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119TH CONGRESS
2D SESSION

H. R. 10411

To direct the Secretary of Agriculture to consider certain acreage not planted due to a lack of irrigation water to be eligible for prevented planting payments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2026

Mr. HURD of Colorado (for himself and Mr. EVANS of Colorado) introduced the following bill; which was referred to the Committee on Agriculture

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A BILL

To direct the Secretary of Agriculture to consider certain acreage not planted due to a lack of irrigation water to be eligible for prevented planting payments, 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. ELIGIBILITY OF ACREAGE NOT PLANTED DUE TO LACK OF IRRIGATION WATER.

(a) DEFINITIONS.—In this section:

(1) COVERED PROGRAM.—The term ''covered program'' means a program to which section

718.103 of title 7, Code of Federal Regulations (or a successor regulation), applies.

(2) IRRIGATION WATER.—The term ''irrigation water'' means any water that—

(A) a landowner has access to, through appropriation, allocation, open access, or other availability, for the use of irrigating crops; and

(B) is sourced through snowmelt, runoff, stream flow, reservoir, groundwater aquifer, or another similar source.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Administrator of the Farm Service Agency.

(b) ELIGIBILITY.—In carrying out any covered program, the Secretary shall consider acreage on a farm to be prevented from planting for a crop year if—

(1) the producers on the farm did not plant those acres based on a reasonable expectation that there would be insufficient irrigation water available for that crop year to irrigate those acres;

(2) the infrastructure to irrigate those acres is installed and functional for that crop year;

(3) those acres have been irrigated in one or more of the previous 4 crop years in which irrigation water was sufficient;

(4) in one or more of the previous 4 crop years, the producers on the farm planted to those acres the same crop that was prevented from planting; and

(5) the land or environment for the acres prevented from planting does not support dryland farming for the crop that was prevented from planting.

(c) LIMITATIONS.—

(1) REDUCTION IN PAYMENT AMOUNTS.—The Secretary shall reduce the amount of any payments provided under covered programs with respect to acreage that the Secretary considers to be prevented from planting pursuant to subsection (b)—

(A) for the fifth through eighth consecutive crop years by 50 percent;

(B) for the ninth and tenth consecutive crop years by 75 percent; and

(C) for the eleventh consecutive crop year and each crop year thereafter by 100 percent.

(2) INELIGIBILITY.—Any acreage subject to a reduction under paragraph (1)(C) shall be permanently ineligible for payments provided under covered programs.

(d) REVISIONS TO REGULATIONS.—

(1) DROUGHT CONDITIONS.—The Secretary of Agriculture shall revise section 718.103(e) of title 7,

Code of Federal Regulations, to provide that a lack of water resulting from drought conditions described in that section shall include a lack of water resulting from drought conditions at the source of an irrigation supply.

(2) DISASTER DETERMINATION.—The Secretary of Agriculture shall revise section 718.103(g) of title 7, Code of Federal Regulations, to provide that, in determining natural disasters described in that section, the Commodity Credit Corporation shall consult with Farm Service Agency county committees and State technical committees.

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