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Notice 2021-61, 2021-47 IRB

Limits on benefits and contributions-cost-of-living adjustments.

Section 415 of the Internal Revenue Code ("Code") provides for dollar limitations on benefits and contributions under qualified retirement plans. Section 415(d) requires that the Secretary of the Treasury annually adjust these limits for cost-of-living increases. Other limitations applicable to deferred compensation plans are also affected by these adjustments under section 415. Under section 415(d), the adjustments are to be made under adjustment procedures similar to those used to adjust benefit amounts under section 215(i)(2)(A) of the Social Security Act.

Cost-of-Living Adjusted Limits for 2022

Effective January 1, 2022, the limitation on the annual benefit under a defined benefit plan under section 415(b)(1)(A) of the Code is increased from \$230,000 to \$245,000.

For a participant who separated from service before January 1, 2022, the participant's limitation under a defined benefit plan under section 415(b)(1)(B) is computed by multiplying the participant's compensation limitation, as adjusted through 2021, by 1.0534.

The limitation for defined contribution plans under section 415(c)(1)(A) is increased in 2022 from \$58,000 to \$61,000.

The Code provides that various other dollar amounts are to be adjusted at the same time and in the same manner as the dollar limitation of section 415(b)(1)(A). After taking into account the applicable rounding rules, the amounts for 2022 are as follows:

The limitation under section 402(g)(1) on the exclusion for elective deferrals described in section 402(g)(3) is increased from \$19,500 to \$20,500.

The annual compensation limit under sections 401(a)(17), 404(l), 408(k)(3)(C), and 408(k)(6)(D)(ii) is increased from \$290,000 to \$305,000.

The dollar limitation under section 416(i)(1)(A)(i) concerning the definition of "key employee" in a top-heavy plan is increased from \$185,000 to \$200,000.

The dollar amount under section 409(o)(1)(C)(ii) for determining the maximum account balance in an employee stock ownership plan subject to a 5-year distribution period is increased from \$1,165,000 to \$1,230,000, while the dollar amount used to determine the lengthening of the 5-year distribution period is increased from \$230,000 to \$245,000.

The limitation used in the definition of "highly compensated employee" under section 414(q)(1)(B) is increased from \$130,000 to \$135,000.

The dollar limitation under section 414(v)(2)(B)(i) for catch-up contributions to an applicable employer plan other than a plan described in section 401(k)(11) or section 408(p) for individuals aged 50 or over remains unchanged at \$6,500. The dollar limitation under section 414(v)(2)(B)(ii) for catch-up contributions to an applicable employer plan described in section 401(k)(11) or section 408(p) for individuals aged 50 or over remains unchanged at \$3,000.

The annual compensation limitation under section 401(a)(17) for eligible participants in certain governmental plans that, under the plan as in effect on July 1, 1993, allowed cost-of-living adjustments to the compensation limitation under the plan under section 401(a)(17) to be taken into account, is increased from \$430,000 to \$450,000.

The compensation amount under section 408(k)(2)(C) regarding simplified employee pensions (SEPs) remains unchanged at \$650.

The limitation under section 408(p)(2)(E) regarding SIMPLE retirement accounts is increased from \$13,500 to \$14,000.

The limitation on the aggregate amount of length of service awards accruing with respect to any year of service for any bona fide volunteer under section 457(e)(11)(B)(ii) concerning deferred compensation plans of state and local governments and tax-exempt organizations is increased from \$6,000 to \$6,500.

The limitation on deferrals under section 457(e)(15) concerning deferred compensation plans of state and local governments and tax-exempt organizations is increased from \$19,500 to \$20,500. The limitation under section 664(g)(7) concerning the qualified gratuitous transfer of qualified employer securities to an employee stock ownership plan is increased from \$50,000 to \$55,000.

The compensation amount under § 1.61-21(f)(5)(i) of the Income Tax Regulations ("Regulations") concerning the definition of "control employee" for fringe benefit valuation purposes is increased from \$115,000 to \$120,000. The compensation amount under § 1.61-21(f)(5)(iii) is increased from \$235,000 to \$245,000.

The dollar limitation on premiums paid with respect to a qualifying longevity annuity contract under § 1.401(a)(9)-6, A-17(b)(2)(i) of the Regulations is increased from \$135,000 to \$145,000.

The Code provides that the \$1,000,000,000 threshold used to determine whether a multiemployer plan is a systemically important plan under section 432(e)(9)(H)(v)(III)(aa) of the Code is adjusted using the cost-of-living adjustment provided under section 432(e)(9)(H)(v)(III)(bb). After taking the applicable rounding rule into account, the threshold used to determine whether a multiemployer plan is a systemically important plan under section 432(e)(9)(H)(v)(III)(aa) is increased from \$1,176,000,000 to \$1,220,000,000.

The Code also provides that several retirement-related amounts are to be adjusted using the cost-of-living adjustment under section 1(f)(3). After taking the applicable rounding rules into account, the amounts for 2022 are as follows:

The adjusted gross income limitation under section 25B(b)(1)(A) for determining the retirement savings contributions credit for married taxpayers filing a joint return is increased from \$39,500 to \$41,000; the limitation under section 25B(b)(1)(B) is increased from \$43,000 to \$44,000; and

the limitation under sections 25B(b)(1)(C) and 25B(b)(1)(D) is increased from \$66,000 to \$68,000.

The adjusted gross income limitation under section 25B(b)(1)(A) for determining the retirement savings contributions credit for taxpayers filing as head of household is increased from \$29,625 to \$30,750; the limitation under section 25B(b)(1)(B) is increased from \$32,250 to \$33,000; and the limitation under sections 25B(b)(1)(C) and 25B(b)(1)(D) is increased from \$49,500 to \$51,000.

The adjusted gross income limitation under section 25B(b)(1)(A) for determining the retirement savings contributions credit for all other taxpayers is increased from \$19,750 to \$20,500; the limitation under section 25B(b)(1)(B) is increased from \$21,500 to \$22,000; and the limitation under sections 25B(b)(1)(C) and 25B(b)(1)(D) is increased from \$33,000 to \$34,000.

The deductible amount under sections 219(b)(5)(A) for an individual making qualified retirement contributions remains unchanged at \$6,000.

The applicable dollar amount under section 219(g)(3)(B)(i) for determining the deductible amount of an IRA contribution for taxpayers who are active participants filing a joint return or as a qualifying widow(er) is increased from \$105,000 to \$109,000. The applicable dollar amount under section 219(g)(3)(B)(ii) for all other taxpayers who are active participants (other than married taxpayers filing separate returns) is increased from \$66,000 to \$68,000. If an individual or the individual's spouse is an active participant, the applicable dollar amount under section 219(g)(3)(B)(iii) for a married individual filing a separate return is not subject to an annual cost-of-living adjustment and remains \$0. The applicable dollar amount under section 219(g)(7)(A) for a taxpayer who is not an active participant but whose spouse is an active participant is increased from \$198,000 to \$204,000.

Accordingly, under section 219(g)(2)(A), the deduction for taxpayers making contributions to a traditional IRA is phased out for single individuals and heads of household who are active participants in a qualified plan (or another retirement plan specified in section 219(g)(5)) and have adjusted gross incomes (as defined in section 219(g)(3)(A)) between \$68,000 and \$78,000, increased from between \$66,000 and \$76,000. For married couples filing jointly, if the spouse who makes the IRA contribution is an active participant, the income phase out range is between \$109,000 and \$129,000, increased from between \$105,000 and \$125,000. For an IRA contributor who is not an active participant and is married to someone who is an active participant, the deduction is phased out if the couple's income is between \$204,000 and \$214,000, increased from between \$198,000 and \$208,000. For a married individual filing a separate return who is an active participant, the phase-out range is not subject to an annual cost-of-living adjustment and remains \$0 to \$10,000.

The adjusted gross income limitation under section 408A(c)(3)(B)(ii)(I) for determining the maximum Roth IRA contribution for married taxpayers filing a joint return or for taxpayers filing as a qualifying widow(er) is increased from \$198,000 to \$204,000. The adjusted gross income limitation under section 408A(c)(3)(B)(ii)(II) for all other taxpayers (other than married taxpayers filing separate returns) is increased from \$125,000 to \$129,000. The applicable dollar amount under section 408A(c)(3)(B)(ii)(III) for a married individual filing a separate return is not subject to an annual cost-of-living adjustment and remains \$0.

Accordingly, under section 408A(c)(3)(A), the adjusted gross income phase-out range for taxpayers making contributions to a Roth IRA is \$204,000 to \$214,000 for married couples filing jointly, increased from \$198,000 to \$208,000. For singles and heads of household, the income phase-out range is \$129,000 to \$144,000, increased from \$125,000 to \$140,000. For a married individual filing a separate return, the phase-out range is not subject to an annual cost-of-living adjustment and remains \$0 to \$10,000.

Drafting Information

The principal author of this notice is Tom Morgan of the Office of the Associate Chief Counsel (Employee Benefits, Exempt Organizations, and Employment Taxes). However, other personnel from the IRS participated in the development of this guidance. For further information regarding this notice, contact Mr. Morgan at (202) 317-6700 or Greg Davis at (443) 853-5590 (not toll-free calls).