

To the office of U.S. Representative Michael K. Simpson

Re: HR 9171 (119th Congress), Department of the Interior, Environment, and Related Agencies Appropriations Act, 2027 • Latest action (2026-06-05): Placed on the Union Calendar, Calendar No. 599. VFA SI Solution #87 • published 2026-06-07 • <https://www.valuesforamerica.com/solutions/87>
Office of record (Congress.gov): 2084 Rayburn House Office Building, Washington, DC • (202) 225-5531

Constitutional Interior and Environment Appropriations Act of 2027

The measure, as described from the official record: To fund the Department of the Interior, the Environmental Protection Agency, and related agencies for fiscal year 2027, supporting environmental protection, public lands management, and cultural programs.

THE PROPOSAL

This Act appropriates funds for the Department of the Interior, the Environmental Protection Agency, and related agencies for fiscal year 2027, subject to the following limitations to ensure compliance with the Constitution.

Section 1. Funding shall be allocated only for activities within Congress's enumerated powers under Article I, Section 8, including but not limited to: management of federal public lands and waters (Property Clause), interstate commerce regulation (Commerce Clause), and spending for the general welfare (Taxing and Spending Clause). No funds may be used to regulate or mandate state or local land-use, zoning, or environmental policies beyond federal statutory baselines, consistent with the Tenth Amendment.

Section 2. Any grant or cooperative agreement to a state or local government shall be voluntary and shall not impose conditions unrelated to the federal purpose of the grant. States may opt out of any condition by declining the funds, without penalty to other federal funding streams. No condition shall require a state to adopt a policy that would violate the Fifth Amendment's Takings Clause or otherwise deprive property owners of rights without just compensation.

Section 3. The Environmental Protection Agency shall not issue any rule or guidance under this Act that lacks a clear statutory directive from Congress. Any delegation of rulemaking authority shall be accompanied by an intelligible principle specifying the scope and limits of agency discretion, as required by the nondelegation doctrine.

Section 4. This Act shall be enforced by the Attorney General, who may bring civil actions to enjoin any expenditure that violates the conditions herein. Any person aggrieved by a violation may seek injunctive relief in federal district court.

Section 5. This Act shall take effect on October 1, 2026, and shall expire on September 30, 2027, unless reauthorized by Congress.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	General Treasury revenues, as authorized by the Budget Resolution for FY 2027.
Funding Amount	\$45 billion (consistent with the original bill's top-line, subject to sequestration if deficit exceeds targets).
Sunset Years	1 years
Oversight Body	Government Accountability Office (GAO) to audit compliance with constitutional conditions; annual report to Congress.
Enforcement Mechanism	Civil actions by the Attorney General or private parties for injunctive relief; withholding of funds for noncompliant agencies.
Effective Date	October 1, 2026

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Taxing and Spending Clause)
- Article I, Section 8, Clause 3 (Commerce Clause)
- Article IV, Section 3, Clause 2 (Property Clause)
- Fifth Amendment (Takings Clause)
- Tenth Amendment
- Nondelegation doctrine (Article I, Section 1)

Concerns with the measure as written:

- Potential Tenth Amendment violations if provisions commandeer state regulatory authority or impose unfunded mandates on states.
- Risk of unconstitutional conditions if funding is tied to state policy choices unrelated to the federal interest (e.g., requiring states to adopt specific land-use or environmental standards beyond federal baseline).
- Possible Fifth Amendment takings issues if funding conditions effectively deprive property owners of use without just compensation.
- Improper delegation if the bill grants agency discretion without an intelligible principle, particularly in rulemaking or spending decisions.

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

Honors Democratic priorities: robust funding for environmental protection and public lands, with clear federal role. Honors Republican priorities: respect for state sovereignty (Tenth Amendment), protection of property rights (Fifth Amendment), limits on agency discretion (nondelegation), and sunset to ensure accountability.

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