

Pension Benefit Guaranty Corporation

75-46

September 23, 1975

REFERENCE:

[*1] 4021(b)(2) Plans Covered. Government Plans

OPINION:

This is in response to your request for our determination of the application of the government plan exclusion under Title IV of the Employee Retirement Income Security Act of 1974 ("the Act") to the * * *

You indicate that the * * * is a political subdivision of California, "has taxing power and exercises this power," and, finally, that the District is the sponsor of a plan maintained for its employees.

Based on the above, it appears that the plan is one described in § 4021(b)(2) of the Act, and, accordingly, is excluded from Plan Termination Insurance Coverage.

A refund of premium payments will be made shortly.

Henry Rose
General Counsel