

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3713

To provide for the integration of the Captain James A. Lovell Federal Health Care Center and the Great Lakes Naval Health Clinic, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2008

Mr. DURBIN (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To provide for the integration of the Captain James A. Lovell Federal Health Care Center and the Great Lakes Naval Health Clinic, 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 2008”.

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

7       (a) TRANSFER.—

8               (1) TRANSFER AUTHORIZED.—Upon the con-  
9       clusion of a resource-sharing agreement between the

1 Secretary of Defense and the Secretary of Veterans  
2 Affairs providing for the joint use by the Depart-  
3 ment of Defense and the Department of Veterans  
4 Affairs of a facility and supporting facilities in  
5 North Chicago, Illinois, and Great Lakes, Illinois,  
6 and for joint use of related medical personal prop-  
7 erty and equipment, the Secretary of Defense may  
8 transfer, without reimbursement, to the Department  
9 of Veterans Affairs the Navy ambulatory care center  
10 (on which construction commenced in July 2008),  
11 parking structure, and supporting facilities, and re-  
12 lated medical personal property and equipment, lo-  
13 cated in Great Lakes, Illinois.

14 (2) DESIGNATION OF JOINT USE FACILITY.—  
15 The facility and supporting facilities subject to joint  
16 use under the agreement and transfer under this  
17 subsection shall be designated as known as the  
18 “Captain James A. Lovell Federal Health Care Cen-  
19 ter”.

20 (b) REVERSION.—

21 (1) IN GENERAL.—If any of the real and re-  
22 lated personal property transferred pursuant to sub-  
23 section (a) is subsequently used for purposes other  
24 than the purposes specified in the joint use specified  
25 in the resource-sharing agreement described in that

1 subsection or otherwise determined by the Secretary  
2 of Veterans Affairs to be excess to the needs of the  
3 Department of Veterans Affairs, the Secretary of  
4 Veterans Affairs shall offer to transfer such prop-  
5 erty, without reimbursement, to the Secretary of De-  
6 fense. Any such transfer shall be completed not later  
7 than one year after the acceptance of the offer of  
8 transfer.

9 (2) REVERSION IN EVENT OF LACK OF FACILI-  
10 TIES INTEGRATION.—

11 (A) WITHIN INITIAL PERIOD.—During the  
12 5-year period beginning on the date of the  
13 transfer of the real and related personal prop-  
14 erty described in subsection (a), if the Secretary  
15 of Veterans Affairs and the Secretary of De-  
16 fense jointly determine that the integration of  
17 the facilities described in that subsection should  
18 not continue, the real and related personal  
19 property of the Navy ambulatory care center,  
20 parking structure, and support facilities de-  
21 scribed in that subsection shall be transferred,  
22 without reimbursement, to the Secretary of De-  
23 fense. Such transfer shall occur not later than  
24 180 days after the date of such determination  
25 by the Secretaries.

1 (B) AFTER INITIAL PERIOD.—After the  
2 end of the 5-year period described in subpara-  
3 graph (A), if either the Secretary of Veterans  
4 Affairs or the Secretary of Defense determines  
5 that the integration of the facilities described in  
6 subsection (a) should not continue, the Sec-  
7 retary of Veterans Affairs shall transfer, with-  
8 out reimbursement, to the Secretary of Defense  
9 the real and related personal property described  
10 in paragraph (1). Such transfer shall occur not  
11 later than one year after the date of the deter-  
12 mination by the Secretary concerned.

13 **SEC. 3. TRANSFER OF CIVILIAN PERSONNEL OF THE DE-**  
14 **PARTMENT OF DEFENSE.**

15 (a) AUTHORIZATION FOR TRANSFER OF FUNC-  
16 TIONS.—

17 (1) IN GENERAL.—The Secretary of Defense  
18 may transfer to the Department of Veterans Affairs,  
19 and the Secretary of Veterans Affairs may accept  
20 from the Department of Defense, functions nec-  
21 essary for the effective operation of the Captain  
22 James A. Lovell Federal Health Care Center.

23 (2) TREATMENT OF TRANSFERS.—Any transfer  
24 of functions under this subsection is a transfer of

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

3 (b) TERMS OF AGREEMENT.—

4 (1) RESOURCE-SHARING AGREEMENT.—Any  
5 transfer of functions under subsection (a) shall be  
6 effectuated in a resource-sharing agreement between  
7 the Secretary of Defense and the Secretary of Vet-  
8 erans Affairs.

9 (2) ELEMENTS.—Notwithstanding any other  
10 provision of law, including but not limited to any  
11 provisions of title 5, United States Code, relating to  
12 transfers of function or reductions-in-force, the  
13 agreement described in paragraph (1) shall be con-  
14 trolling and may make provision for—

15 (A) the transfer of civilian employee posi-  
16 tions of the Department of Defense identified in  
17 the agreement to the Department of Veterans  
18 Affairs and of the incumbent civilian employees  
19 in such positions;

20 (B) the transition of transferred employees  
21 to pay, benefits, and personnel systems of the  
22 Department of Veterans Affairs in a manner  
23 which will not result in any reduction of pay,  
24 grade, or employment progression of any em-  
25 ployee or any change in employment status for

1 employees who have already successfully com-  
2 pleted or are in the process of completing a  
3 one-year probationary period under title 5,  
4 United States Code;

5 (C) the establishment of integrated senior-  
6 ity lists and other personnel management provi-  
7 sions that recognize an employee's experience  
8 and training so as to provide comparable rec-  
9 ognition of employees previously with the De-  
10 partment of Veterans Affairs and employees  
11 newly transferred to such Department; and

12 (D) such other matters relating to civilian  
13 personnel management as the Secretary of De-  
14 fense and the Secretary of Veterans Affairs  
15 consider appropriate.

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 civilian employee positions  
20 in the Department of Defense and utilize all civilian per-  
21 sonnel authorities otherwise available to the Secretary if  
22 the Secretary determines that such actions are necessary  
23 and appropriate to meet mission requirements of the De-  
24 partment of Defense.

1 **SEC. 4. EXTENSION AND EXPANSION OF JOINT INCENTIVE**  
2 **FUND.**

3 (a) TEN-YEAR EXTENSION OF AUTHORITY FOR  
4 JOINT INCENTIVES PROGRAM.—Paragraph (3) of section  
5 8111(d) of title 38, United States Code, is amended by  
6 striking “2010” and inserting “2020”.

7 (b) FUNDING OF MAINTENANCE AND MINOR CON-  
8 STRUCTION FROM THE JOINT INCENTIVE FUND.—Para-  
9 graph (2) of such section is amended by adding at the  
10 end the following new sentence: “Such purposes shall in-  
11 clude real property maintenance and minor construction  
12 projects that are not required to be specifically authorized  
13 by law under section 8104 of this title and section 2805  
14 of title 10.”.

15 **SEC. 5. HEALTH CARE ELIGIBILITY FOR SERVICES AT THE**  
16 **CAPTAIN JAMES A. LOVELL FEDERAL**  
17 **HEALTH CARE CENTER.**

18 (a) IN GENERAL.—For purposes of eligibility for  
19 health care under chapter 55 of title 10, United States  
20 Code, the Captain James A. Lovell Federal Health Care  
21 Center authorized by this Act may be deemed to be a facil-  
22 ity of the uniformed services to the extent provided in an  
23 agreement between the Secretary of Defense and the Sec-  
24 retary of Veterans Affairs under subsection (b).

25 (b) ELEMENTS OF AGREEMENT.—Subsection (a)  
26 may be implemented through an agreement between the

1 Secretary of Veterans Affairs and the Secretary of De-  
2 fense. The agreement may—

3           (1) establish an integrated priority list for ac-  
4           cess to available care at the facility described in sub-  
5           section (a), integrating the respective priority lists of  
6           the Secretaries, taking into account categories of  
7           beneficiaries, enrollment program status, and such  
8           other factors as the Secretaries determine appro-  
9           priate;

10           (2) incorporate any resource-related limitations  
11           for access to care at that facility established by the  
12           Secretary of Defense for purposes of administering  
13           space-available eligibility for care in facilities of the  
14           uniformed services under chapter 55 of title 10,  
15           United States Code;

16           (3) allocate financial responsibility for care pro-  
17           vided at that facility for individuals who are eligible  
18           for care under both title 38, United States Code,  
19           and chapter 55 of title 10, United States Code; and

20           (4) waive the applicability to that facility of any  
21           provision of section 8111(e) of title 38, United  
22           States Code, as specified by the Secretaries.

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