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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 38, United States Code, to improve research conducted within the Department of Veterans Affairs, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title 38, United States Code, to improve research conducted within the Department of Veterans Affairs, and for other purposes.

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 “VA Infrastructure  
5 Powers Exceptional Research Act of 2021” or the  
6 “VIPER Act of 2021”.

1 **SEC. 2. INAPPLICABILITY OF PAPERWORK REDUCTION**  
2 **ACT.**

3 (a) IN GENERAL.—Chapter 1 of title 38, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 120. Inapplicability of Paperwork Reduction Act**

7 “Subchapter I of chapter 35 of title 44, United States  
8 Code (commonly known as the ‘Paperwork Reduction  
9 Act’) shall not apply to the Department.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of such chapter is amended by adding  
12 at the end the following new item:

“120. Inapplicability of Paperwork Reduction Act.”.

13 **SEC. 3. OTHER TRANSACTIONAL AUTHORITY.**

14 (a) ESTABLISHMENT.—Subchapter I of chapter 5 of  
15 title 38, United States Code, is amended by inserting after  
16 section 513 the following new section:

17 **“§ 513A. Other transactional authority**

18 “(a) AUTHORITY.—(1) The Secretary may enter into  
19 an other transaction agreement the Secretary determines  
20 necessary to carry out a law administered by the Sec-  
21 retary.

22 “(2) The Secretary may only enter into an other  
23 transaction agreement regarding research, systematic in-  
24 vestigation, or a demonstration if the Secretary deter-  
25 mines that a procurement contract, grant agreement, or

1 cooperative agreement is inappropriate for the matter con-  
2 cerned.

3 “(b) RECORDS.—An entity that enters into an other  
4 transaction agreement with Secretary shall keep records  
5 regarding such agreement and furnish such records to the  
6 Secretary that the Secretary determines necessary for pur-  
7 poses of audit and evaluation.

8 “(c) DEFINITIONS.—In this section:

9 “(1) The term ‘demonstration’ means a proto-  
10 type or otherwise incomplete version of a proposed  
11 technology or system, assembled as proof of concept  
12 to demonstrate the possible applications, feasibility,  
13 performance, and method of such technology or sys-  
14 tem.

15 “(2) The term ‘other transaction agreement’  
16 means a contract or agreement, between the Sec-  
17 retary and an entity, other than a—

18 “(A) a procurement contract;

19 “(B) grant agreement; or

20 “(C) cooperative agreement.”.

21 (b) REGULATIONS.—Not later than one year after the  
22 date of the enactment of this Act, the Secretary of Vet-  
23 erans Affairs shall prescribe regulations pursuant to sec-  
24 tion 513A of such title, as added by subsection (a).

1 (c) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such chapter is amended by adding  
3 after the item relating to section 513 the following new  
4 item:

“513A. Other transactional authority.”.

5 **SEC. 4. RESEARCH AND DEVELOPMENT.**

6 (a) OFFICE OF RESEARCH AND DEVELOPMENT.—  
7 Chapter 73 of title 38, United States Code, is amended  
8 by adding at the end the following new subchapter:

9 “SUBCHAPTER V—RESEARCH AND  
10 DEVELOPMENT

11 **“§ 7381. Office of Research and Development**

12 “(a) OFFICE OF RESEARCH AND DEVELOPMENT.—  
13 There is in the Veterans Health Administration an Office  
14 of Research and Development (in this section referred to  
15 as the ‘Office’).

16 “(b) PURPOSES.—The function of the Office is to  
17 serve veterans through a full spectrum of research (includ-  
18 ing pre-clinical, clinical, and health systems science), tech-  
19 nology transfer, and application.

20 “(c) CHIEF RESEARCH AND DEVELOPMENT OFFI-  
21 CER.—The head of the Office is the Chief Research and  
22 Development Officer.

23 “(d) ORGANIZATION AND PERSONNEL.—The Office  
24 shall be organized in such manner, and its personnel shall

1 perform such duties and have such titles, as the Secretary  
2 may prescribe.

3 **“§ 7382. Research personnel**

4 “(a) WAIVER OF INTERGOVERNMENTAL PERSONNEL  
5 ACT MOBILITY PROGRAM LIMITS.—The Secretary may  
6 waive the limit on the period and number of assignments  
7 required under section 3372(a) of title 5 with respect to  
8 an individual who is assigned to the Office of Research  
9 and Development under the mobility program under sub-  
10 chapter VI of chapter 33 of such title (commonly referred  
11 to as the ‘Intergovernmental Personnel Act Mobility Pro-  
12 gram’).

13 “(b) OUTSIDE EARNED INCOME.—(1) Compensation  
14 may be paid to and accepted by an employee described  
15 in paragraph (2), without regard to section 209 of title  
16 18, if—

17 “(A) the compensation is paid to the employee  
18 for research conducted by the employee outside of  
19 the work hours and duties of the employee under  
20 this title; and

21 “(B) the compensation is paid by a nonprofit  
22 corporation established under subchapter IV or an  
23 academic entity, regardless of whether the research  
24 is approved by an element of the Department.

1 “(2) An employee described in this paragraph is an  
2 employee of the Department, including an employee who  
3 serves without compensation, who conducts research under  
4 the Office of Research and Development.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
6 at the beginning of such chapter is amended by adding  
7 at the end the following:

“SUBCHAPTER V—RESEARCH AND DEVELOPMENT

“7381. Office of Research and Development.

“7382. Research personnel.”.

8 (c) SERVICE OF INCUMBENT.—The individual serving  
9 as the Chief Research and Development Officer of the Of-  
10 fice of Research and Development as of the date of the  
11 enactment of this Act may continue to serve as such Chief  
12 Research and Development Officer commencing as of that  
13 date, without further appointment.

14 **SEC. 5. EXPANSION OF HIRING AUTHORITIES FOR CERTAIN**  
15 **CLASSES OF RESEARCH OCCUPATIONS.**

16 Section 7401(3) of title 38, United States Code, is  
17 amended by inserting “statisticians, economists,  
18 informaticists, data scientists, and” after “blind rehabili-  
19 tation outpatient specialists,”.

20 **SEC. 6. AUTHORIZING A CAREER DEVELOPMENT AWARD**  
21 **GRANT PROGRAM FOR MEDICAL RESEARCH**  
22 **AT R3 RESEARCH INSTITUTIONS.**

23 (a) GRANTS AUTHORIZED.—

1 (1) IN GENERAL.—The CRDO may establish a  
2 grant program—

3 (A) to fund research related to health care  
4 furnished by the Secretary of Veterans Affairs;

5 (B) that is a CDA-1 level award of the ca-  
6 reer development program of the Department of  
7 Veterans Affairs; and

8 (C) modelled on the Historically Black Col-  
9 leges and Universities Research Scientist Train-  
10 ing Program of the Department.

11 (2) ELIGIBLE RECIPIENTS.—The CRDO may  
12 award a grant under this section—

13 (A) to an individual—

14 (i) employed by an R3 research insti-  
15 tution; and

16 (ii) whom the CRDO determines is in  
17 the early stage of a career as a scientist;  
18 and

19 (B) based on a peer review process.

20 (3) USE OF FUNDS.—A grantee under this sec-  
21 tion may use the grant amount to conduct research  
22 related to health care furnished by the Secretary of  
23 Veterans Affairs.

24 (4) MEETINGS.—As a condition of a grant  
25 under this section, a grantee shall periodically meet

1 with researchers and administrators at a medical  
2 center of the Department of Veterans Affairs, lo-  
3 cated near the R3 research institution that employs  
4 such grantee, to discuss research described in para-  
5 graph (1).

6 (b) REGULATIONS.—If the CRDO establishes a grant  
7 program under this section, the CRDO shall prescribe reg-  
8 ulations regarding—

9 (1) the evaluation of applications for grants  
10 under the program; and

11 (2) administration of the program.

12 (c) CRDO DEFINED.—The term “CRDO” means the  
13 Chief Research and Development Officer of the Office of  
14 Research and Development of the Department of Veterans  
15 Affairs.

16 **SEC. 7. AUTHORIZATIONS OF APPROPRIATIONS.**

17 For fiscal year 2022, there is authorized to be appro-  
18 priated to the Department of Veterans Affairs—

19 (1) \$42,000,000 for research information tech-  
20 nology; and

21 (2) \$100,000,000 for repairs to the physical in-  
22 frastructure of research facilities of the Department.



1 **SEC. 8. COMPTROLLER GENERAL STUDY ON DEDICATED**  
2 **RESEARCH TIME FOR CERTAIN PERSONNEL**  
3 **OF THE DEPARTMENT OF VETERANS AF-**  
4 **FAIRS.**

5 (a) STUDY.—The Comptroller General of the United  
6 States shall conduct a study on the amount of time dedi-  
7 cated for research for clinicians and scientific and profes-  
8 sional personnel appointed by the Secretary of Veterans  
9 Affairs.

10 (b) ELEMENTS.—The study under subsection (a)  
11 shall include the following:

12 (1) A review of the policies and practices of the  
13 Department of Veterans Affairs regarding the time  
14 dedicated for research for the personnel specified in  
15 subsection (a).

16 (2) An assessment of the effect of such policies  
17 and practices on the following:

18 (A) The recruitment and retention efforts  
19 of the Department.

20 (B) The productivity of the personnel spec-  
21 ified in subsection (a) with respect to research.

22 (C) The efficient use of resources available  
23 for research on issues relating to veterans'  
24 health.

25 (D) The overall state of veterans' health.

1           (c) REPORT.—Not later than one year after the date  
2 of the enactment of this Act, the Comptroller General shall  
3 submit to the Committees on Veterans' Affairs of the  
4 House of Representatives and the Senate a report on the  
5 findings of the study conducted under subsection (a).