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**LEGISLATIVE INITIATIVE  
TO PROVIDE FOR AGGREGATED BENEFIT PLAN  
ADMINISTRATION FOR SMALL BUSINESSES  
WITHIN A COOPERATIVE MODEL**

*Key Issues and Drafting Approaches*

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## ALLIANCE FOR EMPLOYEE BENEFIT COOPERATIVES MEMBERS

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*The Alliance for Employee Benefit Cooperatives is a broad-based coalition of cooperative organizations committed to advancing health care and benefits coverage for American workers and families through the creation of “Employee Benefit Cooperatives.” Alliance members operate in all 50 States, representing over 13,000 member-owners, approximately 40,000 local businesses, and more than 700,000 employees. Visit us at [www.aebc.coop](http://www.aebc.coop).*



### **Blue Hawk Distribution Cooperative, Inc.— [www.bluehawk.coop](http://www.bluehawk.coop)**

Blue Hawk is a purchasing cooperative of heating, ventilation, air conditioning and refrigeration products distributors to the residential and construction trades with 205 members in 908 locations.



CCA Global Partners

### **CCA Global Partners—[www.ccaglobal.com](http://www.ccaglobal.com)**

CCA Global Partners is an organization of 15 franchise purchasing cooperatives concentrated in retail flooring and lighting (Carpet One and Lighting One) with 3,600 United States locations and \$10.2 billion in aggregate sales.



**COMPLIANT**  
PHARMACY ALLIANCE  
COOPERATIVE

### **Compliant Pharmacy Alliance Cooperative**

Compliant Pharmacy Alliance Cooperative is a purchasing cooperative of 564 independent pharmacies across the United States.



### **Cooperative Network—[www.cooperativenetwork.com](http://www.cooperativenetwork.com)**

Cooperative Network is the association representing more than 600 member cooperatives in Wisconsin and Minnesota, owned by more than 6.3 million residents, providing government relations, education, marketing and technical services.



### **CUNA Mutual Group—[www.cunamutual.com](http://www.cunamutual.com)**

CUNA Mutual Group is a leading provider of financial services to cooperatives, credit unions, their members, and valued customers worldwide. CUNA Mutual Group, a Fortune 1000 company, reported \$13.2 billion in assets, \$12.0 billion in liabilities, and \$1.2 billion in policyholder surplus in 2008.



### **Federation of Southern Cooperatives—[www.federationsoutherncoop.com](http://www.federationsoutherncoop.com)**

The Federation is a cooperative of 12,000 African-American family farms in the southeast working through 35 agricultural cooperatives to purchase supplies, provide technical assistance and market their crops.



### **National Cooperative Business Association—[www.ncba.coop](http://www.ncba.coop)**

NCBA is the lead national membership association representing cooperatives of all types and in all industries.



**National Cooperative Grocers Association (NCGA)—[www.ncga.coop](http://www.ncga.coop)**

NCGA is a business services cooperative for 130 natural food co-ops located in 32 states.



**Nationwide—[www.nationwide.com](http://www.nationwide.com)**

Nationwide is one of the largest insurance and financial services companies in the world, with more than \$160 billion in statutory assets. Nationwide offers a full range of insurance products and financial services for home, car, family and financial security.



**NCB (National Cooperative Bank)—[www.ncb.coop](http://www.ncb.coop)**

NCB is a cooperative bank, serving consumer, worker and housing cooperatives with more than 2,600 customer-owners and \$6.19 billion in assets under management.



**Nemeon—[www.nemeon.com](http://www.nemeon.com)**

Nemeon is a purchasing cooperative of independent roofing and siding distributors in the United States consisting of 184 member companies in more than 475 locations with combined revenue in excess of \$3 billion.



**Organic Valley—[www.organicvalley.coop](http://www.organicvalley.coop)**

Organic Valley is the cooperative voice of 1326 farmers representing approximately 10 percent of the organic farming communities in America.



**Thanexus, Inc.—[www.thanexus.coop](http://www.thanexus.coop)**

Thanexus, Inc. is a funeral practice management cooperative created by the New Jersey State Funeral Directors Association (NJSFDA) that represents 109 funeral homes in New Jersey.



**U.S. Central Credit Union—[www.uscentral.org](http://www.uscentral.org)**

U.S. Central is the wholesale financial credit union serving 8,400 credit unions across the country.



**Unified Grocers—[www.unifiedgrocers.com](http://www.unifiedgrocers.com)**

Unified Grocers is a retailer-owned wholesale grocery cooperative that provides grocery products and services to independent retailers throughout the Western United States.



**Wakefern Food Corporation—[www.wakefern.com](http://www.wakefern.com)**

The cooperative supplier to the 217 Shop Rite Supermarkets that serve the greater New Jersey region.

## EXECUTIVE SUMMARY

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No matter the approach taken by the new administration and Congress regarding health benefits reform, a field-level means of providing for small business aggregation will be crucial to effecting and maximizing enrollment and participation.

One proposal to achieve this goal—originated by House Education and Labor Health, Employment, Labor, and Pensions Subcommittee Chairman Robert Andrews (D-NJ)—provides for the creation of “Employee Benefit Cooperatives” (EBCs), which are private, cooperatively run “connectors” of aggregated small businesses (who share similar lines of business).

EBCs can expand the impact of reform by driving and directing participation in the new health reform model, and by lowering enrollment and ongoing administrative costs. This can be accomplished through specialization, and through delivering better overall value by integrating other collateral benefits with the health benefits core, and by simultaneously fostering the expansion of its social policy twin: retirement planning. However, this cannot come to fruition without providing a mechanism for small employers to deliver these vital employee benefits.

There is insufficient expertise among small businesses about how to access any of the other federally sanctioned, employer-based benefit programs that can supplement reform efforts. These programs are commonly deployed by larger companies but largely out of reach for small businesses. With federal legislative authority to function as a single employer through amendments to the Employee Retirement Income Security Act (ERISA), these cooperatives will be able to increase small business access to such programs. These include, but are not limited to retirement plans, pretax premium conversion facilities, medical flexible spending, dependent care and 105(h) reimbursement accounts, and any other programs being considered but not yet enacted (such as Automatic-401(k)s).

Because of their defining structural characteristics, the statutory vehicle of choice for these proposed EBCs are IRC Code § 1381 Subchapter T cooperatives. They are owner/operated to the exclusion of outside investors. As “pass through” entities, a direct correlation exists between a cooperative’s economic operations and a stockholder’s welfare, with excess revenue required by law to be allocated to the stockholder’s interest. Their enlightened economic self interest is supported by the democratic principles of cooperative operation requiring the subordination of capital to the voting rights of shareholders: one stockholder, one vote. *In short, they are ideal for the intended purpose of watching after the health and welfare interests of an employer and its employees.*

Unlike other models involving small business aggregation, the EBC initiative does not depend on the privilege of self-insurance as its starting point. It believes that an insured system may be better suited to its needs. Of course, this raises the matter of state health insurance mandates, which is a subject that can only be addressed in the larger scope of overall health reform policy.

The attached paper outlines the proposed EBC implementation strategy through amendments to both the Internal Revenue Code and the Employee Retirement Income Security Act (ERISA). It identifies minimum structural characteristics and benefit plan standards. In addition to defining a preferred drafting strategy, the paper indicates other approaches that can be considered, or that have been considered and deemed wanting.

## SECTION I: GENERAL BACKGROUND

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### *What are the primary drafting goals of the legislative initiative?*

- To modify the existing statutory schemes (Internal Revenue Code (“Code”), ERISA) to make it possible for Code § 1381 cooperatives to offer employees of shareholders of such benefit cooperatives, access to total integrated benefit arrangements that deliver economies of scale, both economical and professional.

### *What would be the key features of an “employee benefit cooperative” or EBC?*

- It would be a cooperative meeting the requirements of Subchapter T of the Internal Revenue Code as described in Code § 1381.
  - The cooperative would be required to have at least 21 shareholders and be in similar lines of business.
- It would be treated as a “single employer” for employee benefit purposes, and would be eligible to provide the full range of employee benefits, including but not limited to:
  - insured health;
  - other welfare benefits (life, disability);
  - direct reimbursement benefits (105(h));
  - premium conversion plans;
  - flexible spending account plans;
  - dependent care accounts.
- Participating employers must enroll all benefits eligible employees.
- In the case of a retirement savings vehicle for employees of member employers, minimum benefits would be required for any retirement plan provided to employees (e.g., a safe harbor 401(k) plan with a matching contribution and automatic enrollment).
- In the case of an insured health plan for employees of shareholder employers (including self-employed owners), minimum benefits would be required for any health plan provided to employees (with cross-state authority subject to minimum guaranteed issue, community rating and other benefit standards).
- Favorable rules would apply to permit a single Code § 125 premium conversion plan and a single flexible spending account plan (health, dependent care), both sponsored by the cooperative.
- Favorable rules would apply to any tax-exempt trust related to the plans (i.e., VEBAs).

- Favorable rules would apply to >2 percent Sub S owners, partners in a partnership, etc., each of which would be deemed eligible as an employee under an EBC program and treated as such for tax purposes.
- EBC plan sponsors would bear plan obligations for administration, testing and communication, e.g. distribution of SPDs and notices, certain fiduciary obligations; HIPAA privacy compliance.

*Why aren't cooperatives and other organizations able to do this today?*

- For retirement savings and fringe benefits—entities created by consolidating other employers cannot be treated currently as a single employer.
- For health and welfare benefits—consolidated entities would be treated as a single employer but are a MEWA subject to the MEWA rules of ERISA (e.g., the MEWA is subject to M-1 reporting and State regulation).

*What refinements need to be made to the existing proposal?*

- The existing proposal (HR 6143, 110<sup>th</sup> Congress, Sec. 401) is too narrowly focused in that it speaks only to ERISA provisions related to tax-qualified retirement plans.
  - The Code also needs to be amended with respect to tax-qualified retirement plan provisions.
  - Additional amendments to both ERISA and the Code are necessary to accomplish the Alliance's goals, particularly with respect to health plans.

## SECTION II: POSSIBLE DRAFTING APPROACHES *(in order of priority)*

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### *A. Approaches for Code § 1381 Cooperatives*

#### **1. Amend Code § 1381 to create “employee benefit cooperatives”**

- Amend Code § 1381 to include a definition of “employee benefit cooperative” (“EBC”).
- Amend Code § 1381 to include a list of other Code sections under which EBCs will receive favorable treatment.

#### **2. Amend Code § 1381 to specify “single employer” status**

- Amend Code § 1381 to specify that cooperatives meeting certain specified requirements will be treated as single employers under the controlled group rules of the Code (e.g., Code § 414(c)) for employee benefit purposes.
  - Make additional fixes as necessary/desirable, e.g., special nondiscrimination testing rules for these co-ops, treatment for deductions, funding.
  - Make parallel ERISA “Code” changes as necessary (ERISA Title I, Subtitle B, Part 3 provisions).

### *B. Approaches for MEWAs under ERISA § 3(40) and § 514(b)(6)*

#### **1. Amend ERISA to clarify controlled group status**

- A plan provided to members of a controlled group is not a MEWA.
- The MEWA definition in ERISA § 3(40)(B) has its own definition of controlled group for MEWA purposes.
  - DOL guidance with respect to that provision looks to Code § 414(c) regulations.
- If Code § 1381 is amended to specify that cooperatives meeting certain specified requirements will be treated as single employers under the controlled group rules of the Code (e.g., Code § 414(c)) for employee benefit purposes, as described above, ensure parallel treatment under ERISA to create exception from MEWA status.

Note: ERISA’s 25 percent minimum ownership requirement for a controlled group exception under ERISA § 3(40) may be problematic.

## **2. Amend ERISA to modify state regulation of “fully insured” MEWA**

- Amend ERISA to provide that, with respect to a “fully insured” MEWA, only one state’s insurance law will apply—the insurance law of the state in which the MEWA is domiciled.
  - The mandated benefits of all of the states in which there are shareholders will not have to be provided.
  - Include restrictions on where cooperatives could choose to be domiciled, based on those states meeting federal standards for guaranteed issue, community rating, and certain minimum benefit standards.
  - This would permit increased cost savings even though the MEWA is still treated as fully insured for state regulation purposes.

## **3. Amend ERISA to clarify statutory definition of “fully insured”**

- Amend ERISA to clarify that a MEWA can be fully insured under ERISA § 514(b)(6)(D) without having to provide “health insurance” (meaning without having to provide group health insurance from a health insurance carrier).
  - The DOL has taken the position that only group health insurance meets the statutory standard.
  - If other types of coverage were permitted to meet the standard, such coverage could permit the cost-savings of self insurance with only limited state regulation.

## **4. Consider feasibility of establishing a “captive” insurance company**

- Explore whether a MEWA that provides insurance through a “captive” will be treated as a fully insured MEWA.
  - This could permit the cost-savings of self insurance with only limited state regulation.

### ***C. Other Provisions/Considerations***

#### **1. Amend Code § 125 to clarify statutory definition of “fully insured”**

- If Code § 1381 is amended to specify that cooperatives meeting certain specified requirements will be treated as single employers under the controlled group rules of the Code (e.g., Code § 414(c)) for employee benefit purposes, as above, amend Code § 125 to clarify parallel treatment.
  - This would permit single premium conversion and flexible spending account plans (health and dependent care) at the cooperative level.

## APPENDIX A: DESCRIPTION OF EXISTING ENTITIES AND RELATED ISSUES

<b>Cooperative (Code § 1381)</b>	
<i>Description</i>	An organization established for the purpose of purchasing and marketing the products of its members, i.e., shareholders, and/or procuring supplies for resale to the members, whose profits are distributed to members, and that operates on a “cooperative basis.”
<i>Pros</i>	Current structure permits transaction of business on collective basis.
	Cooperative concept has long existed in the Code.
	Code § 1381 already permits the type of cooperatives that are intended to be served by the legislation.
<i>Cons</i>	No provision for treating cooperative members collectively for purposes of providing any employee benefits.
<b>Controlled Groups (Code § 414(b), (c) and § 1563 and ERISA § 4001(b))</b>	
<i>Description</i>	A group of commonly owned corporations that are (1) brother-sister subsidiary, (2) a parent-subsiary group or (3) trades or businesses under common control. Business entities other than corporations are referred to as trades or businesses under common control. A parent-subsiary controlled group is a group of trades or businesses under common control connected through ownership of a controlling interest of 80 percent in each by a common parent. A brother-sister subsidiary is a group of trades or businesses under common control connected by a controlling interest of 50 percent or more by the same five or fewer persons. A controlled group may also consist of a combined group of trades or businesses.
<i>Pros</i>	The treatment of controlled groups is understood and clearly delineated in various Code and ERISA provisions.
	Controlled group members are treated as single employers for most employee benefit purposes including non-discrimination testing.
<i>Cons</i>	DOL may not find common control for MEWA purposes where the common ownership interest in a group of businesses is less than 25 percent.
	IRS may only recognize common ownership among entities with actual overlapping ownership and not permit broadening controlled group rules for unrelated entities.

<b>Affiliated Service Group (Code § 414(m))</b>	
<i>Description</i>	An Affiliated Service Group (“ASG”) consists of a service organization (First Service Organization), and one or more other organizations that perform services for the recipient organizations. Generally, an ASG may consist of an unlimited number of members but each has an ownership or common control relationship or the principal business is the performance of management functions on a regular and continuing basis for at least one other organization.
<i>Pros</i>	ASG rules create single employer plans.
	ASG rules cross a broad list of retirement and welfare plan Code provisions.
	Not a lot of IRS guidance on ASGs, so some room for interpretation left open.
<i>Cons</i>	Cooperatives do not clearly meet requirements of ASG because there is no: (a) first service organization, (b) common ownership of trades or businesses under common control or (c) performance of management functions.
	“Bona Fide Employee Benefit Cooperative” concept is not consistent with accepted definition of ASG.
	IRS withdrew its prior regulations regarding ASG and has never finalized proposed regulations regarding ASG because of controversy surrounding qualified plan issues.

<b>Multiple Employer Plan (Code § 413(c) and ERISA § 210(a))</b>	
<i>Description</i>	A multiple employer plan is a plan sponsored by two or more employers that are not members of a single controlled group and that permits employees of other unrelated employers to participate in accordance with a participation agreement. Multiple employer plans are treated as a single plan for certain purposes.
<i>Pros</i>	This structure already exists in the Code for purposes of retirement plans and is commonly used by employers to cover employees of related entities.
	Multiple employer plans have a stronger basis for working than PEOs because there is a statutory basis for their existence.
	Rules allow each participating employer to choose vesting, eligibility and allocation methods.
	Structure treated as single employer for Form 5500 purposes (but may require separate schedules).
<i>Cons</i>	This structure does not apply to cafeteria plans.
	All assets of plans must be available to pay all plan benefits.
	If any one participating employer violates terms of a retirement plan then the plan is disqualified as to all participating employers, which is unattractive for unrelated employers.
<b>Multiemployer (Code § 414(f))</b>	
<i>Description</i>	A multiemployer plan is a plan that is maintained pursuant to one or more collective bargaining agreements and to which more than one employer is required to contribute. A multiemployer plan is treated as a single employer plan for most purposes, including non-discrimination testing and vesting. However, the deduction for employer contributions is treated as if separate plans exist.
<i>Pros</i>	Multiemployer plans are treated as single employer plans for Form 5500 purposes and only one Form 5500 must be filed.
	Collectively bargained 401(k) plans are not required to perform ACP nondiscrimination tests if there is a match or after-tax contribution.
	Multiemployer plans are treated as single employer plans for vesting purposes unless there is a plan termination and the application of vesting service credit between separate employers of the multiemployer plan.
	Maximum deduction for 401(k) plan is aggregated and is 25 percent of all participant contributions.

<i>Cons</i>	The contribution structure of multiemployer plans is cumbersome and results in collection litigation to obtain contributions due from employers.
	Multiemployer plans are subject to ADP testing but can test on a combined basis in certain circumstances.
	Annual additions from separate employers must be aggregated to satisfy Code § 415 each year.
<i>Pitfalls</i>	It is not likely this treatment would be made available to cooperatives because the structure does not incorporate the arm's length negotiations that justify the absence of regulation for these plans.
	Requires unionization of cooperative employees.
<b>MEWA (ERISA § 3(40), § 514(b)(6))</b>	
<i>Description</i>	A MEWA is an employee welfare benefit plan, or any other arrangement, established or maintained for the purpose of offering or providing welfare benefits to the employees of two or more employers, including self employed individuals, or their beneficiaries. Unless the arrangement is exempt from being a MEWA as a collectively bargained plan, a rural electric cooperative, or a rural telephone cooperative association, a MEWA is subject to regulation under state insurance law.
	The degree of regulation depends upon whether the MEWA is considered to be fully insured or not.
	If a MEWA is fully insured, it will be subject to state insurance law only with respect to reserves and contributions, the intention being to ensure that the MEWA can meet its benefit obligations. This level of regulation includes however, requirements related to licensing, registration, certification, financial reporting, examination, audit and any other requirement of state insurance law necessary to ensure compliance with state insurance reserves, contributions and funding requirements.
	A MEWA will be treated as fully insured “if the terms of the arrangement provide for benefits the amount of all of which the Secretary determines are guaranteed under a contract, or policy of insurance, issued by an insurance company, insurance service, or insurance organization, qualified to do business in a State.”

	<p>If a MEWA is self insured, it is fully subject to state insurance law.</p> <p><i>MEWA Controlled Group Rules:</i> Members of a controlled group are not a MEWA. For MEWA purposes, a controlled group is two or more trades or businesses, whether or not incorporated, under common control. “Common control” is to be determined under regulations issued by the DOL applying principles similar to those applied in determining whether there is “common control” under section 4001(b) of Title IV of ERISA, except that common control shall not be based on an interest of less than 25 percent. Accordingly, trades or businesses with less than a 25 percent ownership interest will not be considered under “common control” and, therefore, will not be viewed as a single employer for purposes of determining whether their plan provides benefits to the employees of two or more employers under ERISA § 3(40).</p>
	<p>The DOL has not adopted regulations under ERISA § 3(40)(B). Therefore the existing DOL regulations under § 4001(b) likely control, and those regulations provide that trades or businesses (whether or not incorporated) are under common control if they are under common control as defined in Code § 414(c) regulations.</p> <p>Treas. Reg. § 1.414(c)-2 provides that “common control” generally means, (i) in the case of a parent-subsidiary group, the entities are connected through at least an 80 percent ownership interest, or (ii) in the case of a brother-sister group: (a) five or fewer persons own at least an 80 percent interest in each entity, and (b) the same five or fewer persons together own a greater than 50 percent interest in each entity, taking into account the ownership of each person only to the extent such ownership is identical with respect to each organization.</p>
<p><i>Fully Insured MEWA Pros</i></p>	<p>MEWA structure can alleviate problem of <i>access</i> to quality insured coverage.</p> <p>Provided MEWA is a single employer plan under ERISA, MEWA can provide insured coverage to employees of member entities with minimal state regulation.</p> <ul style="list-style-type: none"> <li>○ Some states ignore fully insured MEWAs (as sufficiently regulated though the insurance policies); others, of course, do not.</li> </ul>

<p><i>Fully Insured MEWA Cons</i></p>	<p>Selection of providers may be limited if true national coverage is required.</p>
	<p>Cost of insured coverage might not be substantially better.</p> <ul style="list-style-type: none"> <li>○ To the extent costs are generated by compliance with multi-state mandates, commissions, and premium taxes, costs remain.</li> <li>○ Savings largely through volume discount.</li> </ul>
<p><i>Self Insured MEWA Pros</i></p>	<p>Significant cost savings due to group size, absence of mandated benefits, no premium tax, no brokers/agent fees/commissions.</p>
<p><i>Self Insured MEWA Cons</i></p>	<p>MEWA subject to all state insurance laws, i.e., MEWA treated as an insurance company.</p>

## APPENDIX B <sup>1</sup>

<b>Cooperative</b>	
Code § 501(c)(12)	Exemption from taxation for electric and telephone cooperatives.
Code § 521(a)	Exemption for Farmers' Cooperatives.
Code § 1381	Taxation of cooperative income.
Code § 1382	Taxable income of cooperatives.
Treas. Reg. § 1.1381-1	Cooperatives.
Treas. Reg. § 1.1382-2	Taxation of certain Farmers' Cooperatives.
<b>Affiliated Service Group</b>	
Code § 414(m)	Treatment of employees of Affiliated Service Group.
Code § 412(m)(2)	Definition of Affiliated Service Group.
Prop. Treas. Reg. § 1.414(m)-3	Application of Affiliated Service Group rules.
<i>The following are welfare plan statutory and regulatory provisions that apply to an Affiliated Service Group (ASG):</i>	
Code § 79, 105, 117(d), 125, 127, 129, 132, 274(j), 505, 4980B	If ASG exists, all employees of all members of ASG are likewise considered as employed by a single employer for purposes of specified fringe benefits.
Code § 105(h)(8), Treas. Reg. § 1.05-11(f)	Nondiscrimination in medical reimbursement plans, ASG or controlled group members treated as single employer.
Code § 414(t)(1)	Group term life insurance rules—all employees of controlled group or ASG are treated as single employer.
Code § 125(g)(4), Code § 414(t)(2), Prop. Treas. Reg. § 1.125-7(i)	Cafeteria plan—treated as single employer plan.

<sup>1</sup> This Appendix includes relevant statutory and regulatory citations but is not intended to be an exhaustive list.

Code § 812(c)(1)(c) (ERISA § 712(c)(1)(B))	Small employer group health plans (50 or less) exempt from the mental health parity and substance use disorder rules—ASG treated as one employer for purposes of exemption.
Code § 5000(b)(2)(B), 42 USCS 1395y(b)(1)(E)(i)(II)	Medicare secondary-payer small employer exception—treat as single employer if ASG.
Treas. Reg. § 1.132-1(c)	Fringe benefits—all employees of controlled group or ASG treated as single employer for “no-additional cost services.”
Treas. Reg. § 1.132-1(c)	Fringe benefits—all employees of controlled group or ASG treated as single employer for “no-additional cost services.”
Treas. Reg. § 54.4980B-2	COBRA controlled group for purposes of determining if an employer has 20 or fewer employees during the calendar year so as to qualify for the small employee plan exception, each employer maintaining a group health plan is, in combination with all other entities under common control with that employer, considered to be a single employer.
<b>Controlled Groups</b>	
Code § 414(b)	Employee of controlled group of corporations.
Code § 414(c)	Employees under common control.
Code § 1563	Definition of controlled group.
Code § 4980B	Failure to satisfy continuation coverage requirements of group health plans.
Code § 4980D	Failure to meet certain group health plan requirements
Treas. Reg. § 1.125(g)(f)	Controlled group members treated as single employer.
Treas. Reg. § 1.404(g)-1	Deduction of employer liability payments.
Treas. Reg. § 1.411(d)-4(vi)	Application of Section 411(d)(6) protected benefits.
Treas. Reg. § 1.414(b)-1	Controlled Group of Corporations.
Treas. Reg. § 1.414(c)-1	Commonly controlled trades or businesses.
Treas. Reg. § 1.414(c)-2	Two or more trades or businesses under common control.
Treas. Reg. § 1.415-c(2)	Compensation earned from controlled group members.
Treas. Reg. § 1.415(f)-1	Aggregating of plans.
Treas. Reg. § 1.1563-1T	Definition of controlled group.

Prop. Treas. Reg. § 1.125-1	Cafeteria plan rules.
Prop. Treas. Reg. § 1.125-7	Cafeteria plan non-discrimination rules.
ERISA § 3(40)(B)	MEWA test for common control.
DOL Reg. § 2530.210(b)	Service credit rules for controlled group members.
<b>Multiple Employer Plans</b>	
Code § 413(c)	Plan maintained by more than one employer.
Treas. Reg. § 1.413-2	Special rules for plan maintained by more than one employer.
Treas. Reg. § 1.401(a)(4)-11	Service crediting for multiple employer plans.
Treas. Reg. § 1.401(a)(26)-2	Minimum participation rules for multiple employers.
Treas. Reg. § 1.413-2	Special rules for plans maintained by more than one employer.
Prop. Treas. Reg. § 1.414(m)-3	Special rules for more than one employer.
Prop. Treas. Reg. § 1.89(k)-1	Qualification requirements for employer welfare benefit plans.
ERISA § 210	Multiple employer plan and special rules.
DOL Reg. § 2530.210(c)	ERISA multiple employer plan requirements.
<b>Multiemployer Plans</b>	
Code § 414(f)	Definition of multiemployer plan.
Treas. Reg. § 1.414(f)	Definition of multiemployer plan.
Prop. Treas. Reg. § 1-414(m)-3	Special rules for multiemployer.
ERISA § 3(4)(A)	A multiemployer welfare benefit plan that meets statutory requirements will not be a MEWA.
ERISA §§ 101, 203, 204, 301	Multiemployer plan provisions.

<b>MEWA</b>	
Code § 9803	Guaranteed renewability in multiemployer plan and certain MEWAs.
Prop. Treas. Reg. § 1.162-26	Continuation coverage for group health plans.
ERISA § 3(40)	Definition of MEWA (exclusion of rural electric cooperatives and collectively bargained plans).
ERISA § 514(b)(6)	State law applies to self-insured MEWA.
DOL Reg. § 2510.3-40(c)	Plan or arrangement will not be considered collectively bargained if self funded and marketed by insurers or by other paid to market the plan and must not be established to avoid state insurance law.
DOL Reg. § 2520.101-2(c)	Annual reporting for MEWAs.
<b>Other Statutes or Regulations</b>	
HIPAA	Bona Fide Association Plan 45 CFR § § 146.152(b)(6) and (9), § 145.150(f), § 148.122(c)(5), § 144.103.