PBGC
Protecting America's Pensions
Pension Benefit Guaranty Corporation
1200 K Street, N.W., Washington, D.C. 20005-4026

VIA FEDERAL EXPRESS

JUL 25 2013

Subject: Determination on coverage under Title IV of ERISA for the Warner-Lambert Retirement Plan for Employees Resident in Puerto Rico
EIN/PN: 66-0577291/005

Dear

This is our determination in response to the request ("Request") you filed concerning the status of the Warner-Lambert Retirement Plan for Employees Resident in Puerto Rico ("Plan") under Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA"). The Request seeks a determination that the Plan is not covered by Title IV.

ERISA § 4021(a) provides that Title IV applies to any plan "which has, in practice, met the requirements of part I of subchapter D of chapter 1 of the Internal Revenue Code" or which "is, or has been determined by the Secretary of the Treasury to be, a plan described in § 401(a) of the Internal Revenue Code ... or which meets, or has been determined by the Secretary of the Treasury to meet, the requirements of § 404(a)(2) of such Code."

One requirement under IRC § 401(a) is that the trust be created or organized in the United States. ERISA § 1022(i)(2) provides that Puerto Rican pension plans may irrevocably elect to be tax-qualified under IRC § 401(a), and, if they so elect, will be treated as trusts created or organized in the United States for purposes of IRC § 401(a).

According to the information provided to us, the Plan's trust is located in Puerto Rico. The Plan has not made an irrevocable election under ERISA § 1022(i)(2) to be tax-qualified under IRC § 401(a). In view of the foregoing, we find that the Plan does not meet the requirements of ERISA § 4021. Thus, the Plan is not covered under Title IV of ERISA.

If you disagree with our initial determination and seek appeal under 29 CFR § 4003, send a written request for a review within 45 days to:

Pension Benefit Guaranty Corporation
Attn: Appeals Board
P.O. Box 151750
Alexandria, VA 22315

Please note that if the representations made to PBGC are inaccurate or if circumstances of the Plan change after this coverage determination has been made, this determination may no longer apply. If you have any questions, please call the Standard Termination Compliance Division at (202) 326-4000. If you use a TTY/TTD, call toll-free 1 (800) 877-8339 and give the relay operator our telephone number, (202) 326-4000. Please provide the case number and a telephone number where we may reach you during the day.

Sincerely,

Charles Korb

Charles Korb, Manager
Processing and Technical Assistance Branch