



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 24, 2023
(House Rules)

STATEMENT OF ADMINISTRATION POLICY
H.R. 4366 — Military Construction and Veterans Affairs, and Related Agencies
Appropriations Act, 2024
(Rep. Granger, R-TX)

The Administration strongly opposes House passage of H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year (FY) ending September 30, 2024 and for other purposes.

In May, the Administration negotiated in good faith with the Speaker on bipartisan legislation to avoid a first-ever default and protect the Nation's hard-earned and historic economic recovery. This negotiation resulted in the Fiscal Responsibility Act (FRA) of 2023, which passed with overwhelming bipartisan support and set spending levels for FYs 2024 and 2025. The agreement held spending for non-defense programs roughly flat with FY 2023 levels, a compromise that protected vital programs Americans rely on from draconian cuts House Republicans proposed. The agreement also protected historic legislative accomplishments from the past two years, including the Inflation Reduction Act (IRA), Honoring our PACT Act of 2022, CHIPS and Science Act, and the Infrastructure Investment and Jobs Act (Bipartisan Infrastructure Law).

House Republicans had an opportunity to engage in a productive, bipartisan appropriations process, but instead, with just over two months before the end of the fiscal year, are wasting time with partisan bills that cut domestic spending to levels well below the FRA agreement and endanger critical services for the American people. These levels would result in deep cuts to climate change and clean energy programs, essential nutrition services, law enforcement, consumer safety, education, and healthcare.

These bills include billions in additional rescissions from the IRA and other vital legislation that would result in unacceptable harm to clean energy and to energy efficiency initiatives that lower energy costs and critical investments in rural America.

The draft bills also include numerous new, partisan policy provisions with devastating consequences including harming access to reproductive healthcare, threatening the health and safety of Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI+) Americans, endangering marriage equality, hindering critical climate change initiatives, and preventing the Administration from promoting diversity, equity, and inclusion.

The Administration stands ready to engage with both chambers of the Congress in a bipartisan appropriations process to enact responsible spending bills that fully fund Federal agencies in a timely manner.

If the President were presented with H.R. 4366, he would veto it.

The Administration would like to take this opportunity to share additional views regarding the House Appropriations Committee's (Committee) version of the bill.

Department of Defense

Reprioritization of Military Construction Funding to Unrequested Projects. The Administration opposes the bill's realignment of military construction funding from priority projects to other projects. Contrary to the Administration's fiscally responsible policy to fully fund executable projects, the bill proposes to fund 22 military construction projects incrementally. This would effectively create an unfunded obligation of more than \$2.3 billion needed to successfully execute these projects over time, divert those funds to projects that either are not executable in FY 2024 or were not requested by the Administration, and, given the already agreed upon ceilings for FY 2025 appropriations under the Fiscal Responsibility Act of 2023, reduce the amount available for other high priority military construction requirements in FY 2025 by a comparable amount.

Guantanamo Bay Prohibitions. The Administration strongly opposes section 412 and 135 of the bill, which would prohibit construction or modification of facilities in the United States to house transferred Guantanamo Bay Detention Facility (GTMO) detainees. This provision would interfere with the President's ability to determine the appropriate disposition of GTMO detainees.

Department of Veterans Affairs (VA)

VA Medical Care. The Administration appreciates the \$121 billion in discretionary appropriations that the Committee provides for VA Medical Care. Along with previously provided Toxic Exposures Fund funding, this level would enable VA to support key Administration priorities such as ending veteran homelessness, increasing access to mental healthcare, and providing suicide prevention services, as well as investments in other critical areas, including caregiver support programs and overdose prevention and treatment programs. The Administration also appreciates the continuing flexibility to provide veterans with the robust array of medical care services they deserve.

VA Abortion Final Rule. The Administration strongly opposes section 258 of the bill, which would prevent VA from using funds to implement, administer, or otherwise carry out the Interim Final Rule (IFR) published on September 9, 2022, which expanded access to abortion for certain veterans. VA's IFR specified that VA is able to provide access to abortions when the life or health of the pregnant veteran would be endangered if the pregnancy were carried to term, or when the pregnancy is the result of rape or incest. VA beneficiaries enrolled in the Civilian Health and Medical Program of the Department of Veterans Affairs also have access to this care under the IFR. The provision would restrict abortions to the case of rape or incest, or "where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed." This change would prevent VA from providing needed care to veterans when the health of the woman is endangered.

Gender Affirming Care. The Administration also strongly opposes section 259 of the bill, which would prevent VA from using funds to provide hormone therapies for the

purpose of gender affirming care and surgical procedures for the purpose of gender affirming care. This would prevent VA from providing the full extent of quality care to veterans and legislates on decisions that should be left to the patient and their healthcare provider.

Lease Restriction. The Administration opposes section 252 of the bill, which would restrict VA from using funds to pay the rent currently required for the medical facility in Bakersfield, CA, which may force VA to vacate the facility, potentially creating a service gap for Bakersfield veterans.

Flags at VA Facilities. The Administration opposes section 260 of the bill, which would prevent VA from using funds to display any but the listed flags, thereby preventing VA from displaying flags demonstrating support for historically marginalized groups such as Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex veterans.

Advancing Equity. The Administration opposes sections 414, 415, and 417 of the bill. These provisions would limit efforts by the Federal Government to implement a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality and cultivate a workforce that draws from the full diversity of the Nation.

Protecting the Rights of Veterans and Their Loved Ones. The Administration opposes section 416 of the bill, which would prevent VA from using funds made available in this Act or in previous Appropriations Acts to take “discriminatory action” regarding persons who do not support same sex marriage due to a “sincerely held religious belief or moral conviction.” This provision would undermine same sex marriage while also unduly complicating the routine business of the Department to provide healthcare and other services for veterans.

Constitutional Concerns

Certain provisions of the draft bill raise separation of powers concerns, including by conditioning the Executive’s authority to take certain actions on receiving the approval of the House and Senate Committees on Appropriations. The Administration looks forward to working with the Congress to address these and other concerns.

The Administration looks forward to working with the Congress as the FY 2024 appropriations process moves forward.

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