

DOL Provides Temporary Relief on SECURE 2.0 Paper Statement Rules

Retirement plan sponsors and recordkeepers have spent much of early 2026 trying to answer a practical question created by SECURE 2.0: do retirement plan benefit statements now need to be mailed on paper?

For now, the Department of Labor (“DOL”) appears to be giving plans some breathing room.

On May 12, 2026, the DOL issued [Field Assistance Bulletin 2026-02](#) (“FAB 2026-02”), announcing temporary enforcement relief related to the new paper pension benefit statement requirements added by SECURE 2.0.

What Changed Under SECURE 2.0?

Section 338(a) of SECURE 2.0 amended ERISA Section 105(a)(2) to require:

- defined contribution plans provide at least one paper pension benefit statement each calendar year; and
- defined benefit plans to generally provide at least one paper pension benefit statement every three calendar years.

These requirements became effective for plan years beginning after December 31, 2025.

While the change itself sounds straightforward, many retirement plans have spent years transitioning toward electronic disclosure practices under the DOL’s existing electronic delivery safe harbors. That left employers and service providers trying to determine how the new statutory paper requirements would work in practice.

Proposed Regulations Added More Questions

On February 25, 2026, the DOL issued [proposed regulations](#) titled “Requirement to Provide Paper Statements in Certain Cases – Amendments to Electronic Disclosure Safe Harbors.” The proposed regulations would revise the DOL’s 2002 electronic disclosure safe harbor by requiring certain participants and beneficiaries to receive a one-time paper notice before being defaulted into electronic delivery. The notice would explain their right to opt out of electronic delivery.

The proposed regulations would also amend the DOL’s 2020 electronic disclosure safe harbor to:

- allow participants and beneficiaries to request electronic delivery of paper pension benefit statements;
- require paper statements to explain how electronic delivery may be requested;
- require contact information for the plan sponsor, plan administrator, or other designated representative; and
- prohibit fees for paper pension benefit statements.

However, those regulations remain proposed and have not yet been finalized.

The DOL's Temporary Enforcement Policy

FAB 2026-02 acknowledges that plan sponsors and administrators have raised questions regarding compliance with the new ERISA Section 105(a)(2)(E) requirements while final regulations are still pending.

In response, the DOL announced a temporary enforcement policy. Under FAB 2026-02, until final regulations or additional guidance are issued, the DOL stated it will not take enforcement action against plan administrators that comply in good faith with a reasonable interpretation of:

- the proposed regulations; or
- ERISA Section 105(a)(2)(E).

In plain terms, the DOL recognizes that many plan sponsors and service providers are still trying to determine how these new paper statement requirements should work operationally. Until final rules are issued, the DOL is allowing plans the flexibility to continue operating under a reasonable, good faith interpretation of the new requirements without immediate enforcement concern.

FAB 2026-02 specifically notes that plan administrators may continue furnishing benefit statements in accordance with the current electronic disclosure rules under 29 CFR § 2520.104b-1(c)ⁱ pending adoption of a final rule.

What Plan Sponsors Should Take Away

For many employers, FAB 2026-02 provides welcome flexibility while the DOL continues developing final regulations. The guidance suggests the DOL recognizes that immediate operational changes may not be practical while the regulatory framework is still evolving. Employers should work with their service providers and counsel to determine a good faith compliance approach to the new paper statement requirements pending final regulations.

We are continuing to monitor developments related to the SECURE 2.0 paper statement requirements and related DOL guidance affecting retirement plan sponsors and administrators. If you have any questions regarding your plan's participant disclosure procedures, please reach out to your Boutwell Fay attorney.

ⁱ 29 CFR § 2520.104b-1(c) contains the DOL's long-standing electronic disclosure safe harbor rules, which generally allow retirement plans to provide required participant disclosures electronically if specific delivery and notice requirements are met.