

119TH CONGRESS  
2D SESSION

# S. 4862

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.

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## IN THE SENATE OF THE UNITED STATES

JUNE 23, 2026

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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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.

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. ELIGIBILITY OF ACREAGE NOT PLANTED DUE**  
4 **TO LACK OF IRRIGATION WATER.**

5 (a) DEFINITIONS.—In this section:

6 (1) COVERED PROGRAM.—The term “covered  
7 program” means a program to which section

1       718.103 of title 7, Code of Federal Regulations (or  
2       a successor regulation), applies.

3           (2) IRRIGATION WATER.—The term “irrigation  
4       water” means any water that—

5           (A) a landowner has access to, through ap-  
6       propriation, allocation, open access, or other  
7       availability, for the use of irrigating crops; and

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

11          (3) SECRETARY.—The term “Secretary” means  
12      the Secretary of Agriculture, acting through the Ad-  
13      ministrator of the Farm Service Agency.

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

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

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

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

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

4           (5) the land or environment for the acres pre-  
 5           vented from planting does not support dryland farm-  
 6           ing for the crop that was prevented from planting.

7           (c) LIMITATIONS.—

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

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

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

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

19          (2) INELIGIBILITY.—Any acreage subject to a  
 20          reduction under paragraph (1)(C) shall be perma-  
 21          nently ineligible for payments provided under cov-  
 22          ered programs.

23          (d) REVISIONS TO REGULATIONS.—

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

1 Code of Federal Regulations, to provide that a lack  
2 of water resulting from drought conditions described  
3 in that section shall include a lack of water resulting  
4 from drought conditions at the source of an irriga-  
5 tion supply.

6 (2) DISASTER DETERMINATION.—The Sec-  
7 retary of Agriculture shall revise section 718.103(g)  
8 of title 7, Code of Federal Regulations, to provide  
9 that, in determining natural disasters described in  
10 that section, the Commodity Credit Corporation  
11 shall consult with Farm Service Agency county com-  
12 mittees and State technical committees.

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