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GOVERNMENT ACCOUNTABILITY OFFICE

4 CFR Part 28

Personnel Appeals Board; Procedural Rules

AGENCY: Government Accountability Office Personnel Appeals Board, Government Accountability Office.

ACTION: Final rule.

SUMMARY: The Government Accountability Office Personnel Appeals Board (PAB or Board) is amending several significant changes to its existing regulations to streamline and modernize case processing before the Board. The General Accounting Office Personnel Act of 1980 provides authority to make these changes.

DATES: This rule is effective as of December 24, 2026.

FOR FURTHER INFORMATION CONTACT: Kimberly McLeod, Executive Director, or Molly Dennison, Solicitor, 202–512–6137, *pab@gao.gov.*

SUPPLEMENTARY INFORMATION: The Board is codifying a process to submit pleadings and to execute service of process through electronic means. The Board will also begin requiring the submission of a petition form to ensure the Board is appraised of the crucial case-related information at the beginning of the case. The Board is also eliminating the automatic commencement of discovery upon the issuance of notice of petition to allow the administrative judge to tailor the process on a case-by-case basis.

The Board has implemented local rules for practice to aid *pro se* parties and representatives who are unfamiliar with PAB processes. The local rules and petition form are available for viewing on the PAB website at *www.pab.gao.gov.*

The Board has removed §§ 28.46–28.50 relating to subpoenas issued by the Board. The Board has also clarified language related to issuing of stays of personnel actions. The Board has also clarified the class certification process.

The Board received two sets of comments on the proposed rule. The Board carefully reviewed and considered all the comments and addresses them in this final rule.

The Government Accountability Office (GAO) is not subject to the Administrative Procedure Act and accordingly the PAB is not required by law to seek comments before issuing a final rule. The Board is authorized by Congress, pursuant to 31 U.S.C. 751–755, to hear and decide cases brought by GAO employees, applicants for employment, and unions concerning various personnel matters, including adverse or performance-based actions, claims of discrimination, alleged prohibited personnel practices, and labor-management relations. The Board also exercises oversight authority over GAO's Equal Employment Opportunity (EEO) program. The Board's procedural regulations applicable to GAO appear at 4 CFR parts 27 and 28. The Board is revising these regulations to maximize administrative efficiency, streamline processes, and modernize litigation processes to provide electronic means for communication, filing, and service.

Background: On August 7, 2026, PAB published a proposed rule in which it proposed to amend various sections to 4 CFR part 28.

Summary of Comments: Interested persons were invited to submit comments on PAB's proposed rule by September 8, 2026. The Board received comments from two individuals. In adopting this final rule, PAB has carefully considered all comments received. A summary of the more significant comments concerning the proposed rule is set forth below.

Automatic Start on Discovery Clock

One commenter expressed concern with the elimination of 4 CFR 28.42(d)(1), ''[r]equests for discovery shall be served within 30 days after the service list is served by the Board on all parties.'' The commenter noted that this amounted to a change that altered the process from the MSPB timeline contained in 5 CFR 1201.73(d)(1). The commenter also expressed concerns that this change would prevent parties from being able to fully engage in the discovery process.

The Board believes the elimination of an automatic start to discovery will benefit all parties. The discovery process can be lengthy, expensive, and time-consuming. It may also be confusing for *pro se* individuals. The proposed rule protects the interests of *pro se* individuals who may not be familiar with the regulations and thus are more likely to inadvertently miss the deadline to initiate discovery in the prosecution of their claims, leaving them without a vital tool for gathering evidence for their cases. It is also important to note that the PAB's broad jurisdiction encompasses cases governed by varying administrative processes, *e.g.,* Equal Employment Opportunity (EEO), labor-management relations, as well as agency disciplinary and other appeals. Hence, the PAB's discovery rules must also be flexible enough to accommodate its broad jurisdiction. Under these circumstances, the PAB determined that the discovery process will provide more value if there is an opportunity to review the matters at issue and allow parties to discuss their unique needs with the administrative judge via an initial status conference, before setting a discovery schedule.

The proposed rule is not a means for a party to avoid discovery. Instead, this change provides protections to *pro se* parties and flexibility to PAB administrative judges. Concern that such a change would drop PAB protections below the MSPB baseline, directly breaching 31 U.S.C. 753, is unfounded as the express wording of 5 CFR 1201.73, governing MSPB discovery, also subjects the initiation of discovery deadlines to the discretion of the judge. Therefore, it is reasonable for the PAB to allow the administrative judge an opportunity to hold an initial conference with parties before setting a discovery schedule.

Local Rules

Commenters expressed concern that *pro se* individuals would have trouble finding the filing, formatting, and length requirements if they were moved from the regulations to the Local Rules. PAB believes that this move will aid *pro se* individuals. First, the process at GAO for addressing employment and personnel concerns involves a higher level of engagement and assistance to potential petitioners before filing than executive branch administrative forums. All potential petitioners have an

opportunity to consult with a legal office dedicated to assisting them through the process, the PAB/OGC. This engagement will provide ample opportunity for individualized discussion and counseling on the process, including referral to the Local Rules and relevant regulations. Additionally, administrative judges retain their discretion to accept nonconforming filings or simply allow the party to refile correctly.

Subpoenas and Third-Party Witnesses

The commenters expressed concerns about the removal of the regulations related to the PAB issuing subpoenas. One commenter stated that such a removal now amounts to the PAB process ''fail[ing] the statutory equivalence test of 31 U.S.C. 753(a) [sic].''

The change regarding subpoenas is not a violation of the direction to GAO contained in 31 U.S.C. 753(e), requiring that GAO's process should ''provid[e] for officer and employee appeals consistent with sections 7701 and 7702 of title 5 . . . [of the CFR]'' *Id.* Neither section cited from Title 5 addresses or requires administrative hearings to provide for subpoenas. In fact, it is worth noting that these statutes are silent on the subject and in doing so, do not grant the executive tribunals subpoena enforcement authority.

The Board's removal of the subpoena process from its regulations does not result in creating a purely voluntary discovery process as commenters suggest. GAO and other Federal agencies recognize each other's administrative processes and generally, as employers, compel the participation of third parties who are still employed by the federal government. The Board retains full sanction authority to address uncooperative parties or a failure to follow judges' orders.

The PAB further believes this change does not run afoul of the procedural requirements contained in 31 U.S.C. 753(e) as it is required to provide processes as outlined in 5 U.S.C. 7701–02 as these statutes do not reference the issuance of subpoenas. The PAB has no congressionally delegated authority to issue enforceable subpoenas but may issue an adverse inference sanction when the agency has failed to make a good faith effort to produce third party witnesses.

List of Subjects in 4 CFR Part 28

Administrative procedure, Claims processing, Government employees, Class certification.

For the reasons stated in the preamble, GAO amends 4 CFR part 28 as follows:

PART 28—GOVERNMENT ACCOUNTABILITY OFFICE PERSONNEL APPEALS BOARD; PROCEDURES APPLICABLE TO CLAIMS CONCERNING EMPLOYMENT PRACTICES AT THE GOVERNMENT ACCOUNTABILITY OFFICE

■ 1. The authority citation for part 28 continues to read as follows:

Authority: 31 U.S.C. 753.

■ 2. Amend § 28.4 by revising paragraphs (b) and (d) to read as follows:

§ 28.4 Computation of time.

* * * * *

(b) Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon them and the notice is served electronically, the time shall be computed as described in paragraph (a) of this section. If the notice is served by mail, five (5) days shall be added to the prescribed period.

* * * * *

(d) To compute a deadline the Board will consider a day to end after 11:59 p.m. Eastern Time. Administrative Judges can choose to alter the applicable time zone at their discretion.

§ 28.8 [Amended]

■ 3. Amend § 28.8 in paragraph (a) by removing the text ''Board's Executive Director, Director of EEO Oversight, Solicitor,''.

■ 4. Amend § 28.9 by revising paragraph (b) to read as follows:

§ 28.9 Procedures; general.

* * * * *

(b) All pleadings, motions, or supporting memoranda filed with the Board shall comply with the formatting and organization requirements contained in the Board's local rules on the PAB website at *https://pab.gao.gov.* The Board or the administrative judge may permit a deviation from the local rules upon a showing of good cause.

■ 5. Amend § 28.11 by:
■ a. In paragraphs (b)(1) and (2), removing the text ''30 days'' and adding, in its place, the text ''45 days'';
■ b. Revising paragraph (b)(4);
■ c. Adding paragraph (b)(5);
■ d. Revising paragraph (c) and paragraph (d) introductory text; and
■ e. Adding paragraphs (d)(7)(i) and (ii) and a heading for paragraph (e).

The revisions and additions read as follows:

§ 28.11 Filing a charge with the Office of General Counsel.

* * * * *

(b) * * *

(4) Charges relating to continuing violations must be filed within 45 days of at least one act or incident contributing to the continuing violation.

(5) Charges relating to unfair labor practices shall be filed in accordance with the rules set forth in § 28.121.

(c) *How to file.* Charges may be filed with the Office of General Counsel by email or by U.S. Mail.

(1) A charge may be filed by sending the charge as an attachment to an email addressed to *pabogc@gao.gov.* When filed electronically, the filing date is the date and time the email is delivered to the *pabogc@gao.gov* mailbox.

(i) In the event a charge is mistakenly sent to the *pab@gao.gov* mailbox instead of the *pabogc@gao.gov* mailbox, the Office of General Counsel may treat the filing as if it had been sent to the *pabogc@gao.gov* mailbox for timeliness purposes.

(ii) [Reserved]

(2) A charge may be filed by U.S. Mail addressed to the Office of General Counsel, Personnel Appeals Board, Room 1562, 441 G Street NW, Washington, DC 20548. When filed by mail, the postmark shall be the date of filing.

(d) *What to file.* A written charge must be filed with the Office of General Counsel. A charge may be submitted in any written form (Office of General Counsel charge form, letter, memorandum, etc.). The charging party should include in any charge the following information:

* * * * *

(7) * * *

(i) An electronic filing may include any of the following forms of signature:

(A) An electronic signature using a government or other private secure electronic signature;

(B) Signer may type ''/s/'' followed by the typed name of the person; or

(C) A scanned pen/ink signature of the person signing the charge.

(ii) [Reserved]

(e) *Attorney's fees.* * * *

■ 6. Amend § 28.18 by:
■ a. Revising paragraphs (c) and (d)(6) and (7);
■ b. Adding paragraph (d)(8); and
■ c. Revising paragraph (f).

The revisions and addition read as follows:

§ 28.18 Filing a petition with the Board.

* * * * *

(c) *How to file.* (1) Petitions shall conform to the specifications and

instructions laid out in the local rules for the Personnel Appeals Board, which are posted and publicly available on the PAB's website (*https://pab.gao.gov*).

(2) Generally, it is required for all parties to file electronically. However, the Board or administrative judge may permit an exception for good cause. A petition filed electronically must be filed in accordance with the Board's local rules.

(3) A petition filed by mail shall be addressed to the Personnel Appeals Board, Room 1566, 441 G Street NW, Washington, DC 20548. When filed by mail, the postmark shall be the date of filing for all submissions to the Board and should contain a statement and any relevant documentation to demonstrate good cause for not filing electronically in accordance with paragraph (c)(2) of this section.

(d) * * *

(6) Name and address of the representative, if any, who will act for the petitioner in any further stages of the matter, and a designation of representative signed by the petitioner;

(7) Signature of the petitioner and petitioner's representative (if any), as directed by § 28.20; and

(8) Any additional information directed by the local rules.

* * * * *

(f) *Non-EEO class actions.* One or more persons may file a petition as representatives of a class in any matter within the Board's jurisdiction except any class petition solely based upon claims of prohibited discrimination covered under § 28.95 shall be processed pursuant to the special procedures set forth under § 28.97.

(1) *Petition.* The judge will hear the case as a class petition if they find that a class petition is the fairest and most efficient way to adjudicate the petition, and that the representative of the parties will adequately protect the interests of all parties.

(2) *What to file.* In addition to the information required under paragraph (d) of this section, any class petition shall:

(i) State clearly that it is being filed as a class petition.

(ii) Set forth a description of the scope of the common class claims.

(iii) Set forth an explanation as to whether and how the proposed class agent(s) are typical representatives of the common class claims.

(iv) State whether the putative class includes persons covered by applicable collective bargaining agreements to which GAO is a party.

(v) State whether the proposed class requests a hearing on class certification.

(3) *Timing.* When a class petition is filed, the deadline to file individual petitions is tolled for the claims set forth under paragraph (f)(2)(ii) of this section. However, if the judge denies the class certification request, individuals affected by the decision may file individual petitions within 30 days following the date of the decision denying class certification. Each individual petitioner is responsible for keeping informed of the status of a class petition.

(4) *Notice.* The Clerk of the Board will publish notices of pending class certification upon receipt of a class petition.

■ 7. Amend § 28.20 by:

■ a. Revising the section heading and paragraphs (a), (b), and (d); and

■ b. Adding paragraphs (e) and (f).

The revisions and additions read as follows:

§ 28.20 Pleadings, service, and response.

(a) *Matters excluded from e-filing.* E-filing is not required to file a request to hear a case as a class action or any opposition thereto e-filing may not be used to file a pleading that contains classified information. Refer to the local rules on the PAB website at *https://pab.gao.gov* for instructions on how to proceed if relevant case materials contain classified information.

(b) *Service.* (1) The Board will serve the petition upon the parties to the proceeding. The Board will attach an official Service List indicating the names, addresses, and email addresses of the parties to the proceeding and/or their designated representatives as they have been provided to the Board. The email address contained on the service list will be the party's registered email address for the duration of the case unless changed in accordance with paragraph (b)(2) of this section and the Board's local rules. The Board will not serve copies of any pleadings, motions, or other submissions by the parties after the initial petition.

(2) The parties shall serve on each other one copy of all pleadings other than the initial petition. Service shall be made by email to the parties' and/or their representatives' registered email address as contained on the service list. Service shall be by email unless good cause has been shown and the administrative judge has granted a request to conduct service by mail. Each pleading must be accompanied by a certificate of service specifying how and when service was made. It shall be the duty of all parties to notify the Board and one another in writing of any changes in the names, addresses and email addresses on the service list.

(3) The Board may serve documents via traditional means—postal mail, facsimile, commercial or personal delivery at its discretion. Parties and their representatives are responsible for ensuring that the Board always has their current postal mailing addresses, even when they are e-filers.

* * * * *

(d) *Size limitations.* Size limitations are set forth in the Board's local rules.

(e) *Signatures.* (1) All filings must contain the signature of the filing party or the filing party's designated representative.

(2) A filing made through a person's registered email address, authorized by that person and containing one of following methods listed will constitute a valid signature:

(i) An electronic signature using a government or other private secure electronic signature;

(ii) Signer may type ''/s/'' followed by the typed name of the person; or

(iii) A scanned pen/ink signature of that person.

(f) *Date electronically filed documents are filed and served.* (1) The date of filing for pleadings filed electronically is the date of the electronic submission. All pleadings filed electronically are time stamped with Eastern Time.

(2) Documents issued by the Board are deemed received on the date of electronic transmission.

■ 8. Amend § 28.21 by:

■ a. Revising paragraph (b); and

■ b. In paragraph (c)(3), adding ''by the administrative judge'' after ''will be granted''.

The revision reads as follows:

§ 28.21 Amendments to petitions and motions practice.

* * * * *

(b) *Motions practice.* (1) When an action is before an administrative judge, motions of the parties shall be filed with the Clerk of the Board and shall be in writing except for oral motions made during the hearing. Motions shall be filed in accordance with § 28.20. Responses to written motions must be filed within 20 days of service of the motion unless the administrative judge requires a shorter time, or an extension has been requested and granted.

(2) A party filing a motion for extension of time, a motion for postponement of a hearing, or any other procedural motion must first contact the other party to determine whether there is any objection to the motion and must state in the motion whether the other party has any objection.

(3) All written submissions shall be served simultaneously upon the other parties to the proceeding in accordance

with § 28.20(b). A certificate of service must be attached stating the method of service and listing the parties served. Further submissions by either party may be filed only with the approval of the administrative judge or the full Board.

(4) All written motions and responses thereto shall include a proposed order, where applicable.

(5) Motions for extension of time will be granted only upon a showing of good cause.

(6) The administrative judge may allow oral argument on the motion at his or her discretion.

* * * * *

§ 28.25 [Amended]

■ 9. Amend § 28.25 in paragraph (a) by removing ''shall instead'' adding in its place ''shall also''.

■ 10. Amend § 28.42 by:

■ a. Revising paragraphs (a) introductory text and (a)(2);

■ b. In paragraph (a)(3), adding ''or any Federal employee'' after ''GAO'';

■ c. In paragraph (b), removing the last sentence; and

■ d. Revising paragraphs (d)(1), (2), and (5).

The revisions read as follows:

§ 28.42 Discovery procedures and protective orders.

(a) *Seeking discovery generally.* The administrative judge shall notify the parties of the right to seek discovery prior to the hearing and may issue such discovery orders as are appropriate. Both parties are entitled to reasonable development of evidence on matters relevant to the issues raised in the petition, but the administrative judge and/or the Board's local rules on the PAB website at *https://pab.gao.gov* may limit the quantity and timing of discovery. Evidence may be developed through interrogatories, depositions, and requests for admissions, stipulations or production of documents. Examples of grounds for objection to produce evidence include requests for information that is readily available, irrelevant to the matter, overburdensome to produce, repetitious of previous requests, or protected by privilege. For purposes of discovery under this part, a party includes an intervenor.

* * * * *

(2) The notice shall specify the time and place of the taking of the deposition.

* * * * *

(d) * * *

(1) The administrative judge shall notify the parties of the commencement and time limits to initiate discovery.

(2) A party or nonparty shall respond to a discovery request within 20 days after service of the request on the party or nonparty. Deposition witnesses shall give their testimony at the time and place stated in the notice of deposition-taking unless the parties agree otherwise.

* * * * *

(5) Discovery shall be completed by the time designated by the administrative judge.

■ 11. Remove the undesignated center heading preceding § 28.46.

§§ 28.46 through 28.50 [Removed and Reserved]

■ 12. Remove and reserve §§ 28.46 through 28.50.

■ 13. Amend § 28.56 by:

■ a. In paragraph (b), removing ''will be conducted as'' and adding in its place ''is'';

■ b. In paragraph (c), removing ''will be'' and adding in its place ''are'';

■ c. In paragraph (d), removing ''the original of each such exhibit to the court reporter, two copies to the administrative judge, plus one copy for each opposing party that is separately represented'' and adding in its place ''their exhibits in accordance with the Board's local rules on the PAB website at *https://pab.gao.gov* and the orders of the administrative judge'';

■ d. In paragraph (e), removing ''bringing the proper number of copies of an exhibit to the hearing'' and adding in its place ''for providing their own exhibits and complying with Board's local rules and the orders of the administrative judge''; and

■ e. Revising paragraphs (f) and (g).

The revisions read as follows:

§ 28.56 Hearing procedures, conduct and copies of exhibits.

* * * * *

(f) Multipage exhibits shall be paginated and formatted in accordance with the Board's local rules.

(g) Prior to commencement of the hearing, and at the direction of the administrative judge, the parties shall submit a list of witnesses they expect to call at hearing to the administrative judge and the opposing party.

■ 14. Revise § 28.60 to read as follows:

§ 28.60 Briefs.

(a) *Length.* Briefs shall conform to the length requirements contained in the Board's local rules on the PAB website at *https://pab.gao.gov* unless otherwise directed by the administrative judge. Motions to file extended briefs shall be granted only for good cause shown.

(b) *Format.* Every brief must conform to the formatting requirements contained in the Board's local rules unless otherwise directed by the administrative judge.

■ 15. Revise § 28.133 to read as follows:

§ 28.133 Stay proceedings.

(a) If the General Counsel believes that a proposed personnel action is arising out of a prohibited personnel practice, the General Counsel may request the issuance of an initial stay, not to exceed 30 days. The initial stay request shall be submitted prior to the effective date of the proposed personnel action, be in writing, and specify the nature of the action to be stayed and the basis for the General Counsel's belief. The Board's Office of General Counsel shall serve a copy of the request on the GAO.

(b) The assigned Board member shall issue a ruling on the initial request prior to the effective date of the proposed personnel action but not more than three (3) business days following the initial stay request. The request shall be granted unless the Board member determines that the request either:

(1) Fails to satisfy the requirements of paragraph (a) of this section; or

(2) On its face, conclusively establishes that the proposed personnel action did not arise out of an alleged prohibited personnel practice as specified by the General Counsel.

(c) The Board's General Counsel may request additional stays for the following reasons:

(1) For the purpose of allowing additional time to pursue its investigation; or

(2) For the purpose of staying the proposed personnel action that is the subject of a petition before the Board until a final decision is rendered.

(d) Requests for stays under paragraph (c) of this section shall be received by both the Board and GAO no less than 10 days before the expiration of any stay then in effect. Any response from GAO to the request shall be received by both the Board and the Board's Office of General Counsel no less than three days before the expiration of any stay then in effect. Any request for stay under this paragraph (d) shall be decided by the Board member who issued the prior stay under paragraphs (a) and (b) of this section, unless the Board Chair determines that it should be decided by the full Board. The Board member, or the full Board, may require further briefing, oral argument, submission of affidavits or other documentary evidence, or may conduct an evidentiary hearing before rendering a decision. Any stay then in effect may be extended, sua sponte, for a period not to exceed 30 days to enable the Board

member, or full Board, a reasonable opportunity to render a decision.

(e) A stay under paragraph (c)(1) of this section may be issued if the Board member, or the full Board, determines that under all of the circumstances the interests of justice would be served by providing more time for the Board's Office of General Counsel to pursue the investigation. However, the duration of a stay under paragraph (c)(1) of this section shall not exceed the amount of time reasonably necessary to acquire sufficient information to support a request normally not more than 60 days.

(f) In determining whether to grant a stay under paragraph (c)(2) of this section, the Board member, or the full Board, shall:

(1) Assess the evidence adduced by each side as to whether the proposed personnel action arises out of an alleged prohibited personnel practice as specified by the Board's General Counsel;

(2) Assess the nature and gravity of any harm that could inure to each side if the request for permanent stay is either granted or denied; and

(3) Balance the assessments conducted under paragraphs (f)(1) and (2) of this section.

(g) A motion to vacate a stay order may be filed at any time. A stay order issued by the Board en banc may not be vacated by a single Board member.

(h) Any order issued by a member of the Board granting or denying, in whole or in part, a stay request under paragraph (c) of this section shall be subject to review by the full Board on the filing and service of a notice of appeal, accompanied by a supporting brief, within 10 days of the service of that order. Responsive briefs shall be filed and served within 10 days of service of the appeal.

Kimberly McLeod,

Executive Director, Personnel Appeals Board, U.S. Government Accountability Office.

[FR Doc. 2026–23866 Filed 11–23–26; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 19

Notification of Inflation Adjustments for Civil Money Penalties

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notification of monetary penalties 2026.

SUMMARY: This document announces the Office of the Comptroller of the Currency's (OCC) maximum civil money penalties for 2026 as adjusted for inflation. The inflation adjustments are required to implement the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: The adjusted maximum amount of civil money penalties in this document are applicable to penalties assessed on or after January 10, 2025, for conduct occurring on or after November 2, 2015.

FOR FURTHER INFORMATION CONTACT: Tad Thompson, Counsel, or Collin Berger, Attorney, Chief Counsel's Office, (202) 649–5490, Office of the Comptroller of the Currency.

SUPPLEMENTARY INFORMATION: This document announces the maximum amount of each civil money penalty (CMP) within the OCC's jurisdiction to administer to account for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (the 1990 Adjustment Act),[1] as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Adjustment Act).[2] Under the 1990 Adjustment Act, as amended, Federal agencies must make annual adjustments to the maximum amount of each CMP they administer. The Office of Management and Budget (OMB) is required to issue guidance to Federal agencies no later than December 15 of each year providing an inflation adjustment multiplier (*i.e.,* the inflation adjustment factor agencies must use) applicable to CMPs assessed in the following year. The agencies are required to publish their CMPs, adjusted pursuant to the multiplier provided by the OMB, by January 15 of the applicable year.

To the extent an agency codified a CMP amount in its regulations, the agency would need to update that amount by regulation. However, if an agency codified a formula for making the CMP adjustments, then subsequent adjustments can be made solely by notice.[3] In 2018, the OCC published a final regulation that removed the CMP amounts from its regulations while updating the CMP amounts for inflation through the notice process.[4]

On April 17, 2026, the OMB issued guidance to affected agencies on implementing the required annual adjustment.[5] That guidance advised that there would be no updated cost-of-living inflation multiplier for 2026 and that agencies would continue using the 2025 CMP levels.[6] Consistent with the guidance, the OCC will continue using the CMPs as listed in the 2025 CMP notice [7] and reprinted below for purposes of the maximum amount of CMPs that may be assessed by the OCC in 2026.[8] There were no new statutory CMPs administered by the OCC during 2025.[9]

The following charts provide again the inflation-adjusted CMPs for use beginning on January 10, 2025, as announced in the 2025 CMP notice.[10] These CMPs will continue to apply through 2026. The CMPs listed below are pursuant to 12 CFR 19.240(b), for conduct occurring on or after November 2, 2015:

[1] Public Law 101–410, Oct. 5, 1990, 104 Stat. 890, codified at 28 U.S.C. 2461 note.

[2] Public Law 114–74, Title VII, section 701(b), Nov. 2, 2015, 129 Stat. 599, codified at 28 U.S.C. 2461 note.

[3] *See* OMB Memorandum M–18–03, Implementation of the 2018 Annual Adjustment Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, at 4, which permits agencies that have codified the formula to adjust CMPs for inflation to update the penalties through a notice rather than a regulation.

[4] 83 FR 1517 (Jan. 12, 2018) (final rule); 83 FR 1657 (Jan. 12, 2018) (2018 CMP Notice).

[5] OMB Memorandum M–26–11, Cancellation of Penalty Inflation Adjustments for 2026, Regarding the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Apr. 17, 2026).

[6] There is no inflation adjustment multiplier for 2026 due to the absence of cost-of-living data for October 2025. *See id.*

[7] *See* 90 FR 1848 (Jan. 10, 2025).

[8] Penalties assessed for violations occurring prior to November 2, 2015, will be subject to the maximum amounts set forth in the OCC's regulations in effect prior to the enactment of the 2015 Adjustment Act.

[9] The Guiding and Establishing National Innovation for U.S. Stablecoins Act, Public Law 119–27, July 18, 2025, 139 Stat. 419, has not yet reached its effective date, so its CMP provisions are not addressed in this notice. *See* 12 U.S.C. 5901 note (effective date), 5905(b)(5) (CMPs).

[10] *See supra* note 7.