure on states to conform to the IRS.... I predict we will very quickly see legal action in the 37 states that do not give legal recognition to same-sex marriage to force them to conform to federal policy on their tax forms, and you will get activist federal judges that will comply.”



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