121

AMENDMENT TO H.R. 5658, AS REPORTED

OFFERED BY MS. BEAN OF ILLINOIS AND MR. KIRK OF ILLINOIS

At the end of title X, add the following:

1 **Subtitle F—Captain James A.**
2 **Lovell Federal Health Care Center**

3 **SEC. 1081. SHORT TITLE.**

4 This subtitle may be cited as the "Captain James A.
5 Lovell Federal Health Care Center Act of 2008".

6 **SEC. 1082. TRANSFER OF PROPERTY.**

7 (a) TRANSFER.—Upon conclusion of a resource-shar-
8 ing agreement between the Department of Defense and
9 Department of Veterans Affairs providing for the depart-
10 ments' joint use of a facility and supporting facilities, to
11 be known as the "Captain James A. Lovell Federal Health
12 Care Center", and for joint use of related medical personal
13 property and equipment, the Secretary of Defense may
14 transfer, without reimbursement, to the Department of
15 Veterans Affairs the new Navy ambulatory care center,
16 parking structure, supporting facilities and related med-
17 ical personal property and equipment.

18 (b) REVERSION.—(1) If any of the real and related
19 personal property transferred pursuant to subsection (a)

1 of this section is subsequently used for purposes other
2 than those described in subsection (a) or otherwise deter-
3 mined by the Secretary of Veterans Affairs to be excess
4 to the needs of the Department of Veterans Affairs, the
5 Secretary shall offer to transfer such property, without re-
6 imbursement, to the Secretary of Defense. Any such trans-
7 fer must be completed within one year of acceptance of
8 such an offer.

9 (2)(A) During the 5-year period beginning on the
10 date of the transfer of the real and related personal prop-
11 erty described in subsection (a) of this section, in the event
12 the Secretary of Veterans Affairs and the Secretary of De-
13 fense jointly determine that the integration of the two fa-
14 cilities should not continue, the real and related personal
15 property described in subsection (a) of this section shall
16 be transferred, without reimbursement, to the Secretary
17 of Defense. Such transfer shall occur within 180 days
18 after such determination by the Secretaries.

19 (B) After the end of the 5-year period described in
20 paragraph (A) of this subsection, in the event that either
21 the Secretary of Veterans Affairs or the Secretary of De-
22 fense determines that the integration of the two facilities
23 should not continue, the Secretary of Veterans Affairs
24 shall transfer, without reimbursement, to the Secretary of
25 Defense the real and related personal property described

1 in subsection (a) of this section. Such transfer shall occur
2 within 180 days after such determination by either Sec-
3 retary.

4 **SEC. 1083. TRANSFER OF CIVILIAN PERSONNEL OF THE DE-**
5 **PARTMENT OF DEFENSE.**

6 (a) AUTHORIZATION FOR TRANSFER OF FUNC-
7 TION.—The Secretary of Defense may transfer to the De-
8 partment of Veterans Affairs, and the Secretary of Vet-
9 erans Affairs may accept the transfer of functions from
10 the Department of Defense to the Department of Veterans
11 Affairs necessary for the effective operation of the Captain
12 James A. Lovell Federal Health Care Center. Any trans-
13 fer of function under this section is a transfer of function
14 within the meaning of section 3503 of title 5, United
15 States Code.

16 (b) TERMS OF AGREEMENT.—Any transfer of func-
17 tion as authorized by subsection (a) shall be effectuated
18 in an agreement between the Secretary of Defense and the
19 Secretary of Veterans Affairs. Any such agreement may,
20 consistent with section 3503 of title 5, United States
21 Code, make provision for:

22 (1) The transfer of civilian employee positions
23 of the Department of Defense identified in the
24 agreement to the Department of Veterans Affairs

1 and of the incumbent civilian employees in such po-
2 sitions.
3 (2) Transition of transferred employees to pay,
4 benefits, and personnel systems of the Department
5 of Veterans Affairs.
6 (3) Establishment of integrated seniority lists
7 and other personnel management provisions that
8 recognize an employee's experience and training so
9 as to provide comparable recognition of employees
10 previously with the Department of Veterans Affairs
11 and employees newly transferred to such Depart-
12 ment.
13 (4) Such other matters relating to civilian per-
14 sonnel management as the Secretaries determine
15 necessary.
16 (c) PRESERVATION OF AUTHORITY.—Notwith-
17 standing subsections (a) and (b), nothing in this section
18 shall be construed as limiting the authority of the Sec-
19 retary of Defense to establish Department of Defense civil-
20 ian employee positions and utilize all civilian personnel au-
21 thorities otherwise available to the Secretary if the Sec-
22 retary determines that such actions are necessary and ap-
23 propriate to meet mission requirements of the Department
24 of Defense.

1 **SEC. 1084. EXTENSION AND EXPANSION OF JOINT INCEN-**
2 **TIVE FUND.**

3 (a) EXTENSION OF AUTHORITY FOR THE JOINT IN-
4 CENTIVES PROGRAM.—Section 8111(d)(3) of title 38,
5 United States Code, is amended by striking "2010" and
6 inserting "2020".

7 (b) FUNDING OF MAINTENANCE AND MINOR CON-
8 STRUCTION FROM THE JOINT INCENTIVE FUND.—Sec-
9 tion 8111(d)(2) of title 38, United States Code, is amend-
10 ed to read as follows:

11 "(2) To facilitate the incentive program, there
12 is established in the Treasury a fund to be known
13 as the 'DOD-VA Health Care Sharing Incentive
14 Fund'. Each Secretary shall annually contribute to
15 the fund a minimum of $15,000,000 from the funds
16 appropriated to that Secretary's Department. Such
17 funds shall remain available until expended and shall
18 be available for any purpose authorized by this sec-
19 tion, to include real property maintenance and minor
20 construction projects that are not required to be spe-
21 cifically authorized by law under section 2805 of
22 title 10 and section 8104 of title 38, United States
23 Code.".

1 **SEC. 1085. HEALTH CARE ELIGIBILITY FOR SERVICES AT**
2 **THE CAPTAIN JAMES A. LOVELL FEDERAL**
3 **HEALTH CARE CENTER.**

4 (a) IN GENERAL.—For purposes of eligibility for
5 health care under chapter 55 of title 10, United States
6 Code, the Captain James A. Lovell Federal Health Care
7 Center authorized by this subtitle may be deemed to be
8 a facility of the uniformed services to the extent provided
9 in an agreement between the Secretary of Defense and the
10 Secretary of Veterans Affairs.

11 (b) TERMS OF AGREEMENT.—Subsection (a) may be
12 implemented through an agreement between the Secretary
13 of Veterans Affairs and the Secretary of Defense. Such
14 agreement may—

15 (1) establish an integrated priority list for ac-
16 cess to available care, integrating the respective pri-
17 ority lists of the two Secretaries, taking into account
18 categories of beneficiaries, enrollment program sta-
19 tus, and such other factors as the Secretaries deter-
20 mine appropriate;

21 (2) incorporate any resource-related limitations
22 established by the Secretary of Defense for purposes
23 of administering space-available eligibility for care in
24 facilities of the uniformed services under chapter 55
25 of title 10, United States Code;

1 (3) allocate financial responsibility for individ-
2 uals who are eligible for care under both title 38 and
3 chapter 55 of title 10, United States Code; and
4 (4) waive any provision of section 8111(e) of
5 title 38, United States Code, as specified by the two
6 Secretaries.