

To the office of U.S. Representative Virginia Foxx

Re: HRES 1423 (119th Congress), Providing for consideration of the bill (H.R. 139) to make daylight savings time permanent, and for other purposes; providing for consideration of the bill (H.R. 8595) making appropriations for national security, Department of State, and related programs for the fiscal year ending September 30, 2027, and for other purposes; providing for consideration of the bill (H.R. 9237) to amend titles 10 and 38, United States Code, and other Federal laws, to improve benefits for veterans and the administration of the Department of Veterans Affairs; providing for consideration of the bill (H.R. 1181) to prohibit payment card networks and covered entities from requiring the use of or assigning merchant category codes that distinguish a firearms retailer from general-merchandise retailer or sporting-goods retailer, and for other purposes; and for other purposes. • Latest action (2026-07-14): Motion to reconsider laid on the table Agreed to without objection.

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Office of record (Congress.gov): 2462 Rayburn House Office Building, Washington, DC • (202) 225-2071

Constitutional Consideration Rule for H.R. 139, H.R. 8595, H.R. 9237, and H.R. 1181

The measure, as described from the official record: To set the terms for floor debate and voting on four substantive bills: making daylight saving time permanent, national security appropriations, veterans benefits improvements, and prohibiting firearm-specific merchant category codes.

THE PROPOSAL

This resolution provides for consideration of four bills, but with amendments to ensure each bill complies with enumerated federal powers and the Bill of Rights before final passage.

Section 1. Consideration of H.R. 139 (Daylight Saving Time Permanent). The bill shall be considered as read, but before final passage, the House shall vote on an amendment striking the effective date and replacing it with a sunset after five years, and requiring a study by the Department of Transportation on interstate commerce effects. Funding for the study shall come from the DOT's existing administrative budget.

Section 2. Consideration of H.R. 8595 (National Security Appropriations). The bill shall be considered as read, but the total appropriations shall be capped at the President's budget request plus 2%, and any funds not obligated within two years shall revert to the Treasury. A quarterly report to the House Appropriations Committee is required.

Section 3. Consideration of H.R. 9237 (Veterans Benefits). The bill shall be considered as read, but any new benefit that exceeds the VA's current actuarial liability must be offset by reductions elsewhere in the VA budget. The Congressional Budget Office shall certify offsets before final passage.

Section 4. Consideration of H.R. 1181 (Merchant Category Codes). The bill shall be considered as read, but before final passage, the House shall vote on an amendment that limits the prohibition to government-mandated MCC assignments, not private voluntary use, to avoid First

Amendment and Tenth Amendment conflicts. The amendment shall also include a severability clause.

Section 5. All amendments described above shall be considered as adopted if the underlying bill passes. The rule shall expire at the end of the 119th Congress.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Existing agency budgets (DOT for study; VA for offsets; no new appropriations for the rule itself).
Funding Amount	Not applicable; rule does not authorize new spending.
Sunset Years	2 years
Oversight Body	House Rules Committee for compliance with amendments; CBO for offsets; DOT for daylight saving study.
Enforcement Mechanism	Points of order against any floor action that violates the amendments; final passage contingent on adoption of amendments.
Effective Date	Upon adoption of this resolution.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (taxing and spending for general welfare)
- Article I, Section 8, Clause 5 (coining money and regulating value thereof)
- Article I, Section 8, Clause 14 (rules for land and naval forces)
- First Amendment (commercial speech)
- Tenth Amendment (powers reserved to states)
- Fifth Amendment Due Process (clarity in criminal statutes)

Concerns with the measure as written:

- The rule itself is a procedural resolution internal to Congress and raises no constitutional issues.
 - However, the underlying bills may raise concerns: H.R. 139 (daylight saving time) likely exceeds federal power over time standards under Article I, Section 8, Clause 5 (coining money and regulating value thereof) but may be permissible under the Commerce Clause; H.R. 8595 (appropriations) is within Article I, Section 8, Clause 1 (taxing and spending); H.R. 9237 (veterans benefits) is within Article I, Section 8, Clause 14 (rules for land and naval forces); H.R. 1181 (merchant category codes) may violate First Amendment commercial speech and Tenth Amendment if it restricts private payment networks.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: fiscal responsibility through spending caps and offsets (H.R. 8595, H.R. 9237), and protecting consumer privacy from government-mandated tracking (H.R. 1181 amendment). Republican priorities: limiting federal overreach (H.R. 139 sunset and study, H.R. 1181 amendment protecting private commerce), and ensuring veterans benefits are fully funded without adding to deficit.

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