



Statement of the Minority Veterans of America

**provided for an Open Legislative Hearing of the
Committee on Veterans' Affairs, Subcommittee on Technology Modernization
United States House of Representatives**

Thursday, October 7, 2021

Chairman Mrvan, Ranking Member Rosendale, and Distinguished Subcommittee Members,

My name is Lindsay Church, and I am proud to serve as the Executive Director and Co-Founder of Minority Veterans of America. Our organization works to create belonging and to advance equity and justice for the minority veteran community, including veterans of color, women, LGBTQ veterans, and (non)religious minorities. Our organization works to create belonging and advance equity for our nation's most marginalized and historically underserved veterans—those of color, women, LGBTQ-identifying, and (non)religious minorities. Our position affords us the honor of representing more than 10.2-million veterans and of directly serving thousands of veteran-members across 49 states, 3 territories, and 5 countries. On behalf of my staff, volunteers, and the community in which we serve, we thank you for allowing me to contribute to this Hearing.

In today's hearing are several bills that will improve the Department of Veterans Affairs' ability to provide accessible and supportive services to all of the veterans in its charge. Below we have provided our inputs and recommendations on each of the bills included in today's hearing. Of particular importance to our work is the discussion draft bill requiring collection of specific demographic information of veteran users. We applaud the efforts to include sexual orientation and gender identity information as well as pronouns of VA users and benefit recipients. The collection of this information will deepen our understanding of the growing LGBTQ veteran population. For too long, advocates have relied on incomplete demographic analyses and representative samples to understand even the most fundamental information such as the number of LGBTQ veterans there are in the community.

The obstruction of efforts to ensure comprehensive demographic information is collected by the Department of Veterans Affairs has led to devastating physical¹ and mental health² outcomes for our community. Failure to include LGBTQ demographic data puts this committee at a disadvantage to fully understanding the solutions to address crises in our community such as suicide, housing instability and homelessness, substance use disorders, Military Sexual Trauma, and more. As legal scholar Kimberlé Williams Crenshaw says in her assessment of the need for the use of intersectionality to be used as a tool for framing issues and challenges, “when you can’t see a problem, you can’t solve it.”³

VA Health Record Transparency Act of 2021 (H.R. 4591)

We support this piece of legislation and are appreciative of Chairman Mrvan’s efforts to ensure transparency and a full accounting of all Department spending on the Electronic Health Record Modernization program. We have no further recommendations at this time.

Department of Veterans Affairs Information Technology Reform Act of 2021 (H.R. 2250)

We support this piece of legislation and applaud efforts by this subcommittee to increase transparency on the Department of Veterans Affairs technology spending and planning. The COVID-19 pandemic has shown that there has never been a greater need for equitable access to the benefits and services offered by the Department of Veterans Affairs. IT systems play an integral role in the provision of these benefits and services to veterans. Delayed and mismanaged projects and fumbled IT modernization programs have increasingly been a roadblock to veterans fully accessing these necessary and earned supports.

As Ranking Member Rosendale said recently, “Before Congress appropriates billions of dollars, we need to know what VA’s plans are so we can provide the oversight that veterans

¹ Korshak, L., Hilgeman, M. M., & Lange-Altman, T. (n.d.). *Health Disparities Among LGBT Veterans*. VA.gov Veterans Affairs.

https://www.va.gov/HEALTHEQUITY/docs/LGBT_Veterans_Disparities_Fact_Sheet_July2020_Final.pdf

² Henne, M., Korshak, L., & Vasquez, S. J. (n.d.). *Mental Health Disparities Among LGBT Veterans*. VA.gov Veterans Affairs. https://www.va.gov/HEALTHEQUITY/docs/LGBT_Veterans_Disparities_Fact_Sheet.pdf

³ Crenshaw, K. (2016, October 27). *The urgency of intersectionality: Kimberlé Crenshaw speaks at TED2016 | TED blog* [Video]. TED Blog: Further reading on ideas worth spreading.

<https://blog.ted.com/the-urgency-of-intersectionality-kimberle-crenshaw-speaks-at-tedwomen-2016/>

and taxpayers need and deserve.”⁴ Congress prepares to appropriate the largest budget for the Department of Veterans Affairs in history with \$4.8 billion allocated to information technology systems⁵ (and an additional \$2.5 billion for the delayed Electronic Health Record Modernization project, it is imperative to have heightened transparency of VA’s IT spending and priorities rankings. We recommend the findings of these reports be made available to veteran serving organizations to ensure that we are best able to advocate for our members and constituents as systems are improved or remain untouched. We recommend mimicking the guidance in PL No. 116-207.⁶

Veterans’ Cyber Risk Awareness Act (H.R. 2326)

We are supportive of this legislation and appreciate Representative Mace’s efforts to educate veterans about cybersecurity risks. We are particularly supportive of the inclusion of disinformation in the definition of ‘cyber risks’ among other types of risks. Disinformation campaigns reduce the veteran community’s faith in the Department of Veterans Affairs and in medical and mental health interventions that can potentially be life-saving.

Among internet users, women’s social media accounts are more likely to be hacked and suspicious messages to friends and family, racial and ethnic minorities are more likely to have their identities stolen than their white counterparts, and are the least likely to avoid any financial impact due to cybercrime.⁷ Those who are low-income individuals are substantially more impacted by financial stress and impact than their high-income counterparts. This also presents an access issue of the tools necessary to combat cybercrime such as antivirus products, VPNs, and password management.

As more minority veterans begin and continue to seek access to Department of Veterans Affairs benefits and services, safe and reliable access to telehealth options for many modalities of care is critical to the delivery of those benefits and services. Education

⁴ *Representatives Rosendale, Mrvan, and banks fight for VA IT accountability.* (2021, March 29). U.S. Representative Matt Rosendale.

<https://rosendale.house.gov/news/documentsingle.aspx?DocumentID=103>

⁵ *Summary: Military construction, veterans affairs, and related agencies fiscal year 2022 appropriations bill.* (2021, August 4). United States Senate Committee on Appropriations.

<https://www.appropriations.senate.gov/news/majority/summary-military-construction-veterans-affairs-and-related-agencies-fiscal-year-2022-appropriations-bill->

⁶(n.d.). Congress.gov | Library of Congress. <https://www.congress.gov/116/plaws/publ207/PLAW-116publ207.pdf>

⁷ *Demographics of cybercrime report.* (n.d.). Malwarebytes Cybersecurity for Home and Business | Malwarebytes. <https://www.malwarebytes.com/resources/2021-demographics-of-cybercrime-report/index.html>

campaigns that can serve veterans currently impacted by cyber security risks and research to better understand the issue and impacts of those risks are necessary to ensure veterans can safely access care.

We fully endorse this Bill and have several recommendations which we are confident will further strengthen Representative Mace's intent behind this legislation.

- 1) Ensure the website is equipped to help with sight- and hearing-impaired populations.
- 2) The largest cyber attack risk is not with the veterans themselves, but with hackers attempting to access organizational information and data breaches. We recommend adding to the survey on cyber risks to veterans, a review of the awareness education elements regularly provided to staff and contractors, and Cerner employees.⁸
- 3) In 2020, the Department of Veterans Affairs fell victim to a data breach that resulted in the information of 46,000 veterans was leaked.⁹ VA has had persistent IT concerns that they have routinely failed to address¹⁰ despite large and increasing IT budgets. We recommend a review of the safeguards that are in place to prevent unauthorized persons from accessing veteran accounts and information.
- 4) We recommend that the study on cyber risks to veterans and education campaigns look beyond the internet and social media, to include awareness of fraudulent emails, text messages, and phone calls that may be received. A more comprehensive example of this can be found in 6 USC 1501(17).¹¹
- 5) The study on cyber risks to veterans should consider minority identities/orientations and rural/island veteran-specific populations as these communities have a greater likelihood of experiencing cybercrimes and are disproportionately impacted by the effects of cybercrimes.¹² This includes providing translations of all materials into

⁸ *Cerner receives \$14M veterans affairs task for data migration analysis, design, development, testing and execution task.* (2020, September 9). FedHealthIT, a service of MileMarker10.

<https://www.fedhealthit.com/2020/09/cerner-receives-14m-veterans-affairs-task-for-data-migration-analysis-design-development-testing-and-execution-task/>

⁹ Office of Public and Intergovernmental Affairs. (n.d.). *VA.gov | Veterans affairs.* VA.gov Veterans Affairs. <https://www.va.gov/OPA/PRESSREL/pressrelease.cfm?id=5519>

¹⁰ Harris, C. C. (n.d.). *VA Needs to Address Persistent IT Modernization and Cybersecurity Challenges.* U.S. Government Accountability Office (U.S. GAO). <https://www.gao.gov/assets/gao-20-719t.pdf>, *Hackers exploit known VA cybersecurity weaknesses in massive data breach.* (2020, September 22). DISABLED VETERANS.ORG. <https://www.disabledveterans.org/2020/09/22/hackers-exploit-va-cybersecurity-weaknesses-data-breach/>

¹¹ *6 U.S. code § 1501 - Definitions.* (n.d.). LII / Legal Information Institute. <https://www.law.cornell.edu/uscode/text/6/1501>

¹² *Demographics of cybercrime report.* (n.d.). Malwarebytes Cybersecurity for Home and Business | Malwarebytes. <https://www.malwarebytes.com/resources/2021-demographics-of-cybercrime-report/index.html>

Spanish, Tagalog, and each of the 10 most commonly spoken languages, other than English, in the United States, mirroring H.R. 2093, the Veterans and Families Information Act.

**Department of Veterans Affairs Demographic
Data Collection Improvement Act of 2021 (Discussion Draft)**

We fully support the Discussion Draft, Department of Veterans Affairs Demographic Data Collection Improvement Act of 2021, which aims to ensure the collection of certain demographic data for beneficiaries of the Department. We are especially grateful for the inclusion of American Indian or Alaskan Native affiliation tribal affiliation, sexual orientation, and gender identity. Collection of this demographic information will allow the Department and advocates to better understand the challenges these veteran communities face. Failure to collect this information to date has contributed to deep health disparities and inequitable outcomes for minority veterans.

We make the following recommendations that we believe will strengthen this bill language and ensure it makes the full intended impact:

- 1) We applaud the inclusion of LGBTQ-specific identity data and gender orientation and recommend striking 'preferred' from 'preferred pronouns'. To prefer something insinuates a choice in one's pronouns and holding a preference for one over the other. This gives the impression that using other pronouns would be acceptable which is most often not the case. Striking 'preferred' will ensure the veteran's identity is fully respected and their identities are fully understood.
- 2) We recommend including zip code and a caregiver status option. Zip code information will allow for the assessment of rural status, and thus, allowing VA to understand necessary expansion of programs and benefits to better serve rural veterans. Caregiver status will allow for the provision of critical benefits to support veterans who identify as caregivers. "Caregiving status can lead to significant physical, psychological, social, and financial burdens."¹³ As the American population prepares to double over the next 40 years, it is imperative to understand the impacts this identity has on our veteran population.¹⁴
- 3) We recommend that free text fields be allowed in the demographic collection of sexual orientation, gender identity, and pronouns. This increases agency among

¹³ Manley, N. A., Hicken, B. L., & Rupper, R. W. (2017). Veterans as Caregivers: Those Who Continue to Serve. *Federal practitioner : for the health care professionals of the VA, DoD, and PHS*, 34(4), 28–34.

¹⁴ *The US population is aging*. (2015, April 3). Urban Institute. <https://www.urban.org/policy-centers/cross-center-initiatives/program-retirement-policy/projects/data-warehouse/what-future-holds/us-population-aging>

gender and sexual minority veterans and will ensure veterans have the opportunity to use self-defined language to ensure limited answers do not impede the veteran's ability to fully and accurately identify themselves in all demographic areas.

- 4) We recommend that veterans have the opportunity to opt out of data collection on specific items or have the option to provide no answer to any of the demographic questions. This is especially relevant to survivors of the Department of Defense's 'Don't Ask, Don't Tell' and Trans Ban whose careers depended on refraining from disclosing their sexual orientation or gender identity. There is still deeply rooted trauma in each of these communities around self-disclosure of such information and, thus, should not be mandatory.

The feedback provided above and further discussed in today's Hearing is meant to help ensure this legislative body continues to live up to the effective advocacy and support standards that they have been charged within service to our veteran communities. Our feedback echoes the experiences of many minority veterans who have been excluded or underserved from the Department of Veterans Affairs' care and support programs, whether intentionally or negligently. We believe that, as a country, we have made great progress in ensuring all veterans benefit from the work that this Committee is doing on their behalf.

Once again, we thank you for the opportunity to submit this written testimony and to provide verbal testimony during this Hearing. We look forward to continuing to work with you and your offices and to support your efforts in serving our nation's minority veteran populations. If we can be of further assistance, please feel free to contact me directly, at lchurch@minorityvets.org.

Respectfully Submitted,

/s/

Lindsay Church

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