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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1145

[Doc. No. AMS-DA-25-0782]

RIN 0581-AE53

#### Reauthorization of Dairy Forward Pricing Program

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule updates the Dairy Forward Pricing Program (DFPP) regulations in accordance with the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026 (Continuing Extensions Act). The Continuing Extensions Act reauthorizes the DFPP program to allow handlers to enter into new contracts until September 30, 2026. Any forward contract entered prior to the September 30, 2026, deadline is subject to a September 30, 2029, expiration date.

**DATES:** March 2, 2026.

**FOR FURTHER INFORMATION CONTACT:** Erin Taylor, USDA/AMS/Dairy Programs, Order Formulation and Enforcement Division, STOP 0231–Room 2530, 1400 Independence Avenue SW, Washington, DC 20250–0231; telephone (202) 720–7311; email: [Erin.Taylor@usda.gov](mailto:Erin.Taylor@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill)<sup>1</sup> initially established the DFPP.<sup>2</sup> The DFPP allows milk handlers, under the Agricultural Marketing Agreement Act of 1937 (AMAA),<sup>3</sup> to pay producers or cooperative associations of producers a negotiated price for producer milk, rather than the Federal order minimum

blend price for non-fluid classes of milk (Classes II, III, and IV under the Federal Milk Marketing Order (FMMO) system). The DFPP does not allow for forward contracting Class I, or fluid, milk.

Following the initial expiration of the DFPP, which prevented the establishment of new contracts after September 30, 2012, the American Taxpayer Relief Act of 2012 (ATRA)<sup>4</sup> revised the program to allow handlers to enter into new contracts until September 30, 2013. The Agricultural Act of 2014 (2014 Farm Bill)<sup>5</sup> then extended the program to allow new contracts until September 30, 2018. The Agriculture Improvement Act of 2018 (2018 Farm Bill)<sup>6</sup> reauthorized the program to allow handlers to enter into new contracts until September 30, 2023. The Further Continuing Appropriations and Other Extensions Act of 2024 reauthorized the program to allow handlers to enter into new contracts until September 30, 2024.<sup>7</sup> The Relief Act of 2025<sup>8</sup> reauthorized the program to allow handlers to enter into new contracts until September 30, 2025. The Continuing Extensions Act extends the program to allow handlers to enter into new contracts until September 30, 2026, subject to a September 30, 2029, expiration date.<sup>9</sup>

Participation in the DFPP is voluntary for dairy farmers, dairy farmer cooperatives, and handlers. Handlers may not require producer participation in a forward pricing program as a condition for accepting milk. USDA, including Market Administrator personnel, does not determine the terms of forward contracts or enforce negotiated prices. This regulation also does not affect contractual arrangements between a cooperative association and its members.

Under the DFPP, regulated handlers must still account to the FMMO pool for the classified use value of their milk. Regulated handlers claiming exemption from the Federal order minimum pricing provisions must submit to the Market Administrator a copy of each forward contract. The contract must contain a disclosure statement—either as part of the contract itself or as a

supplement—to ensure producers understand the nature of the program as well as the basis on which they will be paid for their milk. Contracts that do not contain a disclosure statement are deemed invalid and returned to the handler. Signed contracts must be received by the Market Administrator before the first of a month in order to be effective for the month. For example, contracts must be received by the Market Administrator by December 31, 2025, to be effective for the month of January 2026.

Handlers with forward contracts remain subject to all other Federal milk marketing order provisions. Payments specified under a forward contract must be made on or before the same date as the Federal milk marketing order payments they replace. Required payment dates are specified in 7 CFR 1145.2(e).

This final rule reflects the latest statutory changes that reauthorized producers and cooperative associations of producers to enter into forward price contracts under the DFPP through September 30, 2026. All terms of the new forward contracts must expire prior to September 30, 2029. All other provisions and requirements of the program as provided for in the final rule published October 31, 2008,<sup>10</sup> are still in effect.

#### Executive Orders 12866 and 13563

USDA is issuing this rule in conformance with Executive Orders (E.O.) 12866, “Regulatory Planning and Review,” and E.O. 13563, “Improving Regulation and Regulatory Review.” This rule has been determined to be not significant for purposes of Executive Order 12866, and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, “Civil Justice Reform.” This rule does not have a retroactive effect. This rule will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

#### Executive Order 13175

This rule has been reviewed under Executive Order 13175, “Consultation

<sup>1</sup> Public Law 110–234.

<sup>2</sup> 73 FR 64868.

<sup>3</sup> 7 U.S.C. 601–614.

<sup>4</sup> Public Law 112–240.

<sup>5</sup> Public Law 113–79.

<sup>6</sup> Public Law 115–334.

<sup>7</sup> Public Law 118–22.

<sup>8</sup> Public Law 118–158.

<sup>9</sup> Public Law 119–37.

<sup>10</sup> 73 FR 64868.

and Coordination with Indian Tribal Governments,” which requires agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this rule is unlikely to have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

**Regulatory Flexibility Act and Paperwork Reduction Act**

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified this rule will not have a significant economic impact on a substantial number of small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly

or disproportionately burdened. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit. A small dairy farm as defined by the Small Business Administration (SBA) (13 CFR 121.201) (NAICS Code 112120) is one that has an annual gross revenue of \$3.75 million or less, and a small dairy products manufacturer is one that has no more than the number of employees listed in the chart below:

NAICS code	NAICS U.S. industry title	Size standards in number of employees
311511	Fluid Milk Manufacturing	1,150
311512	Creamery Butter Manufacturing	750
311513	Cheese Manufacturing	1,250
311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing	1,000

To determine which dairy farms are “small businesses,” the \$3.75 million per year income limit was used to establish an annual milk marketing threshold of 17.9 million pounds. Although this threshold does not factor in additional monies that may be received by dairy producers, it should be an accurate standard for most “small” dairy farmers. Based on the U.S. 2024 average yield per cow (as calculated by the Economic Research Service [ERS]) and average All-Milk price (as calculated by the National Agricultural Statistics Service [NASS]), a dairy farm with approximately 740 cows or fewer would meet the definition of a small business. According to NASS, in 2024, there were 24,811 Licensed Dairy Herds in the U.S., of which AMS determined approximately 20,168 had milk regulated on an FMMO for at least one month of the year. Based on the 2022 Census of Agriculture, Milk Cow Herd Size by Inventory and Sales, an estimated 92 percent of operations with milk sales are likely to be small businesses.

To determine a handler’s size, if the plant is part of a larger company operating multiple plants that collectively exceed the 750-employee limit for creamery butter manufacturing; the 1,000-employee limit for dry, condensed, and evaporated dairy product manufacturing; the 1,150-employee limit for fluid milk manufacturing; or the 1,250-employee limit for cheese manufacturing; the plant is considered a large business even if the local plant does not exceed the 750, 1,000, 1,150, or 1,250-employee limit, respectively.

In 2024, 287 dairy plants were regulated for at least one month of the

year in an FMMO. According to the 2022 Statistics of U.S. Businesses, published by the U.S. Census Bureau, more than 80 percent of fluid milk manufacturing plants, 91 percent of cheese plants, 74 percent of dry products plants, and 77 percent of butter plants met the SBA definition of small businesses. As the report does not break out any categories over 500 employees, the percentage of small businesses is larger than the calculations.

Producers and handlers use the DFPP as a risk management tool. Under the DFPP, producers and handlers can “lock-in” prices, thereby minimizing risks associated with price volatility that are particularly difficult for small businesses to mitigate.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Section 1601(c)(2)(B) of the 2014 Farm Bill provides that the administration of the DFPP shall be made without regard to the Paperwork Reduction Act (PRA), 44 U.S.C. chapter 35. Section 1701 of the 2018 Farm Bill extended that Congressional direction through September 30, 2023. Congress again extended the direction through September 30, 2024, by the Further Continuing Appropriations and Other Extensions Act, 2024. That direction was again extended to September 30, 2025, by the Relief Act. That direction is further extended to September 30, 2026, by the current reauthorization of the DFPP through the Continuing

Extensions Act.<sup>11</sup> Thus, any information collection conducted for the DFPP is not subject to the PRA.

**Final Action**

In accordance with the Continuing Extensions Act, this final rule extends the DFPP to all Federal milk marketing orders. New contracts under the program may be entered into until September 30, 2026. Any forward contract entered into up to and until the September 30, 2026, deadline is subject to a September 30, 2029, expiration date.

Section 1601(c)(2)(A) of the 2014 Farm Bill provides that the promulgation of the regulations to implement the reauthorization of the DFPP shall be made without regard to the notice and comment requirements of the Administrative Procedure Act, 5 U.S.C. 553. Section 5002 of the Continuing Extensions Act extends that direction to the current reauthorization of the DFPP. It is unnecessary and contrary to the public interest to delay the effective date of the final rule. Dairy stakeholders have been unable to enter into contracts since the DFPP expired on September 30, 2025. Producers and handlers have thus been unable to rely on the forward contracts as a risk management tool. Stakeholders have inquired about when the program will be reimplemented and have signaled they intend to immediately enter into new contracts. Further, all contracts are voluntary. AMS, therefore, is issuing this final rule with an effective date one day after publication, without prior notice or public comment.

<sup>11</sup> Public Law 119–37.

**List of Subjects in 7 CFR Part 1145**

Forward pricing contracts, Milk marketing orders, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service amends 7 CFR part 1145 as follows:

**PART 1145—DAIRY FORWARD PRICING PROGRAM**

■ 1. The authority citation for part 1145 continues to read as follows:

*Authority:* 7 U.S.C. 8772.

■ 2. Amend § 1145.2 by revising paragraph (b) to read as follows:

**§ 1145.2 Program.**

\* \* \* \* \*

(b) No forward price contract may be entered into under the program after September 30, 2026, and no forward contract entered into under the program may extend beyond September 30, 2029.

\* \* \* \* \*

**Erin Morris,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2026–03985 Filed 2–26–26; 8:45 am]

**BILLING CODE 3410–02–P**

**DEPARTMENT OF JUSTICE****Executive Office for Immigration Review****8 CFR Parts 1003, 1208, and 1240**

[Docket No. EOIR–26–AB37; Dir. Order No. 03–2026]

RIN 1125–AB37

**Appellate Procedures for the Board of Immigration Appeals; Extension of Comment Period**

**AGENCY:** Executive Office for Immigration Review, Department of Justice.

**ACTION:** Interim final rule; extension of comment period.

**SUMMARY:** On February 6, 2026, the Executive Office for Immigration Review (“EOIR”) published in the *Federal Register* the interim final rule (“IFR”) “Appellate Procedures for the Board of Immigration Appeals” with comments originally due March 9, 2026. This document extends the deadline for written comments to April 8, 2026.

**DATES:** The comment period for the IFR published February 6, 2026, at 91 FR 5267, is extended. Comments must be received by EOIR no later than April 8, 2026.

**ADDRESSES:** If you wish to provide comments regarding this rulemaking, you must submit your comments, identified by the agency name and reference RIN 1125–AB37 or EOIR Docket No. EOIR–26–AB37, by one of the two methods below.

• *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the website instructions for submitting comments.

• *Mail:* Paper comments that duplicate an electronic submission are unnecessary. If you wish to submit a paper comment in lieu of electronic submission, please direct the mail/shipment to: Jamee E. Comans, Acting Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041. To ensure proper handling, please reference the agency name and RIN 1125–AB37 or EOIR Docket No. EOIR–26–AB37 on your correspondence. Mailed items must be postmarked or otherwise indicate a shipping date on or before the submission deadline.

A summary of this rule may be found in the docket for this rulemaking at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Jamee E. Comans, Acting Assistant Director, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2500, Falls Church, VA 22041; telephone (703) 305–0289.

**SUPPLEMENTARY INFORMATION:** On February 6, 2026, EOIR published in the *Federal Register* the IFR titled “Appellate Procedures for the Board of Immigration Appeals”, 91 FR 5267, which amended Department of Justice regulations to streamline administrative appellate review by the Board of Immigration Appeals (“Board”) of decisions by Immigration Judges by making review of such decisions on the merits discretionary, by setting appropriate times for briefing in cases that are reviewed on the merits, and by streamlining other aspects of the appellate process to ensure timely adjudications and avoid adding to the already sizeable backlog at the Board. Additionally, the IFR made various technical and non-substantive changes to the Department’s regulations.

As explained in the IFR, it is exempt from the Administrative Procedure Act’s notice-and-comment requirements. See 91 FR 5274–75. However, in response to a request from a group of interested organizations, and to allow for commenters to have additional time to review and submit comments, the EOIR Director, by authority delegated to him by Attorney General Order Number

6260–2025, is extending the comment period for this rule (RIN 1125–AB37) by 30 days.

**Daren K. Margolin,**

*Director, Executive Office for Immigration Review, Department of Justice.*

[FR Doc. 2026–03932 Filed 2–26–26; 8:45 am]

**BILLING CODE 4410–30–P**

**DEPARTMENT OF COMMERCE****Office of the Under Secretary for Economic Affairs****15 CFR Part 1500**

[Docket No. 260224–0056]

RIN 0605–AA86

**Streamlining the Regulations Related to Concrete Masonry Research, Education, and Promotion**

**AGENCY:** Office of the Under Secretary for Economic Affairs, U.S. Department of Commerce (Department).

**ACTION:** Final rule.

**SUMMARY:** By this rule, the Department clarifies and streamlines the regulations related to concrete masonry research, education, and promotion. Specifically, this rule adds language to clarify the purpose of these regulations, removes all of the sections that merely restate definitions provided in the underlying statute, clarifies the Secretary of Commerce’s appointment authority, and streamlines the section governing disqualification and removal with respect to the Concrete Masonry Product Board (Board). This action is necessary and intended to promote clarity, simplicity, efficiency, and statutory conformity.

**DATES:** The rule is effective February 27, 2026.

**FOR FURTHER INFORMATION CONTACT:** Daniel Sweeney, Senior Counsel, Office of the General Counsel, at (202) 482–1395.

**SUPPLEMENTARY INFORMATION:** This action amends the Department’s regulations at 15 CFR part 1500, subpart A, which implement the Concrete Masonry Products Research, Education, and Promotion Act of 2018 (15 U.S.C. 8701–8717). Subpart A of part 1500 was added by final rule on September 15, 2021. 86 FR 51456. This rule amends that subpart in the following ways.

First, this rule adds, as a new first section, language clarifying the purpose of these regulations and citing the underlying statute. This language will properly situate and orient the reader, thereby promoting clarity.