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MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Appellate Jurisdiction Update

AGENCY: Merit Systems Protection Board (MSPB).

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board (MSPB or Board) is amending its regulations to remove certain appeal rights to MSPB for actions related to placement or movement of a civil service employee into an excepted service position without civil service protection. This rule reflects the Office of Personnel Management's (OPM's) rescission of these rights.

DATES: This final rule is effective on March 9, 2026.

FOR FURTHER INFORMATION CONTACT: Gina K. Grippando, Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; phone: (202) 653-7200; fax: (202) 653-7130; or email: mspb@mspb.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Civil Service Reform Act grants MSPB jurisdiction to hear appeals of any action made appealable to MSPB under law, rule, or regulation. 5 U.S.C. 7701(a). For the benefit of MSPB's stakeholders, MSPB's regulation at 5 CFR 1201.3 contains a list of the types of appeals MSPB has been granted jurisdiction to hear.

In 2024, following notice and comment on a proposed rule, OPM issued a final rule, 5 CFR 302.603, which conferred jurisdiction on MSPB to hear appeals from: (1) federal employees moved from the competitive service into the excepted service, or moved between schedules in the excepted service, when the agency asserts that the employee would lose appeal rights, competitive status, or other previously accrued protections as

a result of that move; and (2) an agency's failure to provide required notice to the employee regarding whether the move would affect the employee's appeal rights, competitive status, or other accrued protections. After notice and comment on a proposed rule, MSPB concurrently amended 5 CFR 1201.3 to reflect MSPB's new jurisdiction over the appeal rights conferred by OPM's rule, 5 CFR 302.603. MSPB's amendment was codified at 5 CFR 1201.3(a)(12).

On February 6, 2026, OPM rescinded 5 CFR 302.603, which had conferred jurisdiction on MSPB to hear the above employee appeal rights. Consequently, MSPB now amends 5 CFR 1201.3 to reflect the removal of these appeal rights, and mirror OPM's new rules, which rescinded the previously codified basis for MSPB jurisdiction.

II. Summary of Changes

Section 1201.3 Appellate Jurisdiction
The proposed amendment removes the appeal right in 5 CFR 1201.3(a)(12) from the list of appealable actions identified in section 1201.3(a).

III. Effective Date of Amendment

The amendment described above will go into effect on February 23, 2026.

IV. Regulatory Compliance

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(B), MSPB finds that there is good cause to issue this final rule without prior notice and comment. This final rule merely reflects OPM's rescission of the regulatory basis for MSPB's jurisdiction. MSPB lacks any discretion regarding this change, and thus in this rulemaking action. OPM's rescission removes MSPB's jurisdiction over these cases, regardless of whether MSPB updates its regulations to reflect this fact. Accordingly, notice and public comment procedures are unnecessary.

Similarly, pursuant to 5 U.S.C. 553(d)(3), MSPB finds that there is good cause to make this final rule effective immediately upon publication. This final rule merely reflects the rescission of the regulatory basis for MSPB's jurisdiction, which took effect on March 9, 2026.

B. Regulatory Impact Analysis: Executive Order 12866

MSPB has examined the impact of this rulemaking as required by

Executive Orders 12866 (Sept. 30, 1993) and 13563 (Jan. 18, 2011), which direct agencies to evaluate the benefits and costs of the proposed action. A regulatory impact analysis must be prepared for major rules with effects of \$100 million or more in any one year. This rulemaking does not reach that threshold but has otherwise been designated as a "significant regulatory action" under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563.

C. Regulatory Flexibility Act

MSPB certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities because OPM's proposed rule will apply only to Federal agencies and employees, and MSPB's proposed rule does not in itself effect any change but only reflects OPM's amendments to MSPB's regulatory jurisdiction.

D. Paperwork Reduction Act

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. Chapter 35).

D. Executive Order 13132, Federalism

This regulation will not have substantial direct effect on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Aug. 10, 1999), it is determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

E. Executive Order 12988, Civil Justice Reform

This regulation meets the applicable standards set forth in section 3(a) and (b)(2) of Executive Order 12988 (Feb. 7, 1996).

F. Unfunded Mandates Reform Act of 1995

This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of more than \$100 million annually. Thus, no written assessment of unfunded mandates is required.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

Under the authority of 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, and for the reasons set forth above, 5 CFR part 1201 is amended as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

§ 1201.3 [Amended]

■ 2. Amend Section 1201.3 by removing paragraph (a)(12).

Gina K. Grippando,

Clerk of the Board.

[FR Doc. 2026–03594 Filed 2–20–26; 8:45 am]

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DEPARTMENT OF AGRICULTURE**Commodity Credit Corporation****7 CFR Part 1414**

[Docket ID FSA–2026–0001]

RIN 0560–A187

Farmer Bridge Assistance (FBA) Program

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Commodity Credit Corporation (CCC) is issuing this rule to provide \$11 billion in one-time bridge payments to American farmers in response to temporary trade market disruptions and increased production costs. Payments under the Farmer Bridge Assistance (FBA) Program are intended in part to aid producers until assistance from provisions in the One Big Beautiful Bill Act (OBBBA), notably increases in reference prices to major covered commodities, reach eligible farmers after October 1, 2026.

DATES: This rule is effective on February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Walter; telephone: (816) 491–6934; or email: *Michael.Walter1@usda.gov*. Individuals with disabilities who require alternative means for communication should contact the

USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

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I. Background

CCC will make \$11 billion available in one-time bridge payments to American farmers in response to temporary trade market disruptions and increased production costs that are still impacting farmers. These bridge payments are intended in part to aid farmers until historic investments from the OBBBA (Pub. L. 119–21), including reference prices which are set to increase between 10–21 percent for major covered commodities such as soybeans, corn, and wheat, reach eligible farmers after October 1, 2026. Eligible producers are those who: (1) produced 2025 crops of barley, canola, chickpeas, corn, cotton, crambe, flax, lentils, mustard, oats, peanuts, peas, rapeseed, rice, safflower, sesame, sorghum, soybeans, sunflower, and wheat (referred to as “eligible commodities” in this rule); (2) have timely filed a crop acreage report with the Farm Service Agency (FSA) by December 19, 2025, specifying the acreage planted to each eligible commodity in crop year 2025; and (3) comply with other requirements specified in this rule.

The FBA Program will help address market disruptions, elevated input costs, persistent inflation, and market losses. The FBA Program applies simple, proportional assistance to producers using a uniform formula to cover a portion of modeled losses during the 2025 crop year. This national loss average is based on FSA timely reported planted acres, Economic Research Service (ERS) cost of production estimates, World Agricultural Supply and Demand

Estimates (WASDE) yields and prices (for many crops), and economic modeling (for crops not covered in WASDE or for which ERS cost of production data are unavailable). Producers are not required to purchase crop insurance or Noninsured Crop Disaster Assistance Program (NAP) coverage to be eligible for the FBA Program; however, USDA strongly urges producers to take advantage of the new OBBBA risk management tools to best protect against price risk and volatility in the future. CCC intends to issue FBA Program payments to eligible producers in early 2026.

The Agricultural Act of 2014 (“2014 Act”; Pub. L. 113–79) authorized assistance to producers of specified commodities under the Agricultural Risk Coverage (ARC) and the Price Loss Coverage (PLC) Programs for the 2014 through 2018 crop years. Generally, these programs provide assistance when market prices are less than specified “effective prices” set forth in the 2014 Act. The ARC Program provides payments when actual crop revenues fall below a specified guarantee level, while the PLC Program provides payments when the national average market price (or the national average loan rate, if higher) for a given covered commodity falls below a specified effective reference price for that commodity.

The Agriculture Improvement Act of 2018 (Pub. L. 115–334) extended these programs through the 2023 crop year, and subsequent 1-year extensions authorized continuation of the programs through the 2025 crop year (Pub. L. 118–22; Pub. L. 118–158). While these acts made minor changes to the structure of the ARC and PLC Programs, statutory reference prices were not updated to reflect changes in market prices that had occurred since the enactment of the 2014 Act (see Table 1).

Since the enactment of the 2014 Act, there have been major changes in commodity markets and the price of inputs required to produce covered commodities included in the ARC and PLC Programs. During the past four years the costs associated with the production of these commodities have increased significantly. Recognizing these changes in markets, and specifically the increase in input costs, the OBBBA increased the statutorily established reference prices used to administer these programs for the 2025 through 2030 crop years.