

111TH CONGRESS
1ST SESSION

H. R. 1267

To provide for the transfer of certain property and personnel of the Department of Defense to the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2009

Ms. BEAN (for herself and Mr. KIRK) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the transfer of certain property and personnel of the Department of Defense to 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 “Captain James A.
5 Lovell Federal Health Care Center Act of 2009”.

6 **SEC. 2. TRANSFER OF PROPERTY.**

7 (a) TRANSFER.—Upon conclusion of a resource-shar-
8 ing agreement between the Department of Defense and

1 Department of Veterans Affairs providing for the depart-
2 ments' joint use of a facility and supporting facilities, to
3 be known as the "Captain James A. Lovell Federal Health
4 Care Center", and for joint use of related medical personal
5 property and equipment, the Secretary of Defense may
6 transfer, without reimbursement, to the Department of
7 Veterans Affairs the new Navy ambulatory care center,
8 parking structure, supporting facilities, and related med-
9 ical personal property and equipment.

10 (b) REVERSION.—(1) If any of the real and related
11 personal property transferred pursuant to subsection (a)
12 of this section is subsequently used for purposes other
13 than those described in subsection (a) or otherwise deter-
14 mined by the Secretary of Veterans Affairs to be excess
15 to the needs of the Department of Veterans Affairs, the
16 Secretary shall offer to transfer such property, without re-
17 imbursement, to the Secretary of Defense. Any such trans-
18 fer must be completed within one year of acceptance of
19 such an offer.

20 (2)(A) During the 5-year period beginning on the
21 date of the transfer of the real and related personal prop-
22 erty described in subsection (a) of this section, in the event
23 the Secretary of Veterans Affairs and the Secretary of De-
24 fense jointly determine that the integration of the two fa-
25 cilities should not continue, the real and related personal

1 property described in subsection (a) of this section shall
2 be transferred, without reimbursement, to the Secretary
3 of Defense. Such transfer shall occur within 180 days
4 after such determination by the Secretaries.

5 (B) After the end of the 5-year period described in
6 subparagraph (A) of this paragraph, in the event that ei-
7 ther the Secretary of Veterans Affairs or the Secretary
8 of Defense determines that the integration of the two fa-
9 cilities should not continue, the Secretary of Veterans Af-
10 fairs shall transfer, without reimbursement, to the Sec-
11 retary of Defense the real and related personal property
12 described in subsection (a) of this section. Such transfer
13 shall occur within 180 days after such determination by
14 either Secretary.

15 **SEC. 3. TRANSFER OF CIVILIAN PERSONNEL OF THE DE-**
16 **PARTMENT OF DEFENSE.**

17 (a) AUTHORIZATION FOR TRANSFER OF FUNC-
18 TION.—The Secretary of Defense may transfer to the De-
19 partment of Veterans Affairs, and the Secretary of Vet-
20 erans Affairs may accept the transfer of functions from
21 the Department of Defense to the Department of Veterans
22 Affairs necessary for the effective operation of the Captain
23 James A. Lovell Federal Health Care Center. Any trans-
24 fer of function under this section is a transfer of function

1 within the meaning of section 3503 of title 5, United
2 States Code.

3 (b) TERMS OF AGREEMENT.—Any transfer of func-
4 tion as authorized by subsection (a) shall be effectuated
5 in an agreement between the Secretary of Defense and the
6 Secretary of Veterans Affairs. Any such agreement may,
7 consistent with section 3503 of title 5, United States
8 Code, make provision for—

9 (1) the transfer of civilian employee positions of
10 the Department of Defense identified in the agree-
11 ment to the Department of Veterans Affairs and of
12 the incumbent civilian employees in such positions;

13 (2) transition of transferred employees to pay,
14 benefits, and personnel systems of the Department
15 of Veterans Affairs;

16 (3) establishment of integrated seniority lists
17 and other personnel management provisions that
18 recognize an employee's experience and training so
19 as to provide comparable recognition of employees
20 previously with the Department of Veterans Affairs
21 and employees newly transferred to such Depart-
22 ment; and

23 (4) such other matters relating to civilian per-
24 sonnel management as the Secretaries determine
25 necessary.

1 (c) PRESERVATION OF AUTHORITY.—Notwith-
2 standing subsections (a) and (b), nothing in this section
3 shall be construed as limiting the authority of the Sec-
4 retary of Defense to establish Department of Defense civil-
5 ian employee positions and utilize all civilian personnel au-
6 thorities otherwise available to the Secretary if the Sec-
7 retary determines that such actions are necessary and ap-
8 propriate to meet mission requirements of the Department
9 of Defense.

10 **SEC. 4. EXTENSION AND EXPANSION OF JOINT INCENTIVE**
11 **FUND.**

12 (a) EXTENSION OF AUTHORITY FOR THE JOINT IN-
13 CENTIVES PROGRAM.—Section 8111(d)(3) of title 38,
14 United States Code, is amended by striking “2010” and
15 inserting “2020”.

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

20 “(2) To facilitate the incentive program, there
21 is established in the Treasury a fund to be known
22 as the ‘DOD–VA Health Care Sharing Incentive
23 Fund’. Each Secretary shall annually contribute to
24 the fund a minimum of \$15,000,000 from the funds
25 appropriated to that Secretary’s Department. Such

1 funds shall remain available until expended and shall
2 be available for any purpose authorized by this sec-
3 tion, to include real property maintenance and minor
4 construction projects that are not required to be spe-
5 cifically authorized by law under section 2805 of
6 title 10 and section 8104 of title 38, United States
7 Code.”.

8 **SEC. 5. HEALTH CARE ELIGIBILITY FOR SERVICES AT THE**
9 **CAPTAIN JAMES A. LOVELL FEDERAL**
10 **HEALTH CARE CENTER.**

11 (a) IN GENERAL.—For purposes of eligibility for
12 health care under chapter 55 of title 10, United States
13 Code, the Captain James A. Lovell Federal Health Care
14 Center authorized by this Act may be deemed to be a facil-
15 ity of the uniformed services to the extent provided in an
16 agreement between the Secretary of Defense and the Sec-
17 retary of Veterans Affairs.

18 (b) TERMS OF AGREEMENT.—Subsection (a) may be
19 implemented through an agreement between the Secretary
20 of Veterans Affairs and the Secretary of Defense. Such
21 agreement may—

22 (1) establish an integrated priority list for ac-
23 cess to available care, integrating the respective pri-
24 ority lists of the two Secretaries, taking into account
25 categories of beneficiaries, enrollment program sta-

1 tus, and such other factors as the Secretaries deter-
2 mine appropriate;

3 (2) incorporate any resource-related limitations
4 established by the Secretary of Defense for purposes
5 of administering space-available eligibility for care in
6 facilities of the uniformed services under chapter 55
7 of title 10, United States Code;

8 (3) allocate financial responsibility for individ-
9 uals who are eligible for care under both title 38 and
10 chapter 55 of title 10, United States Code; and

11 (4) waive any provision of section 8111(e) of
12 title 38, United States Code, as specified by the two
13 Secretaries.

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