

# Under Obama, Windsor Implementation Constitutes the Largest Conferral of LGBT Rights in History

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Earlier today, the Justice Department released a report detailing the Obama administration's broad implementation of the Supreme Court's *United States v. Windsor* decision, which struck down key components of the Defense of Marriage Act (DOMA) last year. Under the leadership of President Obama and Attorney General Eric Holder, the breadth with which this administration has implemented the *Windsor* decision constitutes the single largest conferral of rights to LGBT people in history.

"President Obama's advocacy on behalf of LGBT people is nothing less than historic," said Human Rights Campaign (HRC) president Chad Griffin. "We are incredibly grateful to both the president and Attorney General Eric Holder for keeping their promise of fighting to wipe out anti-LGBT discrimination at the federal level. There is no question that the lives of LGBT people today are immeasurably better today than they were before this president took office.

"The administration's sweeping interpretation and implementation of the *Windsor* decision has led to the greatest conferral of equal rights, benefits and obligations to LGBT people in our nation's history. In record time, Attorney General Holder has moved heaven and earth to guarantee equality, and the LGBT community could not ask for a better partner in progress."

Today's report also identifies that the administration is unable to extend some Social Security and Veterans benefits to married same-sex couples living in states that do not recognize their marriages. The Justice Department has determined that statutory references to "state of domicile" or similar terms require Congress to pass legislation to amend the statutes to provide for a "state of celebration" standard.

Also included in the report was an announcement that the VA Acting Secretary will allow for same-sex couples to be buried together in a national cemetery. Furthermore, the Social Security administration will begin extending survivor benefits, lump sum death benefits and aged spouse benefits to same-sex couples if one partner is eligible to inherit from the other partner under state law. This would include couples with civil unions or domestic partnerships from states like Colorado, Nevada and Wisconsin.

Just prior to the release of the report, the Department of Labor issued a notice of proposed rulemaking which will permit same-sex couples to access leave under the Family Medical Leave Act (FMLA) regardless of state of residence. The Office of Personnel Management also announced its intent to extend family leave to all federal employees who are married to a same-sex spouse.