

To the office of U.S. Representative Mike D. Rogers

Re: HR 8800 (119th Congress), National Defense Authorization Act for Fiscal Year 2027 • Latest action (2026-09-14): Received in the Senate.

VFA SI Solution #134 • published 2026-06-19 • <https://www.valuesforamerica.com/solutions/134>

Office of record (Congress.gov): 2469 Rayburn House Office Building, Washington, DC • (202) 225-3261

National Defense Authorization and Constitutional Safeguards Act for Fiscal Year 2027

The measure, as described from the official record: The bill authorizes funding and sets policy for the Department of Defense and national security programs for Fiscal Year 2027, ensuring military readiness, modernization, and support for service members.

THE PROPOSAL

This Act authorizes appropriations for the Department of Defense for Fiscal Year 2027, subject to constitutional limits. All Army funding is limited to two fiscal years from enactment, per Article I, Section 8, Clause 12. No funds may be used for surveillance of U.S. persons without a warrant based on probable cause, except in exigent circumstances approved by a federal judge within 48 hours, consistent with the Fourth Amendment.

Any provision authorizing detention of individuals shall affirm habeas corpus rights under Article I, Section 9, Clause 2, requiring prompt judicial review and access to counsel. No state or local government shall be compelled to enforce federal military policies, honoring the Tenth Amendment. Domestic use of the military for law enforcement is prohibited unless explicitly authorized by the Constitution (e.g., suppression of insurrection under Article I, Section 8, Clause 15) and subject to congressional approval.

Enforcement is through the Government Accountability Office (GAO), which audits compliance annually. Violations result in withholding of funds to the offending agency until corrected. The Act sunsets after five years unless reauthorized with review of constitutional impacts.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	General Treasury revenues, offset by a 1% reduction in non-defense discretionary spending.
Funding Amount	\$886 billion authorized for FY2027, with line-item caps for each military branch and purpose.
Sunset Years	5 years
Oversight Body	Government Accountability Office (GAO) with annual reports to Congress.
Enforcement Mechanism	Withholding of funds from any department or agency found to violate constitutional limits, with judicial review available.
Effective Date	October 1, 2026

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 12 (Army appropriations limited to two years)
- Article I, Section 8, Clause 1 (provide for common defense)
- Article I, Section 8, Clause 15 (suppress insurrections)
- Fourth Amendment (warrant requirement)
- Article I, Section 9, Clause 2 (habeas corpus)
- Tenth Amendment (reserved powers)

Concerns with the measure as written:

- Potential violations of Article I, Section 8, Clause 12 if Army appropriations exceed two-year limit.
- Possible Fourth Amendment encroachments if surveillance or search provisions lack warrants or probable cause.
- Risk of habeas corpus suspension if detention provisions limit judicial review.
- Tenth Amendment concerns if provisions mandate state action in military affairs.
- Possible overreach into state jurisdiction via domestic military operations or disaster response.

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

Honors Democratic priorities: protects civil liberties (Fourth Amendment, habeas corpus) and limits domestic military overreach. Honors Republican priorities: maintains strong defense funding, readiness, and modernization; imposes fiscal discipline through sunsets and offsets.

Values for America is a nonpartisan, constitution-first SI think tank. This brief is informational. It is a policy proposal, not law, and it does not support or oppose any candidate or party. Full analysis and sources: <https://www.valuesforamerica.com/solutions/134> · Methodology: <https://www.valuesforamerica.com/methodology>