

Veterans Health Administration White Paper
ICR 2900-0091 Non-Substantive Change
June 2014

Background

In compliance with the Paperwork Reduction Act of 1995, the Veterans Health Administration (VHA) submitted information collection request 2900-0091, *Application and Renewal of Health Benefits*, for OMB consideration. Submission package 2900-0091 includes forms that will be utilized in enrolling and updating the information of eligible Veterans seeking care within the Department of Veterans Affairs (VA) Healthcare System. Per recent review, and guidance received, VHA seeks to amend the definition of spouse and language included within the declaration segment of VA forms 10-10D, 10-10EC, 10-10EZR, 10-10EZ through a non-substantive change.

Modification

In a June, 2013 decision, the U.S. Supreme Court held that section three (3) of the Defense of Marriage Act violated the Fifth Amendment by discriminating against couples who were lawfully married under laws of their respective state law. Benefits provided to spouses by VHA were contingent upon the definition of spouse, codified under 38 U.S.C. § 101(3). Following the Court's decision, the Executive Branch has ceased enforcement of this definition, as to preclude Veterans benefits to same-sex married couples. Therefore, VHA has revised the attached forms to include the following statutory language:

“If you are certifying that a person is your spouse for the purpose of VA benefits, your marriage must be recognized by the place where you and/or your spouse resided at the time of marriage, or where you and/or your spouse reside when you file your claim (or at a later date when you become eligible for benefits) (38 U.S.C. 103(c)). Additional guidance on when VA recognizes marriages is available at <http://www.va.gov/opa/marriage/>”

Furthermore, the declaration statements made in the aforementioned forms have been modified to read as follows: “I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge. I understand that any materially false, fictitious, or fraudulent statement or representation, made knowingly, is punishable by a fine and/or imprisonment pursuant to title 18, United States Code, Sections 287 and 1001.”

The language has been added or altered to align with current VA policies and federal law. This will ensure that Veterans who complete the aforementioned forms, under full faith and belief that their qualifications meet the outlined criteria, will not be subject to prosecution under 18 U.S.C. § 287 and 1001.