



441 G St. N.W.
Washington, DC 20548

B-338133

March 17, 2026

The Honorable Jerry Moran
Chairman
The Honorable Richard Blumenthal
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Mike Bost
Chairman
The Honorable Mark Takano
Ranking Member
Committee on Veterans' Affairs
House of Representatives

Subject: *Department of Veterans Affairs: Rescission of Interim Final Rule, Evaluative Rating: Impact of Medication*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Veterans Affairs (VA) entitled "Rescission of Interim Final Rule, Evaluative Rating: Impact of Medication" (RIN: 2900-AS49). We received the rule on March 2, 2026. It was published in the *Federal Register* on February 27, 2026. 91 Fed. Reg. 9712. The effective date of the rule is February 27, 2026.

According to VA, this rule rescinds the interim final rule entitled "Evaluative Rating: Impact of Medication," 91 Fed. Reg. 7118 (Feb. 17, 2026) and restores the prior regulatory text. VA stated that it issued the interim final rule to clarify existing policy and protect veterans' benefits amid an ongoing court action, but many commenters construed the interim final rule as possibly having adverse consequences.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The 60-day delay in effective date does not apply, however, if the agency finds for good cause that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, and the agency incorporates the finding and a brief statement of its reasons in the rule. 5 U.S.C. § 808(2).

Here, although VA did not specifically mention CRA's delayed effective date requirement, VA found good cause to waive notice and comment procedures and incorporated a brief statement of reasons. Specifically, VA stated that notice and comment regarding the rescission were impracticable and contrary to the public interest under 5 U.S.C. § 553(b)(B) and (d)(3). VA explained that some stakeholders expressed uncertainty about the interim final rule's effect on claims, and leaving it in place during a lengthy rulemaking process could undermine confidence

in the benefits system. VA further stated that immediate rescission ensures continuity in adjudication and preserves the *status quo*. See 91 Fed. Reg. at 9712.

Enclosed is our assessment of VA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact me (202) 512-8156.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive style with a large, stylized initial 'S'.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Jennifer Williams
Director, Office of Regulatory Oversight and Management
Department of Veterans Affairs

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF VETERANS AFFAIRS
ENTITLED
“RESCISSION OF INTERIM FINAL RULE, EVALUATIVE RATING: IMPACT OF MEDICATION”
(RIN: 2900-AS49)

(i) Cost-benefit analysis

In its submission to us, the Department of Veterans Affairs (VA) indicated that it did not prepare an analysis of the costs and benefits of this rule.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

In its submission to us, VA indicated it neither certified that this rule would not have a significant economic impact on a substantial number of small entities nor prepared a final regulatory flexibility analysis.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

In its submission to us, VA indicated that it did not prepare a written statement under section 202 of the Act.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

In its submission to us, VA indicated it solicited public comments and addressed them in this rule, citing the interim final rule at 91 Fed. Reg. 7118 (Feb. 17, 2026). However, the interim final rule stated that notice and comment were impracticable and contrary to the public interest and that VA found good cause to publish it with immediate effect under 5 U.S.C. § 553(b)(B) and (d)(3). 91 Fed. Reg. at 7119–7120. Under those same statutory provisions, VA similarly stated that notice and comment for this rescission rule were impracticable and contrary to the public interest. *See id.* at 9712.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

In its submission to us, VA indicated that this rule does not contain a collection of information requiring Office of Management and Budget approval under the Act.

Statutory authorization for the rule

VA promulgated this rule pursuant to section 1155 of title 38, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

In its submission to us, VA indicated that it did not discuss the Order in this rule.

Executive Order No. 13132 (Federalism)

In its submission to us, VA indicated that it did not discuss the Order in this rule.