

Pension Benefit Guaranty Corporation

75-8

March 17, 1975

REFERENCE:

[\*1] 1015(f) (IRC § 414) Definitions & Special Rules. Multiemployer Plan  
4001(a)(3) Definitions. Multiemployer Plan

OPINION:

This letter is in response to your inquiry regarding the definition of a multiemployer plan for the purpose of Title IV of the Employee Retirement Income Security Act of 1974. Due to a telephone communication breakdown in New York, we have been unsuccessful, after repeated attempts, in reaching you sooner.

Whether a plan must meet the 50-percent ceiling on any single employer's contributions in a plan year following the date of enactment or in any plan year after the plan's inception is currently under consideration here, as well as at the Department of Labor and at the Internal Revenue Service. We are presently of the view that the test may be satisfied in any plan year, since that construction comports with a natural reading and is apparently appropriate for policy reasons. Our views are tentative, however, pending consideration of additional comments and completion of the inter-agency consultation on which we are now embarked.

I regret that we are unable to give you a more definitive answer at this time.

Henry Rose  
General Counsel