

119TH CONGRESS
2^D SESSION

S. 4549

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 SENATE OF THE UNITED STATES

MAY 14, 2026

Mr. CORNYN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The Treaty relating to the Utilization of
4 Waters of the Colorado and Tijuana Rivers and of
5 the Rio Grande, signed at Washington February 3,
6 1944 (9 Bevans 1166), between the United States
7 and Mexico (in this Act referred to as the “1944
8 Water Treaty” or the “Treaty”), intends for Mexico
9 to deliver annually to the United States a minimum
10 of 350,000 acre-feet of water from the Rio Grande
11 basin, measured in cycles of 5 consecutive years.

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

19 (3) Those annual economic harms have a direct
20 impact on interstate and international commerce,
21 distort agricultural markets, and create unfair com-
22 petitive conditions for United States agricultural
23 producers.

24 (4) Recent diplomatic agreements between the
25 United States and Mexico, including Minutes 325
26 and 331 of the International Boundary and Water

1 Commission, do not contain sufficient enforcement
2 mechanisms to guarantee the reliable delivery of
3 water necessary for agricultural planning and pro-
4 duction.

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

8 **SEC. 3. DETERMINATION OF WATER DELIVERY SHORT-**
9 **FALLS.**

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

21 (b) ANNUAL DELIVERY REQUIREMENT.—

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

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

5 **SEC. 4. IMPOSITION OF DUTIES DURING PERIOD OF WATER**
6 **DELIVERY SHORTFALLS.**

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

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

17 (2) ending on the date that is 30 days after the
18 Secretary of State, in consultation with the Sec-
19 retary of Agriculture, the United States Trade Rep-
20 resentative, and the United States Commissioner of
21 the International Boundary and Water Commission,
22 determines and certifies to Congress that Mexico has
23 remedied the water delivery shortfalls for all pre-
24 ceding years.

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

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

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

11 (A) the Rio Grande River; or

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

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

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

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

1 **SEC. 5. SOUTH TEXAS AGRICULTURAL COMPENSATION**
2 **TRUST FUND.**

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

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

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

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

17 (c) **INVESTMENT OF AMOUNTS.**—

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

24 (2) **INTEREST AND PROCEEDS.**—The interest
25 on, and the proceeds from the sale or redemption of,

1 any obligations held in the Trust Fund shall be
2 credited to and form a part of the Trust Fund.

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

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

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

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

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

- 1 (2) the economic value per acre-foot, multiplied
2 by
3 (3) the impact multiplier.

4 (c) DEFINITIONS.—In this section:

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

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

21 (3) SHORTFALL VOLUME IN ACRE-FEET.—The
22 term “shortfall volume in acre-feet” means the dif-
23 ference between Mexico’s required water delivery
24 under section 3(b) for a year and the actual volume

1 of water delivered to the United States in acre-feet
2 during that year.

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

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

- 9 (1) the delivery of water under the 1944 Water
10 Treaty;
11 (2) precise calculations of water delivery short-
12 falls; and
13 (3) the status of compensation payments made
14 under section 6.

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

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

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

- 22 (1) any other provision of Federal or State law,
23 except as required by this Act; or
24 (2) any other international agreement.

○