

Supporting Statement
Internal Revenue Service
Annual Return/Report of Employee Benefit Plan
OMB Control Number 1545-1610

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

This information collection is a joint effort of the Department of Labor (DOL), the Internal Revenue Service (IRS), and the Pension Benefit Guaranty Corporation (PBGC).

The Employee Retirement Income Security Act of 1974 (ERISA) includes three separate sets of provisions in Title I covering labor requirements, Title II covering Internal Revenue Code (IRC) requirements, and Title IV covering Pension Benefit Guaranty Corporation requirements. These provisions require administrators of employee benefit pension and welfare plans, collectively referred to as employee benefit plans, to file annual returns or reports with the federal government.

ERISA Title I sections 101(b)(1) and 104(a)(1)(A), requires the administrator of an employee benefit plan to file an annual report containing the information described in section 103 with the DOL. Section 104(a)(2) provides that the Secretary may by regulation prescribe simplified annual reporting for pension plans that cover fewer than 100 participants. Section 109(a) provides that with certain exceptions the Secretary may prescribe forms. Sections 104(a)(3) and 110 authorize the Secretary to prescribe exemptions and simplified reporting for welfare plans and alternative methods of compliance for pension plans, respectively, if certain findings with respect to such plans can be made by the Secretary. Section 505 provides the Secretary with general authority to prescribe such regulations as are “necessary and appropriate” to carry out the provisions of Title I of ERISA.

ERISA Title II requires an annual return to be filed on behalf of specified tax-qualified retirement plans with the IRS. Specifically, IRC sections 6057(a) and 6058(a) requires the plan administrator or employer who maintain retirement plans to file annual information returns with respect to the qualification, financial conditions and operation of the plans. IRC section 6059 requires the plan administrator to file an actuary report. IRC section 6039D requires certain fringe benefit plans to file annual information returns. IRC section 6047(e) requires certain employee stock ownership plans (ESOP) to file annual information returns.

ERISA Title IV requires certain annual reports to be filed for employee benefit plans with the PBGC.

Form 5500 Annual Return/Report of Employee Benefit Plan – is used to report information concerning the plans and direct filing entities (DFEs) to IRS and the DOL.

Form 5500-SF Annual Return/Report of Employee Benefit Plan Short Form - is used to report the annual return/report of small employee benefit plans (generally under 100 participants at the beginning of the plan year), required by ERISA and IRC.

Form 5500-EZ Annual Report of a One-Participant (Owners/Partners and Their Spouses) Retirement Plan or A Foreign Plan – is used by a one participant retirement plan or a foreign plan to satisfy certain annual reporting and filing requirements imposed by IRC.

Form 5558 Application for Extension of Time To File Certain Employee Plan Returns - is used by employers and plan administrators to request a one-time, automatic 2.5-month extension to file Form 5500 series returns, 5500-SF, 5500-EZ, or Form 8955-SSA.

2. USE OF DATA

The Form 5500 series is the primary source of information on employee benefit plan operations and is essential to the Agencies' enforcement, research, and policy activities. It enables efficient identification of potential ERISA violations while reducing the need for direct investigations.

The IRS uses this information to assess compliance with qualification, reporting, and tax requirements and to determine whether a plan may need examination. Form 5500 also serves as a key data source for federal agencies, Congress, and the private sector in developing and evaluating national pension policy.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

There is an electronic filing option for Form 5500 series returns through ERISA Filing Acceptance System 2 (EFAST2). Taxpayers can visit <https://www.efast.dol.gov> to file, search, and obtain information about Forms 5500 Series (5500, 5500-SF, and 5500-EZ) as well as Form 5558. Additionally, taxpayers can visit <https://www.irs.gov> to download Forms 5500-EZ, Form 5558 and related instructions. These fillable forms include dynamic context-sensitive fields that assist users during the data entry process.

4. EFFORTS TO IDENTIFY DUPLICATION

The Agencies have developed and utilize a consolidated annual report that enables filers to meet the information collection requirements of all three Agencies through a single submission, eliminating the need for duplicative reporting or multiple filings. This approach reduces the redundancy that would otherwise result from applying the statutory requirements independently.

While banks, insurance companies, and other investment entities may report information on assets including those associated with employee benefit plans to various State and Federal regulatory authorities, those reports are not structured to provide plan-specific details or to identify employee benefit plan investors separately from other investors.

Consequently, there is no alternative source of information maintained by any state or federal agency that the Agencies consider sufficient for effectively overseeing and monitoring employee benefit plan activities.

5. **METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES**

Small businesses should not be disadvantaged as the forms have been structured to request the least amount of information and still satisfy the requirements of the statute defined in section 104(a)(2) and section 104 (a)(3) of ERISA authorizing the simplified reporting provisions while also fulfilling the needs of the Agencies.

6. **CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES**

Less frequent collection of this information would result in the Agencies receiving inaccurate and untimely filed tax returns and an increase in tax violations. Additionally, less frequent collection of this information would compromise the IRS's ability to enforce tax compliance. Tax compliance is a vital part of the government's ability to meet its mission and serve the public.

7. **SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)**

There are no special circumstances requiring data collection to be inconsistent with Guidelines in 5 CFR 1320.5(d)(2).

8. **CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS**

In response to the Federal Register notice dated January 30, 2026, (91 FR 4185), the IRS received 2 public comments. One comment references an ongoing personal legal matter; and did not address the proposed information collection or provide input/recommendation of the necessity, burden, or practical utility of the collection under the Paperwork Reduction Act. IRS will not be including this comment with the OMB submission as it contained Personal Identifiable Information (PII). IRS is entrusted with protecting PII and safeguarding tax information not to be released to general public without authorization.

The other comment was from Bureau of Economic Analysis (BEA). The full comment will be included within submission to the Office of Management and Budget (OMB). The summary of the comment and the IRS responses are below:

**Dennis Fixler comments dated March 3, 2026
Annual Return/Report of Employee Benefit Plan**

Comment Number	Summary of public comment	IRS response
1.	Information requested on Form 5500 and related schedules has practical utility as BEA's main data source for key components of their economic statistics. This data is published annually in the national income and product accounts, also provided to the Federal Reserve for use in compiling the financial accounts of the United States, The BEA supports the proposed additions to the related forms.	The IRS appreciates the commentor's statement.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

No payment or gift has been provided to any respondents.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 U.S.C. 6103. The Form 5500 Series filings are required by law to be made available for inspection at the Agencies and at the offices of the plan administrators. Accordingly, the Agencies provide no assurance of confidentiality to respondents.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

This information collection poses no questions of a sensitive nature.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Form 5500 Series combines the information collection requests (ICR) of three federal Agencies (DOL, the IRS, and the PBGC) into a single return/report, each of the Agencies submits its own ICR and maintains its own OMB approval for the portion of the paperwork burden arising out of the Form 5500 Series that pertains to its own ICR. However, the Agencies have adopted a unified approach and methodology for estimating paperwork burden. This ICR requests approval of only the portion of the total paperwork burden of the Form 5500 Series that is attributed to the IRS, although it includes information on the other portions of the total paperwork burden.

The aggregate baseline burden for the Form 5500 is the sum of the burden estimates per form and schedule filed multiplied by the estimated aggregate number of forms and schedules. The simplified model developed by Actuarial Research Corporation (ARC) draws on Form 5500 Annual Return/Report data representing each plan's filing for plan year 2007 (the most recent year for which complete data is available).

Total Burden Numbers

The IRS is accountable for a portion of the total burden for electronic filing of the Form 5500 and schedules, which is shared with DOL and PBGC. DOL uses models to calculate the total burden and then assigns a portion to each agency annually. The table below reflects the IRS share of the electronic filing burden and the IRS only burden totals.

Total Burden Summary

Authority	Description	Number of Responses	#Responses per Respondent	Annual Responses	Hours per Response (Average)	Total Burden	Time Value (Hourly Rate)	Total Monetized Labor Burden
IRC § 6058(a)	Form 5500, 5500-SF, 5500-EZ, and associated schedules (electronic only)	952,412	1	952,412	3.39	3,228,684	\$121.16	\$391,187,377
IRC § 6058(a)	Form 5500-EZ (Paper Filing)	58,518	1	58,518	5.85	342,330	\$121.16	\$41,476,703
IRC § 6081	Form 5558 (paper filing)	182,779	1	182,779	1.33	243,096	\$121.16	\$29,453,511
IRC § 6081	Form 5558 (electronic filing)	500,366	1	500,366	0.41	205,150	\$121.16	\$24,855,974
Total		1,694,075		1,694,075		4,019,260		\$486,973,565

Note: Totals may not sum due to rounding.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

Note that to reflect OMB's guidance that burden incurred by service providers be reported as hour burden instead of cost burden, burden that has historically been included as cost burden has been included here as hour burden.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The total annual processing cost for all Form 5500 Series and Form PR filings during the period covered by this ICR extension request is estimated to average \$15 million annually. This includes Federal full-time equivalent (FTE) costs estimated at approximately \$0.9 million. This is the estimate of the three Agencies' total employee time dedicated to EFAST2. Each agency pays its own FTE costs, estimated at \$300,000 per Agency.

The remaining \$14.1 million is allocated to DOL contractor costs, which include EFAST2 Operations & Maintenance and Independent Oversight. These costs are allocated among the Agencies (DOL, PBGC, and IRS) according to the EFAST2 Cost

Allocation Model, which was approved by the Agencies as the methodology that would be used for identifying Agencies' share of EFAST2 costs. Based on the model, the IRS's share of the contractor cost is approximately \$6.8 million.

For the paper versions of the Form 5500EZ and 5558, the federal government cost estimate is based on a model that considers the following three cost factors for each information product: aggregate labor costs for development, including annualized startup expenses, operating and maintenance expenses, and distribution of the product that collects the information. These costs do not include any activities such as taxpayer assistance and enforcement.

The government computes cost using a multi-step process. First, the government creates a weighted factor for the level of effort to create each information collection product based on variables, such as complexity, number of pages, type of product, and frequency of revision. Second, the total costs associated with developing the product such as labor cost, and operating expenses associated with the downstream impact such as support functions, are added together to obtain the aggregated total cost. Then, the aggregated total cost and factor are multiplied together to obtain the aggregated cost per product. Lastly, the aggregated cost per product is added to the cost of shipping and printing each product to IRS offices, National Distribution Center, libraries, and other outlets. The result is the government cost estimate per product.

The government cost estimate for this collection is summarized in the table below.

<u>Product</u>	<u>Aggregate Cost per Product (factor applied)</u>		<u>Printing and Distribution</u>		<u>Government Cost Estimate per Product</u>
Form 5558	\$21,681	+	\$0	=	\$21,681
Form 5500-EZ	\$85,054	+	\$0	=	\$85,054
Instructions 5500-EZ	\$27,518	+	\$0	=	\$27,518
Grand Total	\$134,253	+	\$0	=	\$134,253
Table costs are based on 2024 actuals obtained from IRS Chief Financial Office and Media and Publications					

The total cost is \$300,000 + 6,800,000 + \$134,253 = \$7,234,253

15. **REASONS FOR CHANGE IN BURDEN**

We are making this submission to renew the OMB approval; we have included justification for no material or non-substantive changes to currently approved collection in the supplementary documents. IRS has updated the burden estimates to reflect current filing data. This has increased the number of respondents by 222,117 and the corresponding burden hours by 1,880,338 due to Agency Estimate.

	Total Requested	Change Due to New Statute	Change Due to Agency Discretion	Change Due to Adjustment in Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	1,694,075	0	0	222,117	0	1,471,958
Annual Time Burden (Hr)	4,019,260	0	0	1,880,338	0	2,138,922
Annual Cost Burden (\$)	\$486,973,565	0	0	\$277,579,602	0	209,393,963

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

The Form 5500 is not a collection of information for statistical use. Once collected, however, the information is available to the Agencies and the public, and it is used for purposes other than enforcement and disclosure. The Form 5500 dataset on EBSA's website is updated once a month to reflect the most recent filings that are received. The Form 5500-EZ, and Form 5558 are only used by the IRS and the data received is not published on EBSA's website.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

OMB previously granted approval for the IRS to omit the expiration date from the Form 5500, because the Form 5500 is a multi-agency form, and it is difficult to maintain the expiration dates for three separate Agencies. The IRS requests continued approval to omit the expiration date.

The IRS believes that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the forms expire as of the expiration date. Taxpayers are not likely to be aware that the IRS intends to request renewal of OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions to the certification statement for this collection.