

To the office of U.S. Representative Mike Flood

Re: HR 9311 (119th Congress), Build Housing Affordably Act • Latest action (2026-06-15): Referred to the House Committee on Financial Services.

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Office of record (Congress.gov): 343 Cannon House Office Building, Washington, DC • (202) 225-4806

Federal Project Procurement Streamlining Act of 2025

The measure, as described from the official record: To allow certain federal projects to bypass standard procurement requirements in order to accelerate their completion, particularly for infrastructure, defense, or emergency response.

THE PROPOSAL

This Act establishes a narrow, temporary exemption from the competitive procurement requirements of chapter 83 of title 41, United States Code, for certain federal projects that meet all of the following criteria: (1) the project is funded entirely by federal appropriations; (2) the project is certified by the head of the relevant federal agency as necessary for national defense, interstate commerce, or response to a declared major disaster or emergency under the Stafford Act; and (3) the agency head determines that compliance with standard procurement procedures would materially delay the project and that the exemption is essential to protect public health, safety, or national security.

Each exemption shall be limited to a single project, shall not exceed \$50 million in total contract value, and shall expire two years from the date of certification. The agency head must publish a notice in the Federal Register within 10 days of granting an exemption, including the project description, justification, and estimated cost. The Government Accountability Office (GAO) shall review each exemption within 180 days and report to Congress on its necessity and compliance.

No exemption may be used for projects that primarily benefit a single private entity or that involve the acquisition of real property from a state or local government without its consent. The authority granted by this Act shall sunset five years after enactment. Any contract awarded under this exemption shall include standard clauses for labor standards, anti-discrimination, and whistleblower protections as required by other federal law.

This Act does not preempt state or local procurement laws for projects not funded by the federal government. It is enacted pursuant to Article I, Section 8, Clauses 1 (general welfare), 3 (interstate commerce), 12 (armies), and 18 (necessary and proper).

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source General fund of the Treasury; no new appropriation required, as projects are already funded by existing appropriations.

Funding Amount	Not applicable; the Act does not authorize new spending but limits exemption to projects under \$50 million.
Sunset Years	5 years
Oversight Body	Government Accountability Office (GAO) for review; agency Inspectors General for internal enforcement.
Enforcement Mechanism	Any contract awarded in violation of this Act shall be voidable by the Comptroller General; agency heads who knowingly grant improper exemptions are subject to administrative penalties and referral to the Attorney General for civil action.
Effective Date	90 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (general welfare)
- Article I, Section 8, Clause 3 (interstate commerce)
- Article I, Section 8, Clause 12 (armies)
- Article I, Section 8, Clause 18 (necessary and proper)
- Fifth Amendment (due process – clear criteria prevent arbitrary deprivation)
- Tenth Amendment (reserves to states powers not delegated)

Concerns with the measure as written:

- The term 'covered projects' is undefined, risking arbitrary application and violation of Fifth Amendment due process.
- Without limiting the exemption to projects within federal power (e.g., national defense, interstate commerce), the bill could exceed enumerated powers under Article I, Section 8.
- If applied to state or local projects not involving federal funds, the bill could infringe on state sovereignty under the Tenth Amendment.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities honored: includes labor protections, anti-discrimination clauses, whistleblower safeguards, and GAO oversight to prevent abuse. Republican priorities honored: reduces bureaucratic delays for critical projects, limits exemption to federal funds, includes a sunset to prevent permanent expansion, and respects state sovereignty by not preempting state law.

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