

LEGAL UPDATE



EBSA UPDATES NATIONAL EMPLOYEE BENEFIT PLAN ENFORCEMENT PROJECTS FOR 2026

The Employee Benefits Security Administration (EBSA) **announced** updates to its national enforcement projects for fiscal year 2026. According to EBSA, these projects highlight areas in which the agency will prioritize enforcement efforts to enhance overall employee benefit plan compliance, address abusive practices, and strengthen protections for plan participants and beneficiaries.

BACKGROUND

EBSA is an agency within the U.S. Department of Labor that administers and enforces Title I of the Employee Retirement Income Security Act (ERISA), which establishes fiduciary and other standards for employee benefit plans sponsored by private-sector employers. EBSA is responsible for protecting more than 156 million workers, retirees and their families who are covered by approximately 2.6 million health plans, 801,000 private retirement plans and 514,000 additional welfare benefit plans.

UPDATED ENFORCEMENT PROJECTS

EBSA's national projects identify the priority areas guiding its enforcement efforts. Under the updated initiatives, investigators will prioritize cases related to:

- + **Cybersecurity**—This project addresses the growing risks cyberattacks pose to employee benefit plans and participants.
- + **Mental Health And Substance Use Disorder (Mh/Sud) Benefits**—EBSA will target violations by plans and service providers that block participants and beneficiaries from accessing promised MH/SUD benefits, including burdensome claims processes, unjustified treatment exclusions, inaccurate provider lists and unreasonable limits on care.
- + **Surprise billing**—This project reviews compliance with the No Surprises Act (NSA), ensuring plans follow the prudent layperson standard for emergency services, apply in-network cost-sharing to NSA-protected services and provide required notices and disclosures. Compliance with other NSA protections, such as prohibitions on prior authorization and more restrictive administrative requirements, will also be reviewed.
- + **Protecting benefit distributions**—This project aims to ensure that participants receive retirement benefits owed to them when plan sponsors fail to act, struggle financially or abandon their plans.
- + **Retirement asset management**—This project focuses on protecting retirement income by ensuring fiduciaries prudently select and monitor plan investments.
- + **Criminal abuse of contributory benefit plans**—This project centers on protecting workers who contribute to employer-sponsored retirement and health benefit plans from criminal abuse.

In addition, although not a national project, EBSA will continue to identify abusive **Multiple Employer Welfare Arrangements (MEWAs)** and **prevent fraudulent MEWA operators** from opening new arrangements in other states.

ENFORCEMENT OUTCOMES

- + If an investigation uncovers a civil ERISA violation, EBSA takes action to correct the violation, promoting voluntary compliance whenever possible.
- + Corrective actions may include restoring losses, disgorging profits, ensuring proper claims processing and paying applicable penalties.
- + EBSA has a dedicated **enforcement webpage** that outlines ERISA's civil violations and criminal provisions, in addition to enforcement accomplishments and national enforcement priorities.

