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Dear Sir / Madam:

I request you to address the disparity and discrimination inherent in today's tax code for same-sex couples vs heterosexual married couples.

When a gay, lesbian or bisexual senior dies, his or her surviving partner faces a financial loss that can amount to tens of thousands of dollars because the couple cannot be **recognized as legally married in the United States.**

**Despite having paid taxes their whole lifetime at the same rate as other Americans, surviving partners are:**

1. **Denied the Social Security survivor benefits that are made available to all married couples;**
2. **Heavily taxed on any retirement plan 401(k) or IRA - they inherit from their partners, although married spouses can inherit these plans tax-free; and**
3. **Charged an estate tax on the inheritance of a home, even if it was jointly owned - a tax that would not apply to married spouses.**

**Gay, lesbian and bisexual seniors also are at significant risk of losing their home when an elderly partner enters a nursing home. This is because federal Medicaid law permits a married spouse to remain in the couple's home when a husband or wife enters a nursing home - but it does not grant unmarried couples the same right.**

More narrowly, a number of independent steps would need to be taken to bring equity to the treatment of gay,

lesbian and bisexual seniors under law. Among them:

- > **U.S. Social Security law would need to be rewritten to ensure that survivor benefits are available to all Americans in committed relationships, regardless of sexual orientation.**
- > **Federal tax law would need to be rewritten to ensure that the inheritance of retirement plans would be equalized for all eligible beneficiaries, including same-sex partners.**
- > **Federal tax law would need to be rewritten to ensure that domestic partners would be made exempt from the imposition of estate taxes upon the inheritance of a home.**
- > **Property laws would need to be revised to ensure that domestic partners would not be vulnerable to claims against the ownership of their home by their deceased partner's next of kind.**
- > **Medicaid law would need to be revised to ensure that same-sex partners be granted the right to remain in their own home, without surrendering access to Medicaid benefits, when a partner enters a nursing home.**

Sincerely

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