

To the office of U.S. Representative Gilbert Ray Cisneros

Re: HR 10083 (119th Congress), Water Technology and Resilience Reauthorization Act • Latest action (2026-08-13): Referred to the House Committee on Energy and Commerce.

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Office of record (Congress.gov): 2463 Rayburn House Office Building, Washington, DC • (202) 225-5256

Water Technology and Resilience Grant Act of 2025

The measure, as described from the official record: To reauthorize federal programs that support the development and deployment of innovative water technologies and enhance the resilience of water systems to address challenges such as drought, water quality, and aging infrastructure.

THE PROPOSAL

This Act provides a framework for the federal government to support state-led water technology and resilience initiatives through conditional grants, ensuring that federal funds are used in a manner consistent with enumerated powers and respect for state sovereignty.

Section 1. Definitions. 'Eligible project' means a project that (a) involves the development, demonstration, or deployment of water technology that improves water efficiency, quality, or supply resilience, and (b) has a substantial effect on interstate commerce, including but not limited to projects that affect water quality in navigable waters, water supply for interstate markets, or water use in federally regulated industries.

Section 2. Grant Program. The Administrator of the Environmental Protection Agency (EPA) shall establish a competitive grant program to provide financial assistance to states for eligible projects. States may apply for grants on behalf of local governments, utilities, or private entities, and shall ensure that projects comply with state water management laws and priorities. No grant shall be conditioned on the adoption of federal standards beyond the nexus to interstate commerce.

Section 3. Conditions. As a condition of receiving funds, each state shall (a) submit a plan describing how the grant will be used to achieve the purposes of this Act, (b) certify that the project does not violate any federal law, and (c) report annually on the use of funds and outcomes. The EPA may withhold funds if a state fails to comply, subject to administrative review and judicial review under the Administrative Procedure Act.

Section 4. Authorization of Appropriations. There is authorized to be appropriated \$500,000,000 for each of fiscal years 2026 through 2030, to remain available until expended, from the general fund of the Treasury. Of the amounts appropriated, up to 5% may be used for administrative costs by the EPA.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	General fund of the Treasury via annual appropriations.
Funding Amount	\$500,000,000 per year for 5 years (total \$2.5 billion authorized).
Sunset Years	5 years
Oversight Body	Environmental Protection Agency (EPA), in consultation with state water agencies.
Enforcement Mechanism	Withholding of funds for non-compliance, with administrative and judicial review under the Administrative Procedure Act (5 U.S.C. §§ 551–706).
Effective Date	90 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Spending Clause – 'to provide for the common Defence and general Welfare of the United States')
- Tenth Amendment ('The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.')
- Article I, Section 8, Clause 3 (Commerce Clause – limited to activities with substantial nexus to interstate commerce)

Concerns with the measure as written:

- The original bill may attempt to regulate intrastate water management directly, exceeding Congress's enumerated powers under the Commerce Clause and violating the Tenth Amendment.
 - Provisions that impose mandates on state and local governments without clear nexus to interstate commerce or spending conditions would infringe on state sovereignty.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: This bill provides substantial federal investment in water technology and resilience, addressing climate change, water quality, and infrastructure needs that disproportionately affect disadvantaged communities. Republican priorities: The bill respects federalism by channeling funds through states with no new federal mandates, conditions grants on a clear nexus to interstate commerce, includes a sunset for accountability, and limits federal oversight to ensuring proper use of funds without intruding on state water management.

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