

119TH CONGRESS
2^D 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Water Assurance and
3 Treaty Enforcement for Rio Grande Farmers Act” or the
4 “WATER for Farmers Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) The Treaty relating to the Utilization of
8 Waters of the Colorado and Tijuana Rivers and of
9 the Rio Grande, signed at Washington February 3,
10 1944 (9 Bevans 1166), between the United States
11 and Mexico (in this Act referred to as the “1944
12 Water Treaty” or the “Treaty”), intends for Mexico
13 to deliver annually to the United States a minimum
14 of 350,000 acre-feet of water from the Rio Grande
15 basin, measured in cycles of 5 consecutive years.

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

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

1 (b) ANNUAL DELIVERY REQUIREMENT.—

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

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

10 **SEC. 4. IMPOSITION OF DUTIES DURING PERIOD OF WATER**
11 **DELIVERY SHORTFALLS.**

12 (a) IN GENERAL.—The United States Trade Rep-
13 resentative, in consultation with the Secretary of State,
14 the Secretary of Agriculture, and the United States Com-
15 missioner of the International Boundary and Water Com-
16 mission, shall impose duties with respect to imports of
17 goods from Mexico during the period—

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

22 (2) ending on the date that is 30 days after the
23 Secretary of State, in consultation with the Sec-
24 retary of Agriculture, the United States Trade Rep-
25 resentative, and the United States Commissioner of

1 the International Boundary and Water Commission,
2 determines and certifies to Congress that Mexico has
3 remedied the water delivery shortfalls for all pre-
4 ceding years.

5 (b) GOODS SUBJECT TO DUTIES.—The United
6 States Trade Representative shall determine the goods im-
7 ported from Mexico to be subject to duties under sub-
8 section (a), prioritizing the imposition of such duties with
9 respect to—

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

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

15 (A) the Rio Grande River; or

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

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

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

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

3 **SEC. 5. SOUTH TEXAS AGRICULTURAL COMPENSATION**
4 **TRUST FUND.**

5 (a) **IN GENERAL.**—There is established in the Treas-
6 ury of the United States a trust fund, to be known as
7 the South Texas Agricultural Compensation Trust Fund
8 (in this section referred to as the “Trust Fund”), con-
9 sisting of—

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

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

14 (b) **TRANSFER OF AMOUNTS.**—The Secretary of the
15 Treasury shall transfer to the Trust Fund, from the gen-
16 eral fund of the Treasury, an amount equivalent to the
17 amount received into the general fund and attributable to
18 duties collected under section 4.

19 (c) **INVESTMENT OF AMOUNTS.**—

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

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

5 (d) AVAILABILITY OF AMOUNTS.—Amounts in the
6 Trust Fund shall be available, without further appropria-
7 tion, to the Secretary of Agriculture to provide direct fi-
8 nancial compensation to agricultural producers who have
9 suffered economic losses as determined under section 6.

10 **SEC. 6. COMPENSATION OF UNITED STATES AGRICUL-**
11 **TURAL PRODUCERS HARMED BY WATER DE-**
12 **LIVERY SHORTFALLS.**

13 (a) IN GENERAL.—Not later than 90 days after a
14 determination is made under section 3(a) that Mexico is
15 in a water delivery shortfall for a year, the Secretary of
16 Agriculture, in consultation with the Secretary of State
17 and the United States Commissioner of the International
18 Boundary and Water Commission, shall calculate the di-
19 rect economic losses incurred by United States agricul-
20 tural producers in the Rio Grande Valley as a result of
21 the shortfall.

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

- 1 (1) the shortfall volume in acre-feet, multiplied
2 by
3 (2) the economic value per acre-foot, multiplied
4 by
5 (3) the impact multiplier.

6 (c) DEFINITIONS.—In this section:

7 (1) ECONOMIC VALUE PER ACRE-FOOT.—The
8 term “economic value per acre-foot” means the value
9 derived by the Secretary of Agriculture by consid-
10 ering comprehensive and regularly updated studies
11 of South Texas agricultural economics, including di-
12 rect crop revenue losses, increased costs for alter-
13 native water sources, elevated water rates, the high-
14 er value and vulnerability of specialty crops, and re-
15 gional variations in water value.

16 (2) IMPACT MULTIPLIER.—The term “impact
17 multiplier” means the multiplier derived by the Sec-
18 retary of Agriculture by considering indirect and
19 cascading economic impacts beyond direct farm gate
20 losses, including job losses in agriculture and related
21 sectors, reduced supplies to downstream industries,
22 and closures of agricultural processing businesses.

23 (3) SHORTFALL VOLUME IN ACRE-FEET.—The
24 term “shortfall volume in acre-feet” means the dif-
25 ference between Mexico’s required water delivery

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

4 **SEC. 7. DATA COLLECTION AND REVIEW.**

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

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

12 (2) precise calculations of water delivery short-
13 falls; and

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

16 **SEC. 8. INTERACTION WITH TREATY AND OTHER LAWS.**

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

20 (b) OTHER LAWS.—Nothing in this Act shall be con-
21 strued to diminish or impair any right or remedy available
22 under—

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

1 (2) any other international agreement.

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