

Pension Benefit Guaranty Corporation

74-25

November 8, 1974

REFERENCE:

[*1] 4021(b)(7) Plans Covered. Foreign Plans

OPINION:

This is in further reply to your question regarding the application of Section 4021(b)(7) of the Employee Retirement Income Security Act. It is understood that your firm, a Canadian company, has branch offices in the United States and operates two pension plans. One plan covers staff personnel with approximately 450 Canadian and 48 United States participants. The other plan covers agents with approximately 123 Canadian and 5 United States participants.

Pending the development of a more definitive statement of the coverage provisions of the Act, it is our tentative conclusion that the described plans would not be covered if they are established and maintained outside of the United States.

It is hoped that this is of assistance to you.

Charles Skopic
Acting Executive Director