



**US Department of Labor
Employee Benefits Security Administration**

EBSA Achieves Approximately \$1.5 Billion in Total Monetary Results

Through its enforcement of the Employee Retirement Income Security Act (ERISA), the Employee Benefits Security Administration (EBSA) is responsible for ensuring the integrity of the private employee benefit plan system in the United States. EBSA’s oversight authority extends to nearly 700,000 retirement plans, approximately 2.5 million health plans, and similar numbers of other welfare benefit plans, such as those providing life or disability insurance. These plans cover about 150 million workers and their dependents and include assets of approximately \$5.6 trillion. Total monetary results for FY 2007 were approximately \$1.5 billion.

Total Monetary Results	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	% Change FY01 - FY07
Total Results	\$721 million	\$883 million	\$1.4 billion	\$3.1 billion	\$1.7 billion	\$1.4 billion	\$1.5 billion	+108%
Prohibited Transactions Corrected and Plan Assets Protected	\$444.6 million	\$566.1 million	\$1.12 billion	\$2.53 billion	\$984.6 million	\$569.1 million	\$719.7 million	+62%
Plan Assets Restored and Participant Benefits Recovered	\$272.2 million	\$315 million	\$275.3 million	\$323.9 million	\$709.3 million	\$829.4 million	\$642.1 million	+136%
Voluntary Fiduciary Correction Program	\$4.2 million	\$1.9 million	\$8.7 million	\$264.6 million	\$7.4 million	\$24.2 million	\$130 million	+2,995%

Civil Investigation Statistics Demonstrate Success in Targeting

In FY 2007, EBSA closed 3,236 civil investigations, with 2,402 (74.23%) resulting in monetary results for plans or other corrective action. Because of improved targeting, the proportion of investigations closed “with results” has increased by 30% since FY 2001.

EBSA often pursues voluntary compliance as a means to correct violations and restore losses to employee benefit plans. However, in cases where voluntary compliance efforts have failed, or which involve issues for which voluntary compliance is not appropriate, EBSA forwards a recommendation to the Solicitor of Labor that litigation be initiated. In FY 2007, 164 cases were referred for litigation. Together, EBSA and the Solicitor of Labor determine which cases are appropriate for litigation, considering the ability to obtain meaningful relief through litigation, cost of litigation, viability of other enforcement options, and agency enforcement priorities. EBSA cases referred to the Solicitor’s office for litigation are often resolved, with monetary payments, short of litigation. Nationwide in FY 2007, litigation was filed in 114 civil cases.

Civil Investigations	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY 2007	% Change FY01 - FY07
Civil Investigations Closed	4,762	4,925	4,253	4,399	3,782	3,411	3,236	-32%
Civil Investigations Closed with Results	2,724	2,877	2,939	3,056	2,862	2,534	2,402	-12%
% Civil Investigations Closed with Results	57.20%	58.42%	69.10%	69.47%	75.67%	74.29%	74.23%	+30%
Civil Cases Referred for Litigation	199	241	291	310	258	251	164	-18%
Civil Cases With Litigation Filed	73	104	108	125	178	170	114	+56%

EBSA Investigations Led to the Indictment of 115 Persons for Crimes Related to Employee Benefit Plans

EBSA has responsibility to investigate potential violations of the criminal provisions of ERISA and those provisions of Title 18 of the United States Code that relate to employee benefit plans. EBSA conducts most of its criminal investigations in consultation with the United States Attorney for the jurisdiction. Other investigations are conducted in consultation with the appropriate state or local law enforcement authority. Criminal Investigations are often conducted jointly with other federal and state law enforcement agencies.

In FY 2007, EBSA closed 188 criminal investigations. EBSA's criminal investigations, as well as its participation in criminal investigations with other law enforcement agencies, led to the indictment of 115 individuals – including plan officials, corporate officers, and service providers – for offenses related to employee benefit plans. Since FY 2001, the agency has also increased the number of criminal investigations closed with either a guilty plea or with a criminal conviction by 43%.

Criminal Investigations	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	% Change FY01 - FY07
Criminal Investigations Closed	143	154	175	152	196	221	188	+31%
Criminal Investigations Closed with Guilty Pleas or Convictions	49	49	57	62	70	75	70	+43%
Number of Individuals Indicted	87	134	137	121	106	106	115	+32%

Compliance Assistance Programs Yielded Tremendous Results

EBSA's Voluntary Fiduciary Correction Program (VFCP) and Delinquent Filer Voluntary Compliance Program (DFVCP) encourage the correction of violations of ERISA by providing significant incentives for fiduciaries and others to self-correct.

The VFPC allows plan officials who have identified certain violations of ERISA to take corrective action to remedy the breaches and voluntarily report the violations to EBSA, without becoming the subject of an enforcement action. In FY 2007, EBSA received 1,451 applications for the VFPC. This enormous increase reflects the extent to which the regulated community has accepted the program.

The DFVCP encourages plan administrators to bring their plans into compliance with ERISA's filing requirements. Since a major program revision in 2002, program usage has increased dramatically, with more than 1,500 previously un-filed annual reports received each month in FY 2007.

Correction Programs	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	% Change FY01 - FY07
VFPC Applications Received	62	55	240	474	985	1,468	1,451	+2,240%
DFVCP Filings Received	2,609	3,023	11,573	13,808	13,322	15,746	18,729	+618%

Record \$96 Million Restored to Workers through Informal Complaint Resolution

When workers experience a problem with an employee benefit plan, EBSA has proven effective in resolving their requests for assistance. In FY 2007, EBSA's Benefits Advisors handled more than 161,000 inquiries and recovered \$96 million in benefits on behalf of workers and their families through informal resolution of individual complaints. Many of these inquiries were received via EBSA's toll-free number: 1-866-444-EBSA (3272) and Web site: www.askebsa.dol.gov.

These inquiries are also a major source of enforcement leads. When EBSA becomes aware of repeated complaints with respect to a particular plan, employer, or service provider, or when there is information indicating a suspected fiduciary breach, the matter is referred for investigation. In FY 2007, 687 new investigations were opened as a result of referrals from Benefits Advisors. This number has decreased from previous years as Benefits Advisors resolve more inquiries informally prior to a referral to EBSA's enforcement division.

Inquiry Statistics	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	% Change FY01 - FY07
Total Inquiries	169,724	184,851	173,598	163,221	159,828	164,863	161,062	-5%
Monetary Benefit Recoveries from Informal Complaint Resolution	\$64.3 million	\$48.7 million	\$82.9 million	\$76.4 million	\$88.4 million	\$87.1 million	\$96 million	+49%
Investigations Opened from Inquiry Referrals	1,251	1,347	1,362	1,069	1,067	718	687	-45%

Nearly 1,800 Education and Outreach Events Held in FY 2007

EBSA also conducts education and outreach events for workers, employers, plan officials and members of Congress. These nationwide activities include assisting dislocated workers who are facing job loss, educating employers of their obligations under ERISA, using a train-the-trainer format to inform Congressional staff of EBSA programs for their use in constituent services, and providing employees with information concerning their rights under the law. In FY 2007, EBSA conducted 1,793 outreach events.

Outreach, Education and Assistance Statistics	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	% Change FY01 - FY07
Dislocated Worker Rapid Response Sessions	245	858	695	674	651	920	671	+174%
Congressional Briefings	95	78	215	290	197	211	225	+137%
Compliance Assistance Activities	219	257	458	576	598	522	467	+113%
Other Participant Assistance and Public Awareness Activities	500	417	711	572	501	481	430	-14%
Total Outreach Events	1,059	1,610	2,079	2,112	1,947	2,134	1,793	+69%

Extensive Publication and Website Usage Furthers Outreach Efforts

EBSA also reaches workers, retirees, employers, plan service providers, and the public through its printed materials and website – www.dol.gov/ebsa. English and Spanish language publications featuring participant and compliance assistance information are available through EBSA’s toll-free number. Publications are also available electronically on our website, which includes consumer information, relevant laws and regulations, technical guidance, seminar schedules, and other valuable resources. EBSA’s website – which received a record 2.1 million visitors in FY 2007 – allows the agency to maximize its resources to reach a wide audience.

Publication and Website Statistics	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	% Change FY01 - FY07
Publications Distributed	932,034	1,407,552	919,388	809,687	974,108	818,000	888,771	-5%
Website Visitors	777,907	1,295,891	1,727,505	1,586,823	1,398,203	1,793,112	2,118,004	+172%

Overall, EBSA’s results demonstrate a strong, fair, and effective program that protects the benefits of America’s workers and retirees.