

118TH CONGRESS
1ST SESSION

H. R. 4290

To amend the Federal Agriculture Improvement and Reform Act of 1996 to ensure that producers who rely on acequia systems have access to drought protections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2023

Ms. LEGER FERNANDEZ (for herself, Mr. VASQUEZ, and Ms. STANSBURY) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, 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 amend the Federal Agriculture Improvement and Reform Act of 1996 to ensure that producers who rely on acequia systems have access to drought protections, 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 “Acequia Communities
5 Empowered by Qualifying Upgrades for Infrastructure
6 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Water delivery systems known as acequias,
4 or community ditches, are a centuries-old system
5 used for water distribution.

6 (2) A combination of Spanish and Indigenous
7 irrigation methods, acequias were expanded in New
8 Mexico during the 16th century to allow for farming
9 to sustain the needs of the community.

10 (3) Acequias are a vital component of the econ-
11 omy of the State of New Mexico (referred to in this
12 section as the “State”).

13 (4) Acequias are a centuries-old form of water
14 governance and are recognized as political subdivi-
15 sions of the State.

16 (5) Acequias consist of water rights holders,
17 often called parciantes, who are responsible for the
18 upkeep and maintenance of the acequias and who in-
19 ternally elect a board to monitor and administer sur-
20 face water rights.

21 (6) In the State, acequias have created a cul-
22 tural landscape and way of life centered around local
23 agriculture, water governance, and a custom of shar-
24 ing scarce water.

25 (7) Acequias—

1 (A) play an integral role in maintaining
2 forest and watershed health;

3 (B) serve as examples of responsible land
4 and water stewardship by providing benefits
5 such as groundwater recharge, flood attenu-
6 ation, and groundwater contaminants filtration;
7 and

8 (C) support native vegetation and provide
9 habitat for wildlife species.

10 (8) Despite their contribution to local food pro-
11 duction and watershed stewardship, acequias are
12 managing already limited water resources under con-
13 ditions of aridification, changing irrigation and
14 growing seasons, and encroachment of invasive spe-
15 cies.

16 (9) To address crop loss, planting challenges,
17 and yield reductions, parciantes rely on direct finan-
18 cial assistance from Department of Agriculture pro-
19 grams, including the noninsured crop disaster assist-
20 ance program established by section 196 of the Fed-
21 eral Agriculture Improvement and Reform Act of
22 1996 (7 U.S.C. 7333).

1 **SEC. 3. ENSURING FARMERS AND RANCHERS HAVE ACCESS**
 2 **TO DROUGHT AND DISASTER PROTECTIONS.**

3 Section 196(c)(2) of the Federal Agriculture Im-
 4 provement and Reform Act of 1996 (7 U.S.C. 7333(c)(2))
 5 is amended by adding at the end the following:

6 “(C) ACEQUIA SYSTEMS.—On making a
 7 determination described in subsection (a)(3) for
 8 producers who rely on acequia systems, the Sec-
 9 retary shall provide assistance under this sec-
 10 tion to those producers from all losses suffered
 11 as a result of the cause described in subsection
 12 (a)(3).”.

13 **SEC. 4. SPECIAL USE PERMITS NOT REQUIRED FOR ROU-**
 14 **TINE MAINTENANCE AND MINOR IMPROVE-**
 15 **MENTS OF ACEQUIAS.**

16 (a) DEFINITIONS.—In this section:

17 (1) ACEQUIA.—The term “acequia” has the
 18 meaning of the term “community ditch” as that
 19 term is construed under New Mexico Stat. 73–2–27.

20 (2) COMMUNITY USER.—The term “community
 21 user” means an employee, contractor, delegate, rep-
 22 resentative, volunteer, or other authorized personnel
 23 of the governing body of an acequia.

24 (3) SECRETARY CONCERNED.—The term “Sec-
 25 retary concerned” means—

1 (A) the Secretary of Agriculture, with re-
2 spect to land under the jurisdiction of the Sec-
3 retary of Agriculture; and

4 (B) the Secretary of the Interior, with re-
5 spect to land under the jurisdiction of the Sec-
6 retary of the Interior.

7 (b) PROHIBITION.—A special use permit shall not be
8 required for—

9 (1) the presence or use of water from an
10 acequia on Federal land; or

11 (2) routine maintenance and minor improve-
12 ments described in subsection (c) conducted by a
13 community user or governing body of an acequia on
14 an acequia on Federal land.

15 (c) ROUTINE MAINTENANCE AND MINOR IMPROVE-
16 MENTS DESCRIBED.—Routine maintenance and minor im-
17 provements referred to in subsection (b)(2) are—

18 (1) cleaning, maintenance, repair, or replace-
19 ment-in-kind of infrastructure;

20 (2) annual ditch cleaning, including removal of
21 silt; and

22 (3) any other traditional activity that preserves
23 the state of the acequia, as agreed to in writing by
24 the Secretary concerned and the governing body of
25 the acequia.

1 **SEC. 5. DEPARTMENT OF AGRICULTURE REPORTING.**

2 Not later than 2 years after the date of enactment
3 of this Act, the Secretary of Agriculture shall submit to
4 the Committee on Agriculture, Nutrition, and Forestry of
5 the Senate and the Committee on Agriculture of the
6 House of Representatives a report that includes the fol-
7 lowing information:

8 (1) The number of agricultural producers in the
9 most recent calendar year who rely on acequia sys-
10 tems or other traditional infrastructure that is vul-
11 nerable to drought conditions.

12 (2) The amount of assistance provided under
13 the noninsured crop disaster assistance program es-
14 tablished by section 196 of the Federal Agriculture
15 Improvement and Reform Act of 1996 (7 U.S.C.
16 7333) to producers described in subsection (c)(2)(C)
17 of that section, in each county, during the most re-
18 cent calendar year.

19 (3) An analysis of the ability of agricultural
20 producers who rely on acequia systems or other tra-
21 ditional infrastructure that is vulnerable to drought
22 conditions to access all programs administered by
23 the Farm Service Agency and the Natural Resources
24 Conservation Service.

25 (4) A summary of any Department of Agri-
26 culture programs or initiatives in the most recent

1 calendar year that provide technical or financial as-
2 sistance targeted to agricultural producers who rely
3 on acequia systems or other traditional infrastruc-
4 ture that is vulnerable to drought conditions.

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