

To the office of U.S. Representative Mariannette Miller-Meeks

Re: HR 10170 (119th Congress), Memory Chip Competitiveness Assessment Act of 2026 • Latest action (2026-09-16): Ordered to be Reported (Amended) by the Yeas and Nays: 45 - 0.

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Office of record (Congress.gov): 504 Cannon House Office Building, Washington, DC • (202) 225-6576

Limited Memory Chip Study With Cost Cap and Sunset

The measure, as described from the official record: Understand the market and supply chain for advanced memory chips and find ways to expand supply and lower costs for finished products.

THE PROPOSAL

Congress may fund this study-only assessment under Article I, Section 8, Clauses 3 and 18 because it studies interstate and foreign commerce to inform future laws, but it may not impose mandates, taxes, or controls on private firms without separate authority. The VFA proposal would keep the Memory Chip Competitiveness Assessment Act limited to facts and options, with firm cost, time, and privacy limits. The strongest objection is that a study wastes funds and invites mandates; this draft answers it by capping spending, banning new mandates, and ending the authority after three years.

Commerce would complete the study within 18 months using public data, voluntary business input, and existing trade records. No firm would face a new mandate to report private data. Any voluntary survey would state what is asked, why it is needed, and how secrets will be shielded. A draft report would be open for public comment for at least 45 days, and the final report would include written answers to major comments.

The final report would list practical options to expand supply, with cost ranges and tradeoffs for each option. It would identify limits tied to foreign supply, labor, permitting, power, and transport. It would not create subsidies, tariffs, purchase rules, or licensing changes. Any future action would need separate legislation.

Spending would be capped at \$3 million from existing Commerce funds. The study authority would end three years after enactment. The Government Accountability Office would review the method and cost claims and report to Congress. That structure keeps the focus on facts, protects rights, and lets Congress decide next steps.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Effective Date	Enactment, with final report due within 18 months
Enforcement Mechanism	No fines or mandates; Commerce publishes findings and responds to public comment, with review by the Comptroller General for method and cost accuracy
Funding Amount	Capped at \$3 million total

Funding Source	Existing Department of Commerce appropriations, with no new tax or fee
Oversight Body	Department of Commerce with review by the Government Accountability Office
Sunset Years	3 years

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3
- Article I, Section 8, Clause 18
- Fifth Amendment Due Process
- Tenth Amendment

Concerns with the measure as written:

- No stated grant of regulatory power over private memory chip firms in the official summary, so any final law should stay limited to study and reporting.
- Any data requests must respect Fifth Amendment Due Process and avoid compelled disclosure without clear limits and notice.
- Findings alone create no federal control over state economic policy, consistent with the Tenth Amendment.

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

VFA assesses this draft honors Democratic priorities for supply chain resilience, lower costs for finished goods, and open public input, while it honors Republican priorities for fiscal restraint, no new mandates on private firms, exclusion of sourcing from North Korea, China, Russia, or Iran, and a firm sunset with outside oversight.

Strongest objection, and the answer: The strongest objection is that a study wastes funds and invites mandates; this draft answers it by capping spending, banning new mandates, and ending the authority after three years.

CHECK BEFORE RELYING ON THIS

Basis: The Congress.gov summary of H.R. 10170 in the 119th Congress, fetched October 14, 2026, supports the title, definition of advanced memory technology, required study topics, exclusion of products from North Korea, China, Russia, or Iran, public comment step, and the September 16, 2026 committee vote.

The full bill text, current law, data collection powers, cost effects, and appeal rights are not in the official summary and should be verified at Congress.gov; public comment and outside review described here are new proposed safeguards, not confirmed existing rights.

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