

Fact Sheet

EBSA Restores Over \$ 777.5 Million to Employee Benefit Plans, Participants and Beneficiaries

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 681,000 retirement plans, approximately 2.3 million health plans, and a similar number of other welfare benefit plans, such as those providing life or disability insurance. These plans cover about 143 million workers and their dependents and include assets of over \$ 8.7 trillion (as of October 2, 2015). In FY 2016, EBSA recovered \$ 777.5 million for direct payment to plans, participants and beneficiaries.¹ (Discussed below).

Total Monetary Recoveries				
Total Recoveries	Recoveries from Enforcement Actions	Voluntary Fiduciary Correction Program	Abandoned Plan Program	Monetary Benefit Recoveries from Informal Complaint Resolution
\$ 777.5M	\$ 352.0 M	\$ 9.5M	\$ 21.8M	\$ 394.2M

Civil Investigation Statistics Demonstrate Success in Targeting

In FY 2016, EBSA closed 2,002 civil investigations with 1,356 of those cases (67.7%) resulting in monetary results for plans or other corrective action, exhibiting its ability to effectively target ERISA violators in the employee benefit plan universe.

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 that involve issues for which voluntary compliance is not appropriate, EBSA forwards a recommendation to the Solicitor of Labor to initiate litigation. In FY 2016, 144 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 2016, the Department filed suit in 62 civil cases.

Civil Investigations				
Civil Investigations Closed	Civil Investigations Closed with Results	Percent Civil Investigations Closed with Results	Civil Investigations Referred for Litigation	Civil Cases with Litigation Filed
2,002	1,356	67.7%	144	62

¹ These recoveries include plan assets restored/ participant benefits recovered, disgorgement of profits, reversal of prohibited transactions that result in a benefit to the plan or participants and voluntary fiduciary corrections, as well as amounts recovered through the abandoned plan program and informal complaint resolution. The Agency's total monetary results for the year (including technical prohibited transactions corrected and plan assets protected) were \$ 947.4 million.

EBSA Investigations Led to the Indictment of 96 Persons for Crimes Related To Employee Benefit Plans in FY 2016

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 with other federal law enforcement agencies under the direction of the United States Attorney for that jurisdiction. Other investigations are conducted in consultation with the appropriate state or local law enforcement authority.

In FY 2016, EBSA closed 333 criminal investigations. EBSA's criminal investigations, as well as its participation in criminal investigations with other law enforcement agencies, led to the indictment of 96 individuals – including plan officials, corporate officers, and service providers – for offenses related to employee benefit plans.

Criminal Investigations		
Criminal Investigations Closed	Criminal with Guilty Pleas or Convictions Investigations Closed	Number of Individuals Indicted
333	75	96

Abandoned Plan Program

The Abandoned Plan Program facilitates the termination of, and distribution of benefits from individual account pension plans that have been abandoned by their sponsoring employers. During FY 2016, EBSA received 663 applications from Qualified Termination Administrators and closed 424 applications with terminations approved, with 424 plans making distributions of \$21.8 million directly to participants pursuant to termination.

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 VFCP 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 2016, EBSA received 1,490 applications for the VFCP.

The DFVCP encourages plan administrators to bring their plans into compliance with ERISA's filing requirements. 22,070 annual reports were received through this program in FY 2016.

Correction Programs	
VFCP Applications Received	DFVCP Filings Received
1,490	22,070

\$ 394.2 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 2016, EBSA's benefits advisors closed more than 193,000 inquiries and recovered \$394.2 million in benefits on behalf of workers and their families through informal resolution of individual complaints. Many of the inquiries were received via EBSA's toll-free number [1-866-444-EBSA \(3272\)](tel:1-866-444-EBSA) and Web site 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 2016, 662 new investigations were opened as a result of referrals from benefits advisors.

Inquiry Statistics		
Total Inquiries	Monetary Benefit Recoveries from Informal Complaint Resolution	Investigations Opened from Inquiry Referrals
193,669	\$394.2 M	662

Over 2,000 Education and Outreach Events held in FY 2016

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.

Outreach, Education and Assistance				
Dislocated Worker Rapid Response Sessions	Congressional Briefings	Compliance Assistance Activities	Other Participant Assistance and Public Awareness Activities	Total Events Outreach
772	266	386	640	2,064

Extensive Publication and Web Site Usage Furthers Outreach Efforts

EBSA also reaches workers, retirees, employers, plan service providers, and the public through its printed materials and website at www.dol.gov/agencies/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 its website, which gives users access to consumer information, relevant laws and regulations, technical guidance, seminar schedules, and other valuable resources.

Publications and Web Site	
Publications Distributed	Web Site Visitors
350,837	7.03M

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

This fact sheet has been developed by the U.S. Department of Labor, Employee Benefits Security Administration, Washington, DC, 20210. It will be made available in alternate format upon request: Voice telephone: (202) 693-8664; TTY: (202) 501-3911. In addition, the information in this fact sheet constitutes a small entity compliance guide for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.