

To the office of U.S. Senator Jacky Rosen

Re: S 5145 (119th Congress), Wildfire Air Quality Sensor Expansion Act of 2026 • Latest action (2026-07-28): Read twice and referred to the Committee on Environment and Public Works.
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Air Sensor Grant Clarification and Efficiency Act of 2025

The measure, as described from the official record: Improve air quality monitoring by allowing existing Clean Air Act grants to be used for purchasing air sensors, without creating new programs or authorizations.

THE PROPOSAL

Section 1. Short title. This Act may be cited as the 'Air Sensor Grant Clarification and Efficiency Act of 2025'.

Section 2. Clarification of grant use. Notwithstanding any other provision of law, amounts awarded under section 103 of the Clean Air Act (42 U.S.C. § 7403) for air pollution monitoring and control may be used by recipients to purchase, deploy, and maintain air quality sensors, including low-cost sensors, for the purpose of monitoring ambient air pollutants. The Administrator of the Environmental Protection Agency (EPA) shall issue guidance within 180 days of enactment to ensure that sensors purchased under this authority meet minimum data quality standards and that data collected is made publicly available in a machine-readable format, subject to privacy protections.

Section 3. Limitations and oversight. This authority shall be exercised only for grants made after the effective date of this Act. No additional funds are authorized; grants shall be funded from existing appropriations for air quality monitoring. The EPA shall submit a report to Congress, within 90 days before the sunset date, evaluating the effectiveness of sensor deployment, data quality, and any unintended consequences.

Section 4. Sunset. This Act shall sunset 5 years after the date of enactment, unless reauthorized by Congress.

Section 5. Effective date. This Act shall take effect 60 days after enactment.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Existing appropriations for Clean Air Act section 103 grants; no new authorization.
Funding Amount	Not specified; cap is the existing grant budget for air quality monitoring (approximately \$100 million annually, subject to appropriations).
Sunset Years	5 years

Oversight Body	Environmental Protection Agency, Office of Air Quality Planning and Standards.
Enforcement Mechanism	Standard grant compliance procedures; EPA may withhold or recover funds for non-compliance with guidance. Data quality standards are enforceable as grant conditions.
Effective Date	60 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause – Clean Air Act authority)
- Tenth Amendment (preserves state flexibility by not mandating sensor purchases)

Concerns with the measure as written:

- No major constitutional concerns—the Clean Air Act is a valid exercise of Commerce Clause power (Article I, Section 8, Clause 3). However, the bill should avoid any commandeering of state governments (Tenth Amendment) and ensure that grant conditions are not unduly burdensome.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities by expanding tools for air quality monitoring, particularly in underserved communities, and by requiring public data access. Honors Republican priorities by avoiding new spending, limiting federal expansion to a narrow clarification, and including a sunset provision to ensure accountability and review.

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