

**MEMO# 13226**

March 5, 2001

## **DOL ISSUES GUIDANCE ON THE DELINQUENT FILER VOLUNTARY COMPLIANCE PROGRAM**

[13226] March 5, 2001 TO: PENSION MEMBERS No. 15-01 PENSION OPERATIONS ADVISORY COMMITTEE No. 22-01 RE: DOL ISSUES GUIDANCE ON THE DELINQUENT FILER VOLUNTARY COMPLIANCE PROGRAM The Department of Labor recently issued guidance that clarifies procedures under the Delinquent Filer Voluntary Compliance (DFVC) program, a program under which plan administrators may file overdue Form 5500s and pay reduced civil penalties. Specifically, the one-page guidance provides that, due to recent revisions to the Form 5500, a filer using the 1999 or a subsequent version of the Form 5500 should include in their filing a copy of all pages of the Form 5500 — rather than just the first page, as previously required.<sup>1</sup> Schedules and attachments, however, need not be included. The guidance further notes that except to the extent otherwise provided in the guidance, plan administrators should continue to comply with the DFVC program requirements.<sup>2</sup> Copies of the guidance and the Department's press release are attached. Thomas T. Kim Assistant Counsel Attachments Note: Not all recipients receive the attachments. To obtain copies of the attachments to which this memo refers, please call the ICI Library at (202) 326-8304 and request the attachments for memo 13226. ICI Members may retrieve this memo and its attachments from ICINet (<http://members.ici.org>). Attachment no. 1 (in .pdf format) 1 In addition, the guidance provides that administrators of apprenticeship and training plans and "top hat" plans filing under section 4 of the DFVC program using a 1999 or a subsequent version of the form should sign and date the Form 5500 and complete lines 1a-1c, 2a-2c, 3a-3c, and 8a or 8b, as applicable. 2 See 60 Fed. Reg. 20874 (Apr. 27, 1995).