

Fact Sheet

EBSA Restores Over \$1.4 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 oversees approximately 747,000 retirement plans, 2.5 million health plans, and 673,000 other welfare benefit plans. These plans cover 152 million workers, retirees, and dependents and the pension plans alone hold an estimated \$12 trillion in assets.

In FY 2022, EBSA recovered over \$1.4 billion for plans, participants, and beneficiaries.

Total Monetary Recoveries				
Total Recoveries	Recoveries from Enforcement Actions	Voluntary Fiduciary Correction Program	Abandoned Plan Program	Monetary Benefit Recoveries from Informal Complaint Resolution
\$ 1.4B	\$ 931M	\$ 8M	\$ 83.9M	\$ 422.1M

\$931 Million Recovered in Investigations

In FY 2022, EBSA closed 907 civil investigations with 595 of those cases (66 percent) resulting in monetary results for plans or other corrective actions.

Recoveries on behalf of terminated vested participants played a large role in these results. In total, EBSA's enforcement program helped 6,928 terminated vested participants in defined benefit plans collect benefits of \$542 million owed to them. Terminated vested results represent a combination of the present values of lifetime annuity payments made to participants and beneficiaries or lump sum balance payments, plus interest distributions paid as either retroactive lump sums or included in actuarially adjusted future annuity amounts.

Enforcement Monetary Recoveries

Terminated Vested Participant Benefit Payments	\$ 542 M
All Other Investigations	389 M
Total	<u>\$ 931 M</u>

EBSA's enforcement program also obtains non-monetary corrections and injunctive relief in civil cases that result in increased protections for plan assets and benefits. In FY 2022, EBSA obtained approximately 402 non-monetary civil corrections. Examples include removing 29 fiduciaries, barring 35 individuals from being fiduciaries, appointing 30 fiduciaries, and improving missing participant procedures for 50 plans. Non-monetary corrections for health plans included 26 individual plan corrections and 59 global corrections where the service provider fixed a violation for multiple ERISA-covered plans.

EBSA often pursues voluntary compliance to correct violations and restore losses to employee benefit plans. However, in cases where voluntary compliance efforts have failed or are inappropriate, EBSA sends a litigation recommendation to the Solicitor of Labor. In FY 2022, EBSA referred 55 cases for litigation.

Together, EBSA and the Solicitor of Labor determine which cases are appropriate for litigation after considering the ability to obtain meaningful relief, the viability of other enforcement options, and agency enforcement priorities. Even after referral to the Solicitor of Labor for litigation, the Department can often resolve claims for monetary relief without filing suit.

Civil Investigations			
Civil Investigations Closed	Civil Investigations Closed with Results	Percent of Civil Investigations Closed with Results	Civil Investigations Referred for Litigation
907	595	66%	55

EBSA Investigations Led to the Indictment of 103 Persons for Crimes Related to Employee Benefit Plans

EBSA also has responsibility for investigating potential violations of the criminal provisions of ERISA and the 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 2022, EBSA closed 164 criminal investigations. EBSA’s criminal investigations, as well as its participation in criminal investigations with other law enforcement agencies, led to the indictment of 103 individuals – including plan officials, corporate officers, and service providers – for offenses related to employee benefit plans.

Criminal Investigations		
Criminal Investigations Closed	Number of Individuals with Guilty Pleas or Convictions	Number of Individuals Indicted
164	86	103

Abandoned Plan Program

The Abandoned Plan Program facilitates the termination and distribution of benefits from individual account pension plans abandoned by their sponsoring employers. During FY 2022, EBSA received 1,433 applications

from Qualified Termination Administrators and recognized 1,453 plans as fully wound up. In total, \$83.9 million was distributed to participants who were affected by these terminations.¹

Compliance Assistance Programs Yielded Tremendous Results

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

The VFCP allows plan officials who have identified specified ERISA violations 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 2022, EBSA received 1,374 applications through the VFCP.

The DFVCP encourages plan administrators to bring their plans into compliance with ERISA's filing requirements. EBSA received 22,444 annual reports through this program in FY 2022, and the EFAST2 Help Desk handled over 21,000 inquiries to help filers meet their reporting obligations.

Correction Programs	
VFCP Applications Received	DFVCP Filings Received
1,374	22,444

\$422.1 Million Restored to Workers through Informal Complaint Resolution

When workers experience a problem with an employee benefit plan, they can directly contact EBSA Benefits Advisors for assistance. In FY 2022, EBSA Benefits Advisors closed more than 168,000 inquiries and recovered \$422.1 million in benefits on behalf of workers and their families through informal resolution of individual complaints. Many of the inquiries came via EBSA's toll-free number 1-866-444-EBSA (3272) or its web portal at askebsa.dol.gov.

These inquiries sometimes lead to enforcement actions. EBSA will refer an inquiry for investigation when the agency becomes aware of repeated complaints against a particular plan, employer, or service provider or when there is information indicating a violation of ERISA. In FY 2022, EBSA opened 268 new investigations based on Benefits Advisors referrals.

Inquiry Statistics		
Total Inquiries	Monetary Benefit Recoveries from Informal Complaint Resolution	Investigations Opened from Inquiry Referrals
168,177	\$422.1M	268

¹ In addition to the \$83.9 million in distributions from voluntary applications by Qualified Termination Administrators, EBSA also obtained \$5.9 million in distributions for participants through enforcement efforts relating to abandoned plans.

Over 1,640 Education and Outreach Events held in FY 2022

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 support of President Biden’s Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, EBSA targeted outreach to Black, Asian, Latino, and Native American people; seniors; women; individuals who identify as LGBTQ+; individuals with disabilities; veterans; youth (new entrants to the workforce); and small businesses. In FY 2022, EBSA participated in 765 outreach events to underserved communities, including 12 national office webcasts.

Outreach, Education, and Assistance					
Total Outreach to Underserved Communities	Dislocated Worker Rapid Response Sessions	Congressional District Office Briefings	Compliance Assistance Activities	Other Participant Assistance, and Public Awareness Activities	Total Outreach Events
765	421	198	340	690	1,649

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 at dol.gov/agencies/ebsa. English and Spanish publications featuring participant and compliance assistance information are available by calling EBSA's toll-free number or visiting the website. The website also features consumer information, relevant laws and regulations, technical guidance, seminar and webcast schedules, and other valuable resources.

Publications and Website	
Publications Distributed	Website Visitors
168,435	7.94M

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

This fact sheet has been developed by the U.S. Department of Labor, Employee Benefits Security Administration, Washington, DC, 20220. It is available in alternate format upon request: Voice telephone: (202) 693-8664. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services. 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.