I

119TH CONGRESS
2D SESSION

H. R. 9053

To ensure the reliable delivery of water to the United States under the 1944 Water Treaty, to provide a mechanism to compensate United States agricultural producers for economic losses resulting from delivery shortfalls, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 29, 2026

Ms. DE LA CRUZ (for herself, Mr. WEBER of Texas, Mr. NEHLS, and Mr. CLOUD) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

A BILL

To ensure the reliable delivery of water to the United States under the 1944 Water Treaty, to provide a mechanism to compensate United States agricultural producers for economic losses resulting from delivery shortfalls, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Water Assurance and Treaty Enforcement for Rio Grande Farmers Act’’ or the ‘‘WATER for Farmers Act’’.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Treaty relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (9 Bevans 1166), between the United States and Mexico (in this Act referred to as the ‘‘1944 Water Treaty’’ or the ‘‘Treaty’’), intends for Mexico to deliver annually to the United States a minimum of 350,000 acre-feet of water from the Rio Grande basin, measured in cycles of 5 consecutive years.

(2) The practice of relying on storm events to comply with the terms of the Treaty, unpredictable yearly deliveries, and accumulating large deficits, create profound uncertainty and have inflicted severe economic harm on United States agricultural producers and communities in South Texas who rely on regular delivery of water under the Treaty.

(3) Those annual economic harms have a direct impact on interstate and international commerce, distort agricultural markets, and create unfair com-

petitive conditions for United States agricultural producers.

(4) Recent diplomatic agreements between the United States and Mexico, including Minutes 325 and 331 of the International Boundary and Water Commission, do not contain sufficient enforcement mechanisms to guarantee the reliable delivery of water necessary for agricultural planning and production.

(5) New enforcement mechanisms are necessary to ensure the benefits of the 1944 Water Treaty are fully realized by the United States.

SEC. 3. DETERMINATION OF WATER DELIVERY SHORTFALLS.

(a) IN GENERAL.—Not later than 30 days after the end of each year of a five-year water delivery cycle under the 1944 Water Treaty, the Secretary of State, in consultation with the United States Commissioner of the International Boundary and Water Commission and the Secretary of Agriculture, shall determine whether Mexico has delivered the quantity of water for that year required under subsection (b). If it is determined that Mexico has not delivered that quantity of water for that year, Mexico shall be considered in a water delivery shortfall for that year.

(b) ANNUAL DELIVERY REQUIREMENT.—

(1) IN GENERAL.—The minimum quantity of water required to be delivered by Mexico by the end of each year of a cycle of 5 consecutive years under the 1944 Water Treaty shall be 350,000 acre-feet.

(2) ACTIONS BY SECRETARY OF STATE.—The Secretary of State shall take such actions as are necessary to formalize the requirement described in paragraph (1).

SEC. 4. IMPOSITION OF DUTIES DURING PERIOD OF WATER DELIVERY SHORTFALLS.

(a) IN GENERAL.—The United States Trade Representative, in consultation with the Secretary of State, the Secretary of Agriculture, and the United States Commissioner of the International Boundary and Water Commission, shall impose duties with respect to imports of goods from Mexico during the period—

(1) beginning on the date that is 90 days after a determination is made under section 3(a) that Mexico is in a water delivery shortfall for a year; and

(2) ending on the date that is 30 days after the Secretary of State, in consultation with the Secretary of Agriculture, the United States Trade Representative, and the United States Commissioner of

the International Boundary and Water Commission, determines and certifies to Congress that Mexico has remedied the water delivery shortfalls for all preceding years.

(b) GOODS SUBJECT TO DUTIES.—The United States Trade Representative shall determine the goods imported from Mexico to be subject to duties under subsection (a), prioritizing the imposition of such duties with respect to—

(1) agricultural products or other goods for which such duties are likely to have a significant economic impact on Mexico; and

(2) goods produced in areas that use water from—

(A) the Rio Grande River; or

(B) tributaries that should flow to the Rio Grande River.

(c) INCREASED DUTIES FOR SHORTFALL CARRYOVERS.—If Mexico is in a water delivery shortfall for a second or subsequent consecutive year, the United States Trade Representative shall increase the duties imposed with respect to imports of goods from Mexico, by—

(1) increasing the rates of duty applicable to such goods; or

(2) expanding the categories of goods to which such duties apply.

SEC. 5. SOUTH TEXAS AGRICULTURAL COMPENSATION TRUST FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a trust fund, to be known as the South Texas Agricultural Compensation Trust Fund (in this section referred to as the "Trust Fund"), consisting of—

(1) amounts transferred to the trust fund under subsection (b); and

(2) any amounts that may be credited to the trust fund under subsection (c).

(b) TRANSFER OF AMOUNTS.—The Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, an amount equivalent to the amount received into the general fund and attributable to duties collected under section 4.

(c) INVESTMENT OF AMOUNTS.—

(1) INVESTMENT OF AMOUNTS.—The Secretary shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(d) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Fund shall be available, without further appropriation, to the Secretary of Agriculture to provide direct financial compensation to agricultural producers who have suffered economic losses as determined under section 6.

SEC. 6. COMPENSATION OF UNITED STATES AGRICULTURAL PRODUCERS HARMED BY WATER DELIVERY SHORTFALLS.

(a) IN GENERAL.—Not later than 90 days after a determination is made under section 3(a) that Mexico is in a water delivery shortfall for a year, the Secretary of Agriculture, in consultation with the Secretary of State and the United States Commissioner of the International Boundary and Water Commission, shall calculate the direct economic losses incurred by United States agricultural producers in the Rio Grande Valley as a result of the shortfall.

(b) COMPENSATION FORMULA.—The Secretary shall calculate direct economic losses under subsection (a) at the amount equal to the product of—

(1) the shortfall volume in acre-feet, multiplied by

(2) the economic value per acre-foot, multiplied by

(3) the impact multiplier.

(c) DEFINITIONS.—In this section:

(1) ECONOMIC VALUE PER ACRE-FOOT.—The term ''economic value per acre-foot'' means the value derived by the Secretary of Agriculture by considering comprehensive and regularly updated studies of South Texas agricultural economics, including direct crop revenue losses, increased costs for alternative water sources, elevated water rates, the higher value and vulnerability of specialty crops, and regional variations in water value.

(2) IMPACT MULTIPLIER.—The term ''impact multiplier'' means the multiplier derived by the Secretary of Agriculture by considering indirect and cascading economic impacts beyond direct farm gate losses, including job losses in agriculture and related sectors, reduced supplies to downstream industries, and closures of agricultural processing businesses.

(3) SHORTFALL VOLUME IN ACRE-FEET.—The term ''shortfall volume in acre-feet'' means the difference between Mexico's required water delivery

under section 3(b) for a year and the actual volume of water delivered to the United States in acre-feet during that year.

SEC. 7. DATA COLLECTION AND REVIEW.

The United States Section of the International Boundary and Water Commission, in coordination with the Secretary of Agriculture and the Secretary of State, shall collect, monitor, and publicly report, on a monthly basis, detailed, real-time data on—

(1) the delivery of water under the 1944 Water Treaty;

(2) precise calculations of water delivery shortfalls; and

(3) the status of compensation payments made under section 6.

SEC. 8. INTERACTION WITH TREATY AND OTHER LAWS.

(a) TREATY.—This Act is intended to be construed and applied in a manner consistent with the obligations of the United States under the 1944 Water Treaty.

(b) OTHER LAWS.—Nothing in this Act shall be construed to diminish or impair any right or remedy available under—

(1) any other provision of Federal or State law, except as required by this Act; or

(2) any other international agreement.