

117TH CONGRESS  
1ST SESSION

# S. 2761

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to maintain demographic information regarding veterans and publish such information on a website of the Department of Veterans Affairs.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2021

Ms. HIRONO introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to maintain demographic information regarding veterans and publish such information on a website of the Department of Veterans Affairs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Every Veteran Counts  
5 Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The Department of Veterans Affairs is re-  
2           sponsible for providing a variety of benefits and  
3           services to more than 19,000,000 living veterans.

4           (2) Pursuant to section 527 of title 38, United  
5           States Code, the Secretary of Veterans Affairs has  
6           conducted the National Survey of Veterans to assess  
7           the needs and sentiments of a statistically valid sam-  
8           ple of all veterans.

9           (3) The Secretary has conducted this National  
10          Survey of Veterans in the late 1970s, 1987, 1993,  
11          2001, and 2010.

12          (4) The last survey conducted in 2010 included  
13          veterans and other beneficiary groups, such as mem-  
14          bers of the Armed Forces serving on active duty,  
15          members of the reserve components of the Armed  
16          Forces, military spouses, and surviving spouses of  
17          such veterans and members.

18          (5) The 2010 survey included information on  
19          demographics, awareness and utilization of benefits,  
20          health status, military service, and employment.

21          (6) These surveys provide valuable information  
22          on the veteran population to the Secretary, Con-  
23          gress, Federal, State, and local governments, aca-  
24          demic institutions, and various non-governmental or-  
25          ganizations that serve veterans.

1           (7) This information is used to inform policy-  
2           making efforts and to ensure the needs of the ever-  
3           changing veteran population are met.

4           (8) However, since 2010, the statutory frame-  
5           work for data collection has substantially evolved,  
6           notably with the Foundations for Evidence-Based  
7           Policymaking Act (Public Law 115–435), the Data  
8           Act (Public Law 113–139), and the Geospatial Data  
9           Act (subtitle F of title VII of Public Law 115–254),  
10          known collectively as the “Evidence Act”, building  
11          on previously enacted laws.

12          (9) Further, the Department, through the Na-  
13          tional Center for Veterans Analysis and Statistics,  
14          has leveraged the vast amount of data generated  
15          within the Department and collected by other Fed-  
16          eral partners to improve population-based descrip-  
17          tive, statistical, and predictive analytic products to  
18          support the Secretary and in evidence-based policy-  
19          making, facilitate innovative and collaborative re-  
20          search, and empower modern business intelligence  
21          applications.

22          (10) The Department has been a consistent  
23          leader in the Federal Open Data program and offers  
24          a platform for scaling access to useful data and in-  
25          sight to external stakeholders.

1           (11) Notwithstanding these recent advances,  
2 opportunities exist to strengthen the capability of  
3 the Department to develop and disseminate action-  
4 able insights into the veteran population through—

5           (A) developing enterprise-focused manage-  
6 ment and improvements in the quality of ad-  
7 ministrative data collected by the Department  
8 through its delivery of benefits and services;

9           (B) increased access to data collected by  
10 other Federal entities through more flexible and  
11 efficient information sharing policies;

12           (C) increased use of publicly available and  
13 commercially generated data; and

14           (D) maturing data management of the De-  
15 partment.

16           (12) In line with the Evidence Act, it is incum-  
17 bent upon the Secretary to regularly engage with  
18 key stakeholders, including Congress, veterans serv-  
19 ice organizations, advocacy groups, and open govern-  
20 ment groups to—

21           (A) enhance the open data program of the  
22 Department; and

23           (B) improve development and dissemina-  
24 tion of relevant data assets and analytic prod-

1           ucts to provide more current, accurate, and use-  
2           ful insights on veterans and their families.

3           (13) It is necessary for the Department to col-  
4           lect, collate, and analyze all available data on vet-  
5           eran demographics, and to share this data with Con-  
6           gress and other stakeholders on an ongoing basis, in  
7           an easily digestible format, to direct outreach and  
8           align policy with the needs of the changing veteran  
9           population.

10 **SEC. 3. DEMOGRAPHIC DATA OF VETERANS: COLLECTION;**  
11 **RETENTION; PUBLICATION.**

12           (a) IN GENERAL.—Subchapter II of chapter 5 of title  
13 38, United States Code, is amended by inserting after sec-  
14 tion 527, the following new section:

15 **“§ 528. Demographic data of veterans: collection; re-**  
16 **tention; publication.**

17           “(a) DATABASE.—(1) The Secretary shall collect de-  
18 mographic data of veterans (from any source of such data  
19 available to the Secretary, including the National Center  
20 for Veterans Analysis and Statistics of the Department,  
21 the Bureau of the Census, and the Social Security Admin-  
22 istration) and maintain a database of such data.

23           “(2) Data collected and maintained under paragraph  
24 (1) shall include the following:

25           “(A) Sex.

- 1 “(B) Gender identity, disaggregated by—  
2 “(i) male;  
3 “(ii) female;  
4 “(iii) cisgender;  
5 “(iv) transgender;  
6 “(v) gender diverse;  
7 “(vi) nonbinary; and  
8 “(vii) combinations of clauses (i) through  
9 (vi).  
10 “(C) Age.  
11 “(D) Educational level.  
12 “(E) Race and ethnicity, disaggregated by—  
13 “(i) membership in an Indian tribe (as de-  
14 fined in section 4 of the Indian Self-Determina-  
15 tion and Education Assistance Act (25 U.S.C.  
16 5304)); and  
17 “(ii) the same major race groups as the de-  
18 cennial censuses.  
19 “(F) Sexual orientation, disaggregated by—  
20 “(i) heterosexual;  
21 “(ii) lesbian;  
22 “(iii) gay;  
23 “(iv) bisexual; and  
24 “(v) queer.

1           “(G) Household makeup, including marital sta-  
2           tus and number of dependents.

3           “(H) Gross income and sources of income.

4           “(I) Housing status, disaggregated by—

5                 “(i) renter;

6                 “(ii) homeowner; or

7                 “(iii) residing in a home owned or rented  
8           by another person.

9           “(J) Employment status, disaggregated by—

10                 “(i) employed;

11                 “(ii) seeking employment; and

12                 “(iii) self-employed.

13           “(K) History of service in the Armed Forces,  
14           disaggregated by—

15                 “(i) Armed Force;

16                 “(ii) regular or reserve component;

17                 “(iii) service in a combat theater of oper-  
18           ations or war zone;

19                 “(iv) service during a period of war;

20                 “(v) whether a veteran is a former prisoner  
21           of war;

22                 “(vi) whether the veteran was exposed to  
23           dead, dying, or wounded people during active  
24           military, naval, air, or space service;

1           “(vii) whether the veteran was exposed to  
2           environmental hazards during active military,  
3           naval, air, or space service; and

4           “(viii) whether the veteran experienced  
5           military sexual trauma (as that term is defined  
6           in section 1166 of this title).

7           “(L) Whether the veteran is enrolled in the pa-  
8           tient enrollment system under section 1705 of this  
9           title.

10           “(M) Whether the veteran has received a dis-  
11           ability rating from under section 1155 of this title.

12           “(N) Location of the veteran’s residence,  
13           disaggregated by—

14                   “(i) rural or urban setting;

15                   “(ii) distance to a facility of the Depart-  
16                   ment; and

17                   “(iii) whether the veteran has access to  
18                   broadband service.

19           “(O) Any other information the Secretary de-  
20           termines appropriate.

21           “(b) DATA RETENTION STANDARDS.—Demographic  
22           data in the database under subsection (a) shall be—

23                   “(1) anonymized to prevent the release of sen-  
24                   sitive personal information (as that term is defined  
25                   in section 5727 of this title); and



1           “(2) machine readable.

2           “(c) WEBSITE.—The Secretary shall maintain a pub-  
3 licly accessible website of the Department that provides  
4 access to the database under subsection (a). The Secretary  
5 shall update such website not less frequently than once  
6 each year.”.

7           (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of such chapter is amended by inserting,  
9 after the item relating to section 527, the following new  
10 item:

“528. Demographic data of veterans: collection; retention; publication.”.

11           (c) IMPLEMENTATION DATE.—The Secretary of Vet-  
12 erans Affairs shall carry out section 528 of such title, as  
13 added by this section, not later than 180 days after the  
14 date of the enactment of this Act.

15 **SEC. 4. REPORT ON DATA STRATEGY OF THE DEPARTMENT**  
16 **OF VETERANS AFFAIRS.**

17           (a) REPORT REQUIRED.—Not later than one year  
18 after the date of the enactment of this Act, the Secretary  
19 of Veterans Affairs shall submit to Congress a report de-  
20 scribing the progress, challenges, performance, and oppor-  
21 tunities of implementing the data strategy of the Depart-  
22 ment of Veterans Affairs.

23           (b) ELEMENTS.—The report under this section shall  
24 include the following:

1           (1) Qualitative and quantitative progress to-  
2           wards strengthening data management of the De-  
3           partment, including business and mission impact en-  
4           abled by management of data as a strategic asset.

5           (2) Recommendations of the Secretary regard-  
6           ing legislation that may accelerate data management  
7           maturity of the Department.

8           (3) Progress and results in cataloging and  
9           inventorying data assets of the Department and  
10          using such assets to support—

11                 (A) internal evidence-based policymaking;  
12                 and

13                 (B) ethical and appropriate dissemination  
14                 of statistical aggregates, data-driven analysis,  
15                 and open data.

16          (4) Progress in implementing requirements  
17          under chapter 35 of title 44, United States Code  
18          (commonly known as the “Paperwork Reduction  
19          Act”), and related data quality efforts to support  
20          strategic management of data collected by the De-  
21          partment.

22          (5) Efforts to move towards a rules-based,  
23          transparent, Department-wide approach to manage-  
24          ment, integration, and sharing of, and access to,  
25          data.

1           (6) Recommendations of the Secretary regard-  
2           ing adjustments to data requirements of the Depart-  
3           ment.

4           (7) Information sharing agreements and out-  
5           standing requirements with other Federal entities,  
6           including gaps best addressed by the addition of sur-  
7           vey questions to an existing Federal survey instru-  
8           ment.

9           (8) Progress on recently enacted public laws,  
10          Executive orders, Presidential memoranda, and out-  
11          standing recommendations of the Comptroller Gen-  
12          eral of the United States or an inspector general as  
13          it pertains to veteran population-based data collec-  
14          tion, quality, integration, sharing, interoperability,  
15          and analytics within the scope of improving and en-  
16          suring equity in services to veterans, their families,  
17          and other beneficiaries.

18          (9) A discussion of current risk assessments re-  
19          garding data breaches and information security (as  
20          those terms are defined in section 5727 of title 38,  
21          United States Code) of the Department.

22          (10) Priority data requirements of the Depart-  
23          ment, identified through consultation with the fol-  
24          lowing entities:

1           (A) The Committee on Veterans' Affairs of  
2           the Senate and the Committee on Veterans' Af-  
3           fairs of the House of Representatives.

4           (B) The Congressional Budget Office.

5           (C) Veterans service organizations.

6           (D) The Advisory Committee on Minority  
7           Veterans of the Department.

8           (E) The Advisory Committee on Women  
9           Veterans of the Department.

10          (F) The Advisory Committee on Homeless  
11          Veterans of the Department.

12          (c) PUBLICATION.—Not later than 30 days after sub-  
13          mitting the report under this section, the Secretary shall  
14          publish such report on the open data website of the De-  
15          partment, with all metrics and data included in a machine  
16          readable format.

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