

# United States Senate

WASHINGTON, DC 20510

October 25, 2024

The Honorable Julie Su  
Acting Secretary  
United States Department of Labor  
200 Constitution Ave NW  
Washington, DC 20210

Dear Acting Secretary Su:

We write to request that the Department of Labor update current rules regarding paper delivery of health care plan notifications to allow flexibility to offer electronic delivery as a default, with a clear and easily accessible option to opt-in to paper copies. We have heard from a range of stakeholders that this change would increase convenience for their members, create financial savings that could be reinvested into health plan benefits, lower costs for both plans and beneficiaries, and reduce paper waste.

Specifically, we ask that the flexibility to use default electronic delivery be applied to plans covered under an Employee Retirement Security Act (ERISA) “employee welfare benefit plan”. This flexibility is currently offered for pension plans, and moving forward to extend this flexibility to additional types of plans would allow for similar cost savings.

At a time when both individuals and organizations are looking for ways to combat inflation and reduce costs without impacting quality of services and communication, this is a simple step that could make a significant difference. We have been told that compliance with the requirement to provide paper copies of communications for a national health plan can cost upwards of \$20 million per year, money that could be spent on expanding benefits or lowering premiums. These savings are even higher when considering all impacted plans combined.

We are sending a copy of this correspondence to the Secretaries of Treasury and Health and Human Services to ensure they are aware of this request, should you pursue a joint rulemaking and for general coordination. Thank you for your attention to this important issue. We look forward to working with you to further modernize communication options for ERISA plans to reduce red tape, lower costs, and expand benefits.

Sincerely,



Jacky Rosen  
United States Senator



Catherine Cortez Masto  
United States Senator

CC: The Honorable Xavier Becerra  
The Honorable Janet Yellen