



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

**EBSA Achieves Nearly \$12 Billion in Total Monetary Results
in Last Eight Years**

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 a similar number 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 \$6 trillion (as of June 30, 2008). Monetary results for FY 2008 were \$1.2 billion and total results for the last eight years were nearly \$12 billion.

Total Monetary Results	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total 01 - 08
Total Results	\$721 million	\$883 million	\$1.4 billion	\$3.1 billion	\$1.7 billion	\$1.4 billion	\$1.5 billion	\$1.2 billion	\$11.9 billion
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	\$730.5 million	\$7.7 billion
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	\$481.6 million	\$3.8 billion
Voluntary Fiduciary Correction Program	\$4.2 million	\$1.9 million	\$8.7 million	\$264.6 million	\$7.4 million	\$24.2 million	\$130 million	\$8.7 million	\$449.7 million

Civil Investigation Statistics Demonstrate Success

In FY 2008, EBSA closed 3,570 civil investigations, with 2,696 (75.52%) resulting in monetary results for plans or other corrective action. Since 2001, EBSA has closed 32,338 civil cases, with more than two-thirds (68.31%) resulting in monetary results or corrective action.

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 2008, 205 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 2008, litigation was filed in 91 civil cases.

Civil Investigations	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total 01 - 08
Civil Investigations Closed	4,762	4,925	4,253	4,399	3,782	3,411	3,236	3,570	32,338
Civil Investigations Closed with Results	2,724	,877	2,939	3,056	2,862	2,534	2,402	2,696	22,090
% Civil Investigations Closed with Results	57.20%	58.42%	69.10%	69.47%	75.67%	74.29%	74.23%	75.52%	68.31%
Civil Cases Referred for Litigation	199	241	291	310	258	251	164	205	1,919
Civil Cases With Litigation Filed	73	104	108	125	178	170	114	91	963

EBSA Investigations Led to the Indictment of 101 Persons for Crimes Related to Employee Benefit Plans in FY 2008

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 under the direction of 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 2008, EBSA closed 212 criminal investigations. EBSA's criminal investigations, as well as its participation in criminal investigations with other law enforcement agencies, led to the indictment of 101 individuals – including plan officials, corporate officers, and service providers – for offenses related to employee benefit plans. Since FY 2001, the agency's investigations have led to the indictment of 907 individuals.

Criminal Investigations	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total 01 - 08
Criminal Investigations Closed	143	154	175	152	196	221	188	212	1,441
Criminal Investigations Closed with Guilty Pleas or Convictions	49	49	57	62	70	75	70	78	510
Number of Individuals Indicted	87	134	137	121	106	106	115	101	907

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 2008, EBSA received 1,658 applications for the VFCP, bringing the eight-year total to 6,393 applications.

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 2,200 annual reports received each month in FY 2008. Since 2001, 105,413 previously un-filed reports have been filed through this highly successful program. An online filing and payment option added during FY 2008 has made the program even easier to use.

Correction Programs	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total 01 - 08
VFCP Applications Received	62	55	240	474	985	1,468	1,451	1,658	6,393
DFVCP Filings Received	2,609	3,023	11,573	13,808	13,322	15,746	18,729	26,603	105,413

Record \$139.2 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 2008, EBSA's Benefits Advisors handled nearly 175,000 inquiries and recovered \$139.2 million in benefits on behalf of workers and their families through informal resolution of individual complaints. In the last eight years, EBSA responded to more than 1.3 million inquiries and recovered \$683 million in benefits through this program. Many of the 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 2008, 871 new investigations were opened as a result of referrals from Benefits Advisors.

Inquiry Statistics	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total 01 - 08
Total Inquiries	169,724	184,851	173,598	163,221	159,828	164,863	161,062	174,978	1,352,125
Monetary Benefit Recoveries from Informal Complaint Resolution	\$64.8 million	\$48.7 million	\$82.9 million	\$76.4 million	\$88.4 million	\$87.1 million	\$96.0 million	\$139.2 million	\$683 million
Investigations Opened from Inquiry Referrals	1,251	1,347	1,362	1,069	1,067	718	687	871	8,372

More than 2,000 Education and Outreach Events Held in FY 2008

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. Since 2001, EBSA has participated in nearly 15,000 such outreach events.

Outreach, Education and Assistance Statistics	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total 01 - 08
Dislocated Worker Rapid Response Sessions	245	858	695	674	651	920	671	830	5,544
Congressional Briefings	95	78	215	290	197	211	225	216	1,527
Compliance Assistance Activities	219	257	458	576	598	522	467	516	3,613
Other Participant Assistance and Public Awareness Activities	500	417	711	572	501	481	430	520	4,132
Total Outreach Events	1,059	1,610	2,079	2,112	1,947	2,134	1,793	2,082	14,816

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. Since 2001, more than 7.6 million publications have been distributed, and EBSA’s website – which allows the agency to maximize its resources to reach a wide audience – has received about 13.3 million visitors.

Publication and Website Statistics	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	Total 01 - 08
Publications Distributed	932,000	1.4 million	919,000	810,000	974,000	818,000	889,000	893,000	7,635,000
Website Visitors	778,000	1.3 million	1.7 million	1.6 million	1.4 million	1.8 million	2.1 million	2.6 million	13,278,000

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