U.S. GOVERNMENT ACCOUNTABILITY OFFICE

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Washington, DC 20548

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November 19, 2026

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

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

Subject: *Department of Labor, Employee Benefits Security Administration: Improving Transparency Into Pharmacy Benefit Manager Fee Disclosure*

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 Labor, Employee Benefits Security Administration (EBSA) titled "Improving Transparency Into Pharmacy Benefit Manager Fee Disclosure" (RIN: 1210-AB37). We received the rule on November 2, 2026. It was published in the *Federal Register* on November 2, 2026. 91 Fed. Reg. 69092. The stated effective date of the rule is January 4, 2027.

According to EBSA, this rule requires providers of pharmacy benefit management services and affiliated providers of brokerage and consulting services to disclose information about their compensation to fiduciaries of large, self-insured group health plans subject to the Employee Retirement Income Security Act of 1974 (ERISA). EBSA stated that these disclosures are intended to enable fiduciaries to assess the reasonableness of contracts or arrangements with these service providers, including their compensation, for purposes of ERISA's statutory prohibited transaction exemption for service arrangements.

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). This rule was published in the *Federal Register* on November 2, 2026. 91 Fed. Reg. 69092. The Senate received the rule on November 5, 2026. 172 Cong. Rec. S5411 (daily ed. Nov. 10, 2026). The House of Representatives received the rule on November 6, 2026. 172 Cong. Rec. H6254 (daily ed. Nov. 17, 2026). The rule has a stated effective date of January 4, 2027. Therefore, the rule does not have the required 60-day delay in its effective date.

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



Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Daniel Aronowitz
Assistant Secretary
Employee Benefits Security Administration

ENCLOSURE

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF LABOR,
EMPLOYEE BENEFITS SECURITY ADMINISTRATION
TITLED
"IMPROVING TRANSPARENCY INTO PHARMACY BENEFIT MANAGER FEE DISCLOSURE"
(RIN: 1210-AB37)

(i) Cost-benefit analysis

The Department of Labor, Employee Benefits Security Administration (EBSA), prepared an analysis of the costs and benefits of this rule. 91 Fed. Reg. 69092, 69146–85 (Nov. 2, 2026). For the period covering 2026 through 2035, EBSA estimated annualized monetized benefits of $293.0 million using either a 7 percent or a 3 percent discount rate. *Id*. at 69154. EBSA estimated annualized monetized costs of $60.95 million using a 7 percent discount rate and $59.43 million using a 3 percent discount rate. *Id*. These estimates are expressed in 2026 dollars. *Id*. EBSA also estimated annualized transfers of $818.4 million from pharmacy benefit managers to self-insured group health plans and health plan participants due to reduced prescription drug prices, using either discount rate. *Id*. EBSA concluded that the benefits of the rule justify its costs. *Id*. at 69153.

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

EBSA stated that it could not certify that this rule will not have a significant economic impact on a substantial number of small entities and prepared a final regulatory flexibility analysis. 91 Fed. Reg. at 69186–90.

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

EBSA stated that this rule is expected to result in expenditures by the private sector of $100 million or more in any one year in 1995 dollars, adjusted annually for inflation. 91 Fed. Reg. at 69191. EBSA stated that its regulatory impact analysis satisfies the requirements of the Act. *Id*.

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

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

On January 30, 2026, EBSA published a proposed rule. 91 Fed. Reg. 4348. On March 2, 2026, EBSA extended the comment period to allow interested persons to address amendments to the Employee Retirement Income Security Act of 1974 (ERISA) enacted in the Consolidated Appropriations Act, 2026. 91 Fed. Reg. 10033 (Mar. 2, 2026). EBSA summarized and responded to comments on the proposal. *See* 91 Fed. Reg. at 69103–46.

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

EBSA determined that this rule contains information collection requirements under the Act. 91 Fed. Reg. at 69185–86.

Statutory authorization for the rule

EBSA promulgated this rule pursuant to sections 1108 and 1135 of title 29, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

EBSA stated that the Office of Information and Regulatory Affairs determined that this rule is economically significant under section 3(f)(1) of the Order and that the Office of Management and Budget has reviewed the rule. 91 Fed. Reg. at 69146.

Executive Order No. 13132 (Federalism)

EBSA stated that this rule may have federalism implications, although it is not intended to have substantial direct effects on the states, the relationship between the federal government and the states, or the distribution of power and responsibilities among levels of government. 91 Fed. Reg. at 69191. EBSA discussed comments from state attorneys general and stated that the rule does not alter, expand, or modify the scope of ERISA preemption. *Id*.