U.S. GOVERNMENT ACCOUNTABILITY OFFICE
441 G St. N.W.
Washington, DC 20548

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July 21, 2026

The Honorable Bill Cassidy
Chairman
The Honorable Bernie Sanders
Ranking Member
Committee on Health, Education, Labor, and Pensions
United States Senate

The Honorable Tim Walberg
Chairman
The Honorable Bobby Scott
Ranking Member
Committee on Education and Workforce
House of Representatives

Subject: *Office of Personnel Management; Department of the Treasury, Internal Revenue Service; Department of Labor, Employee Benefits Security Administration; Department of Health and Human Services: Federal Independent Dispute Resolution Operations*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Office of Personnel Management; the Department of the Treasury, Internal Revenue Service (IRS); the Department of Labor, Employee Benefits Security Administration (EBSA); and the Department of Health and Human Services (HHS) (collectively, the Agencies) entitled "Federal Independent Dispute Resolution Operations" (RINs: 3206-AO48, 1545-BQ55, 1210-AC17, 0938-AV15). We received a submission of the rule from HHS on June 2, 2026, from EBSA on June 17, 2026, and from IRS on June 29, 2026. It was published in the *Federal Register* on June 4, 2026. 91 Fed. Reg. 33900. The stated effective date of the rule is August 3, 2026.

According to the Agencies, this rule finalizes new requirements relating to the disclosure of information that group health plans and health insurance issuers offering group or individual health insurance coverage must include along with the initial payment or notice of denial of payment for certain items and services subject to the surprise billing protections in the No Surprises Act. Additionally, the Agencies stated that this rule requires plans and issuers to communicate information by using claim adjustment reason codes and remittance advice remark codes when providing any paper or electronic remittance advice to an entity that does not have a contractual relationship with the plan or issuer.

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 rule was published in the *Federal Register* on June 4, 2026. 91 Fed. Reg. 33900. The Senate and the House of Representatives received the rule on June 23, 2026. 172 Cong. Rec. S3199 (daily ed. June 24, 2026); 172 Cong. Rec.

H4362 (daily ed. June 30, 2026).[1] The stated effective date of the rule is August 3, 2026. Therefore, the stated effective date is less than 60 days from the date of receipt by Congress.[2]

Enclosed is our assessment of the Agencies' 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 at (202) 512-8156.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Calvin E. Dukes II
Regulations Coordinator
Department of Health and Human Services

Daniel Aronowitz
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Employee Benefits Security Administration

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[1] According to documents submitted by HHS, the House of Representatives and Senate received the rule on June 2, 2026. Email from Regulations Coordinator, HHS, to GAO, *Subject: Official Submission - RIN 0938-AV15* (June 2, 2026). Based on this receipt date, the rule's stated effective date would comply with the requisite 60-day delay. However, HHS's submission to Congress is not yet reflected in the *Congressional Record* as of the date of this report. We will continue to monitor the *Congressional Record* to confirm the date of receipt by Congress and update our report as necessary.

[2] The Agencies stated in the rule that there was good cause to waive the 60-day delay in the effective date for the provisions lowering the administrative fee to $15 per party per dispute, because delay of the effective date for such provisions would be contrary to public interest and unnecessary. 91 Fed. Reg. at 34002. The exception in section 808(2) only applies when the agency has found good cause to waive notice and public procedure requirements when promulgating the rule and incorporates the finding and a brief statement therefor in the rule. 5 U.S.C. § 808(2). Here, the Agencies' good cause finding relates to waiving the delay in effective date, not to waiving the notice and public procedure requirements, and the Agencies published a notice of proposed rulemaking on November 3, 2023, 88 Fed. Reg. 75744, on which it solicited comments. Therefore, this exception does not apply.

ENCLOSURE

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
OFFICE OF PERSONNEL MANAGEMENT;
DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE;
DEPARTMENT OF LABOR, EMPLOYEE BENEFITS SECURITY ADMINISTRATION;
DEPARTMENT OF HEALTH AND HUMAN SERVICES
ENTITLED
"FEDERAL INDEPENDENT DISPUTE RESOLUTION OPERATIONS"
(RINS: 3206-AO48, 1545-BQ55, 1210-AC17, 0938-AV15)

(i) Cost-benefit analysis

The Office of Personnel Management; the Department of the Treasury, Internal Revenue Service; the Department of Labor, Employee Benefits Security Administration; and the Department of Health and Human Services (collectively, the Agencies) prepared an analysis of the costs and benefits for this rule. *See* 91 Fed. Reg. 33900, 34008–22 (June 4, 2026). Over a 5-year period from 2026 to 2030, the Agencies estimated annualized benefits of $77.61 million using a 7 percent discount rate and $78.52 million using a 3 percent discount rate, and annualized costs of $1,038.08 million using a 7 percent discount rate and $1,038.03 million using a 3 percent discount rate. *Id.* at 34010.

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

The Secretary of the Treasury certified that this rule will not have a significant economic impact on a substantial number of small rural hospitals. 91 Fed. Reg. at 34045. According to the Agencies, the data and conclusions presented in the rule amount to the Agencies' final regulatory flexibility analysis under the RFA. *Id.* at 34040.

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

The Agencies estimate the combined impact on state, local, or tribal governments and the private sector will not result in expenditures in any one year of $100 million in 1995 dollars, updated annually for inflation. 91 Fed. Reg. at 34045.

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

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

On November 3, 2023, the Agencies published a proposed rule. 88 Fed. Reg. 75744. The Agencies received 124 timely comments from a variety of interested parties including private citizens, consumer and advocacy organizations, and employers and other plan sponsors, among others. 91 Fed. Reg. at 33903. The Agencies summarized and responded to comments in the rule.

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

The Agencies determined that this rule modifies previously approved information collections and submitted a copy of this rule to the Office of Management and Budget (OMB) for review. 91 Fed. Reg. at 34029–40.

Statutory authorization for the rule

The Agencies promulgated this rule pursuant to Pub. L. No. 116-260, div. BB, titles I and II (Dec. 27, 2020).

Executive Order No. 12866 (Regulatory Planning and Review)

The Agencies stated that OMB's Office of Information and Regulatory Affairs determined this rule is significant under the Order. 91 Fed. Reg. at 34006.

Executive Order No. 13132 (Federalism)

The Agencies do not anticipate this rule will have any federalism implications. 91 Fed. Reg. at 34046.