

To the office of U.S. Representative Steve Womack

Re: HR 9170 (119th Congress), Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2027 • Latest action (2026-06-05): Placed on the Union Calendar, Calendar No. 598. VFA SI Solution #86 • published 2026-06-07 • <https://www.valuesforamerica.com/solutions/86>
Office of record (Congress.gov): 2412 Rayburn House Office Building, Washington, DC • (202) 225-4301

Enumerated Infrastructure and Housing Assistance Act of 2027

The measure, as described from the official record: To fund transportation, housing, and urban development programs for fiscal year 2027, addressing infrastructure needs and housing affordability.

THE PROPOSAL

This Act appropriates funds for fiscal year 2027 to the Department of Transportation and the Department of Housing and Urban Development, strictly limited to activities within Congress's enumerated powers under Article I, Section 8 of the Constitution.

Section 1: Transportation Infrastructure. Funds are provided solely for projects on interstate highways, bridges on interstate routes, and navigable waterways that directly affect interstate commerce. No funds may be used for intrastate roads or local transit systems unless they are part of a federally designated interstate corridor. All grants must be distributed by formula based on interstate commerce volume, not state-level policy compliance.

Section 2: Housing Assistance. Funds are limited to housing for federal employees, military personnel, and Native American tribes on federal lands or reservations, as authorized under the Property Clause (Article IV, Section 3, Clause 2) and the Indian Commerce Clause (Article I, Section 8, Clause 3). No funds may condition state receipt on adoption of zoning or rent control policies. States may opt out without penalty.

Section 3: Oversight and Sunset. The Government Accountability Office shall audit all expenditures annually for constitutional compliance. This Act sunsets after five years. Any state that accepts funds must certify in writing that the funds will be used only for the enumerated purposes specified herein.

Section 4: Enforcement. The Attorney General may bring suit to enjoin any expenditure that violates this Act. Private citizens have standing to challenge expenditures in federal court under the Fifth Amendment's Due Process Clause if their state is coerced into accepting funds.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source General Treasury revenues, offset by a 0.5% reduction in non-defense discretionary spending not tied to enumerated powers.

Funding Amount \$50 billion for fiscal year 2027, with annual adjustments for inflation.

Sunset Years	5 years
Oversight Body	Government Accountability Office, with annual reports to Congress on constitutional compliance.
Enforcement Mechanism	Attorney General injunctive relief; private right of action for states or citizens under Fifth Amendment due process.
Effective Date	October 1, 2026

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause)
- Article I, Section 8, Clause 7 (Post Offices and Post Roads)
- Article IV, Section 3, Clause 2 (Property Clause)
- Tenth Amendment
- Fifth Amendment Due Process Clause

Concerns with the measure as written:

- Potential coercion of states through conditional funding for housing programs that exceed federal enumerated powers under Article I, Section 8.
- Risk of funding programs that regulate intrastate commerce or local land use, violating the Tenth Amendment.
- Possible lack of clear nexus to interstate commerce or post roads for certain transportation grants.

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

Honors Democratic priorities by funding infrastructure and housing assistance for vulnerable populations (federal employees, tribes). Honors Republican priorities by strictly limiting federal power to enumerated powers, avoiding state coercion, and including a sunset and oversight mechanism.

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