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## 1944 U.S.-Mexico Water Treaty: Issues in the 119<sup>th</sup> Congress

A water treaty from 1944—the Treaty on Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (1944 Water Treaty)—between the United States and Mexico and other binational agreements guide how the two governments share flows of the Rio Grande and Colorado Rivers. The 1944 Water Treaty states that the countries agree to give preferential attention to solving all border sanitation problems (e.g., flows of raw sewage and industrial wastewater in the Tijuana River Valley [TRV]). The binational International Boundary and Water Commission (IBWC), which was established in 1944 pursuant to the treaty and administers agreements on river flows and sanitation issues, is the principal venue for addressing related disputes between the United States and Mexico. The IBWC develops rules and proposed decisions, called *minutes*, on treaty execution and interpretation.

During the 119<sup>th</sup> Congress, U.S.-Mexico water issues have been receiving attention, including Mexico’s deliveries in the Rio Grande basin, U.S. approval of diversions from the Colorado River to Mexico, and sanitation concerns related to the TRV. Congressional considerations include how Congress and the executive branch are shaping responses to these matters and the effect on U.S.-Mexico cooperation.

### Rio Grande

The 1944 Water Treaty addresses the Rio Grande basin below Fort Quitman, TX. Among other things, it establishes that the United States has a right to flows from tributaries that feed the Rio Grande in the United States and one-third of specified Mexican tributaries flows, which must average at least 0.35 million acre-feet (MAF) per year, measured in five-year cycles (1.75 MAF total). On multiple occasions since 1994, Mexico has not met its Rio Grande delivery obligations within a cycle. As of late July 2025, which is a few months before the current cycle ends (i.e., the five-year cycle started October 25, 2020, and will end five years later), Mexico’s deliveries were estimated at roughly 0.73 MAF for the cycle, according to IBWC. If Mexico fails to meet its minimum Rio Grande flow obligations for a cycle because of *extraordinary drought*—a term not defined in the 1944 Water Treaty or in any minute—it must replace the deficiency during the next five-year cycle.

Concerns about Mexico’s repeated occasions of not meeting five-year cycle delivery requirements, and the consequences for the Texas economy, have led some U.S. stakeholders to support the establishment, monitoring, and application of mechanisms to achieve a more reliable and predictable water-delivery regime. Article 24(d) of the 1944 Water Treaty provides mechanisms for dispute resolution if Mexico fails to meet its minimum flow obligations and the countries dispute that an extraordinary drought existed. In early April 2025 on social media, President Trump raised

the prospects of sanctions and tariffs when discussing Mexico’s water deliveries relative to the amounts specified in the treaty. While Mexico’s internal water management influences deliveries, other factors that may contribute to delivery shortfalls under recent cycles identified by stakeholders include drought conditions in portions of Mexico’s Rio Grande basin and weather and climate patterns. In late April 2025, the U.S. Department of State announced that Mexico had committed to reducing its shortfall in deliveries and to working with the United States to develop a plan to make up the remaining shortfall and make more dependable deliveries in the next cycle. IBWC data indicate an uptick in deliveries in calendar year (CY) 2025, compared to CYs 2023 and 2024.

Historically, Congress has been involved in Rio Grande water-sharing issues through oversight and, at times, direction for enhanced State Department reporting on deliveries and efforts to improve compliance. H.R. 4779 would withhold certain funds that the United States provides to Mexico for various purposes until the Secretary of State certifies that Mexico is implementing certain remedies to address the delivery shortfalls. Considerations for the 119<sup>th</sup> Congress include what executive branch mechanisms are being employed to influence Mexico’s deliveries under the current and next cycles and whether additional minutes—beyond Minute 331, “Measures to Improve the Reliability and Predictability of Rio Grande Water Deliveries to Benefit the United States and Mexico,” approved in November 2024—are warranted.

### Colorado River

U.S. delivery of Colorado River basin waters to Mexico is part of a broader allocation of basin waters pursuant to the Colorado River Compact (Compact), a seven-state agreement signed in 1923 that apportioned 7.5 MAF annually to both the Upper and Lower Colorado River basins in the United States and delineates how additional waters are to be sent to Mexico pursuant to a subsequent treaty. In the 1944 Water Treaty, the United States agreed to deliver to Mexico 1.5 MAF of Colorado River water per year, plus an additional 0.2 MAF when a surplus is declared. During drought, the United States may reduce deliveries to Mexico in similar proportion to reductions of U.S. consumptive uses. The 1.5 MAF obligation is generally split equally between Upper and Lower Basins.

The United States typically has met its Colorado River delivery requirements to Mexico pursuant to the 1944 Treaty. Hydrology on the Colorado River has deteriorated significantly since 2000. During this time, the two countries have negotiated multiple minutes (e.g., Minute 319 in 2012, Minute 323 in 2017) that, among other things, reduced deliveries to Mexico under specified conditions and

increased Mexico's ability to conserve and store water in U.S. reservoirs. Recent negotiations over future water curtailments in U.S. basin states have included speculation on the potential for similar changes for Mexico, although no new minutes had been announced as of mid-CY2025.

Since 1972 (Minute 240), deliveries of a portion of Mexico's Colorado River water have been provided to the Mexican city of Tijuana through U.S. diversions at Parker Dam, through Southern California and across the international border near San Diego. These diversions, which typically account for a small portion of Mexico's total Colorado River apportionment (averaging 1,678 acre-feet per year from 2020 to 2024), have been regularly extended over five-year increments and currently are authorized through 2027 (Minute 327) but must be requested by Mexico and approved annually by the United States. In March 2025, the United States denied Mexico's delivery request for the first time in the treaty's history. A State Department post explaining the denial cited "continued shortfalls in [Mexico's] water deliveries," under the 1944 Water Treaty.

### Tijuana River Valley

In addition to Tijuana's water supply and the Colorado River, U.S.-Mexico bilateral cooperation has involved efforts to address transboundary pollution in the TRV. Raw sewage and industrial wastewater entering the United States via the Tijuana River, San Antonio de los Buenos Creek, and cross-border tributaries have caused health, economic, environmental, and recreational problems in Southern California. The IBWC has acted under at least nine minutes to address TRV sanitation. For example, under Minute 283, agreed to in 1990, IBWC constructed the South Bay International Wastewater Treatment Plant (SBIWTP) in San Ysidro, CA, which treats Mexican wastewater on the U.S. side of the border. Both countries support SBIWTP's operation and maintenance (O&M).

More recently, in Minute 328 from 2022, Mexico agreed to provide \$144 million and the United States \$330 million to support projects to address TRV transboundary pollution. These projects include expanding the SBIWTP's capacity; rehabilitating pumping plants, pump stations, and collectors and pipelines in Mexico; and constructing a new wastewater treatment plant in Mexico. A 2022 IBWC press release stated that Minute 328 projects that are expected to be completed in 2027 "would result in a 50% reduction in the number of days of transboundary wastewater flow." Minute 328's expansion of the SBIWTP is supported by \$300 million provided by P.L. 116-113. The U.S. contribution to other Minute 328 projects has been supported by appropriations for the U.S. Environmental Protection Agency (EPA). Minute 328 states that a future minute will identify each country's O&M contributions. While both countries take action to fulfill their Minute 328 commitments, wet-weather events have led to increased transboundary flows in the TRV, overwhelming the existing aging infrastructure and resulting in public health concerns in San Diego County. These events led to two Biden Administration supplemental funding requests for \$310 million for SBIWTP in FY2024 and in FY2025. Congress provided supplemental funding for SBIWTP in the

American Relief Act (P.L. 118-158, Division B), discussed below. Recent appropriations for the IBWC have focused on addressing transboundary pollution in the TRV. P.L. 118-47 provided \$156.1 million in FY2024 appropriations for IBWC's Construction account "to address urgent water management and water quality improvement programs of the ... [U.S. IBWC], including the rehabilitation and expansion" of SBIWTP. In addition, P.L. 118-158 provided \$250 million to IBWC, which some have identified as being for "emergency water infrastructure repairs and to address sewage contaminating United States communities." (For FY2025, P.L. 119-4 Section 11203 provided \$78 million for IBWC's Construction account, although no amount is specifically identified for TRV.) For FY2026, H.R. 4779 would provide \$78 million for IBWC's Construction account and would direct the Secretary of State and IBWC to continue engaging with Mexico to facilitate long-term solutions to the release of effluent into the United States.

In July 2025, EPA and Mexico's Secretary of the Environment and Natural Resources entered into an agreement that identifies time frames to "initiate" or "facilitate completion" of specific TRV projects, including some from Minute 328. It identifies new projects and actions to be included in a future minute, which, led by the IBWC, would be agreed to by December 2025.

### Congressional Considerations

Until recently, Mexico's Rio Grande deliveries, Colorado River cooperation, and TRV sanitation have been addressed as independent issues. Some U.S. stakeholders, however, argue that two or all three of these issues should be linked, and a few have raised the prospect of water treaty renegotiation. Congress may assess the risks and benefits of connecting Rio Grande deliveries to actions in other binational water basins (i.e., the Colorado River basin) and what actions it wants to support, such as new minute negotiations or other measures. It also may consider the linkage of water issues to the broader U.S.-Mexico relationship (e.g., tariffs, foreign aid dependent on water deliveries). Among other things, new proposed authorities associated with future operations in the Colorado River basin could be affected by the broader status of international water management negotiations between the United States and Mexico.

### Additional Resources

For an introduction to bilateral relations, see CRS In Focus IF12765, *Mexico: Political Overview and U.S.-Mexican Relations*, by Clare Ribando Seelke and M. Angeles Villarreal. For background on water management, see CRS Report R45546, *Management of the Colorado River: Water Allocations, Drought, and the Federal Role*, by Charles V. Stern, Pervaze A. Sheikh, and Kristen Hite; and CRS Report R45430, *Sharing the Colorado River and the Rio Grande: Cooperation and Conflict with Mexico*, by Nicole T. Carter, Steve P. Mulligan, and Charles V. Stern.

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