



## IRS Suspends Form 5500 and Schedule F Filing Requirements for Cafeteria and Other Fringe Benefit Plans

### Background

On April 4, 2002, the IRS through Notice 2002-24 indicated that effective immediately they were suspending indefinitely the requirement that plan administrators file Schedule F (Form 5500) "Fringe Benefit Plan Annual Information Return". This will eliminate filing of about 200,000 forms per year.

### What Plans Does this Affect?

This change affects fringe benefit plans operating under the following Internal Revenue Code sections: Section 125 Cafeteria Plans, Section 127 Educational Assistance Programs and Section 137 Adoption Assistance Programs. Form 5500 obligations on other categories of fringe benefit plans, i.e., dependent care assistance plans and group term life plans had already been suspended.

These changes in IRS-related Form 5500 obligations for fringe benefit plans have no impact on Department-of-Labor-related Form 5500 requirements for welfare benefit plans, which include health flexible spending arrangements (FSA's). However, FSA's qualifying for a welfare benefit plan filing exemption may not have to file a Form 5500, e.g., if the plan had fewer than 100 plan participants at the beginning of the plan year, and employee contributions are paid as needed directly from the general assets of the employer or employee organization that sponsors the plan. Plans using a trust or separately maintained fund generally cannot qualify for this filing exception.

### What about the 2001 Plan Years or any Prior Plan Years

This suspension includes 2001 and all-prior plan years (including any delinquent fringe benefit filings).

### Questions

If you have any questions about Form 5500 contact

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