

Pension Benefit Guaranty Corporation

76-34

March 8, 1976

REFERENCE:

[\*1] 4021(b)(2) Plans Covered. Government Plans  
4041 Termination by Plan Administrator  
4042 Termination by PBGC

OPINION:

Your letter of January 30, 1976, addressed to the \* \* \* was referred to the Pension Benefit Guaranty Corporation (the PBGC) for response as it administers the plan Termination Insurance Program, which is the subject of your question.

You ask whether a plan may be terminated voluntarily [pursuant to Section 4041 of the Employee Retirement Income Security Act of 1974 (the Act) if none of the four conditions for the involuntary termination of a plan [Section 4042(a) of the Act] are satisfied. A plan may be terminated voluntarily under Section 4041 for any reason; the above conditions of Section 4042 apply to involuntary terminations.

Additionally, we note from your letter that the \* \* \* is a "federally and state funded private, non-profit corporation." This raises the possibility that the plan covering the Council's employees may be deemed a government plan, and consequently, excluded from coverage under the Plan Termination Insurance Program [Act, Section 4021(b) (2)]. However, your letter does not disclose sufficient information to resolve the question. You may wish to inquire [\*2] further regarding this matter, providing information as to the Council's status as a government agency as well as the source of funding for the plan.

We hope this is of assistance to you.