

## Fact Sheet

### ***EBSA Restores Over \$1.6 Billion 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 694,000 retirement plans, approximately 2.2 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 \$ 9.8 trillion. In FY 2018, EBSA recovered over \$1.6 billion for direct payment to plans, participants and beneficiaries.<sup>1</sup> (Discussed below).

<b>Total Monetary Recoveries</b>				
Total Recoveries	Recoveries from Enforcement Actions	Voluntary Fiduciary Correction Program	Abandoned Plan Program	Monetary Benefit Recoveries from Informal Complaint Resolution
\$ 1.6B	\$ 1.1B	\$ 10.8M	\$ 33.4M	\$ 443.2M

### ***Over \$1.1 Billion Recovered in Investigations***

In FY 2018, EBSA closed 1,329 civil investigations with 860 of those cases (64.7%) resulting in monetary results for plans or other corrective action. Recoveries on behalf of terminated vested participants played a large role in these results. In total, EBSA's enforcement program helped terminated vested participants in defined benefit plans collect benefits of over \$807.7 million owed to them. Terminated vested results represent a combination of the present values of lifetime annuity payments made to participants and beneficiaries, or cash-out lump sum balance payments, plus interest distributions paid as either retroactive lump sums or included in actuarially adjusted future annuity amounts.

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 are inappropriate, EBSA forwards a recommendation to the Solicitor of Labor to initiate litigation. In FY 2018, 111 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. Even after referral to the Solicitor of Labor for litigation, the Department can often resolve the claims for monetary relief without filing suit. Nationwide in FY 2018, the Department filed suit in 56 civil cases.

<b>Civil Investigations</b>				
Civil Investigations Closed	Civil Investigations Closed with Results	Percent Civil Investigations Closed with Results	Civil Investigations Referred for Litigation	Civil Cases with Litigation Filed
1,329	860	64.7%	111	56

### ***EBSA Investigations Led to the Indictment of 142 Persons for Crimes Related to Employee Benefit Plans***

EBSA also 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

<sup>1</sup> 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 over \$2 billion.

Attorney for that jurisdiction. Other investigations are conducted in consultation with the appropriate state or local law enforcement authority.

In FY 2018, EBSA closed 268 criminal investigations. EBSA's criminal investigations, as well as its participation in criminal investigations with other law enforcement agencies, led to the indictment of 142 individuals – including plan officials, corporate officers, and service providers – for offenses related to employee benefit plans.

<b>Criminal Investigations</b>		
	Number of Individuals	
Criminal Investigations Closed	with Guilty Pleas or Convictions	Number of Individuals Indicted
268	87	142

### ***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 2018, EBSA received 910 applications from Qualified Termination Administrators and closed 843 applications with terminations approved. In total, 658 plans made distributions of \$33.4 million directly to participants pursuant to such terminations<sup>1</sup>.

### ***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 specified 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 2018, EBSA received 1,414 applications for the VFCP.

The DFVCP encourages plan administrators to bring their plans into compliance with ERISA's filing requirements. EBSA received 19,937 annual reports through this program in FY 2018.

<b>Correction Programs</b>	
VFCP Applications Received	DFVCP Filings Received
1,414	19,937

### ***\$ 443.2 Million Restored to Workers through Informal Complaint Resolution***

When workers experience a problem with an employee benefit plan, they can directly contact EBSA benefit advisors for assistance. In FY 2018, EBSA's benefits advisors closed more than 170,000 inquiries and recovered \$443.2 million in benefits on behalf of workers and their families through informal resolution of individual complaints. Many of the inquiries came through via EBSA's toll-free number 1-866-444-EBSA (3272) and Web site [askebsa.dol.gov](http://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 2018, EBSA opened 524 new investigations as a result of referrals from benefits advisors.

<sup>1</sup> In addition to the \$33.4 million in distributions from such voluntary applications by Qualified Termination Administrators, EBSA also obtained \$6 million in distributions for participants through enforcement efforts to resolve abandoned plans.

### **Inquiry Statistics**

Total Inquiries	Monetary Benefit Recoveries from Informal Complaint Resolution	Investigations Opened from Inquiry Referrals
170,909	\$443.2 M	524

### ***Over 1,829 Education and Outreach Events held in FY 2018***

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 District Office Briefings	Compliance Assistance Activities	Other Participant Assistance and Public Awareness Activities	Total Outreach Events
826	245	330	428	1,829

### ***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](http://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. Visitors to the EBSA website can view and receive consumer information, relevant laws and regulations, technical guidance, seminar and webcast schedules, and other valuable resources.

### **Publications and Web Site**

Publications Distributed	Web Site Visitors
385,520	4.43M

EBSA believes these 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.