



Maximum Deferral and Threshold Limits for 2021 and 2022<sup>1</sup>

The Internal Revenue Code (IRC) establishes a number of limits on retirement plan benefits and contributions. The limits are located in various sections of the Code and often apply in different ways to private and public-sector plans. Generally, plans must comply with the limits to maintain their tax-qualified status.

The Internal Revenue Service (IRS) periodically increases certain limits to reflect changes in the Consumer Price Index (CPI). In many cases, the adjustment is only made if the change in the limit attributable to the CPI exceeds a certain amount (e.g., \$1,000 or \$5,000).<sup>2</sup> On November 4, 2021, the IRS published new limits in IRS Release IR-2021-216, generally effective for limitation years beginning on or after January 1, 2022.<sup>3</sup> Since the applicable cost-of-living index has increased, under existing law some of the limits have increased while others remain unchanged in 2022. The table below presents the key limits for 2022 as issued in IRS Notice 2021-61 and compares them with the 2021 limits. The remainder of this memo briefly describes these limits.

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	2021	2022
Maximum Benefit Dollar Limit IRC § 415(b)(1)(A)	\$230,000	\$245,000
Special Firefighter/Police 415(b) Dollar Limit IRC § 415(b)(2)(G)	230,000	245,000
Maximum Contribution to a Qualified Defined Contribution Plan IRC § 415(c)(1)(A)	58,000	61,000
Maximum Compensation Limit IRC § 401(a)(17)	290,000	305,000
Maximum Compensation Limit in Lieu of OBRA '93 IRC § 401(a)(17)	430,000	450,000
Elective Deferral Maximum for 401(k) Plans and 403(b) Plans IRC § 402(g)(1)	19,500	20,500
Elective Deferral Maximum for 457 Plans IRC § 457(e)(15)	19,500	20,500
Catch-Up Limit (Age 50 and Older) for 401(k), 403(b), and 457 Plans IRC § 414(v)(2)(B)(i)	6,500	6,500
Catch-Up Limit (Age 50 and Older) for SIMPLE Plans IRC § 414(v)(2)(B)(ii)	3,000	3,000
IRA Contribution Limit IRC § 219(b)(5)(A)	6,000	6,000
IRA Catch-Up Limit (Age 50 and Older) IRC § 219(b)(5)(B)(ii)	1,000	1,000
Social Security Maximum Taxable Earnings – OASDI	142,800	147,000
Social Security Maximum Taxable Earnings – HI	No Limit	No Limit

Sources: IRS Release IR-2021-216, IRS Notice 2021-61 and SSA "2022 Social Security Changes" Fact Sheet.

<sup>1</sup> This publication is intended for general information purposes only and does not contain legal advice or opinion. Plan administrators should seek the advice of qualified legal counsel to ensure plan provisions and documents comply with applicable federal laws and regulations.

<sup>2</sup> In addition, some limits are not subject to annual adjustments (e.g., the additional catch-up limit for annual contributions to an IRA by individuals age 50 and older).

<sup>3</sup> With regard to the IRC § 415 limits, the default limitation year is the calendar year; however, an employer may elect any other consecutive 12-month period as the limitation year by adopting a written amendment to the plan.

## **Maximum Benefits**

IRC § 415 limits the benefits payable from defined benefit plans and the amounts contributed to defined contribution plans. Generally, IRC § 415(b) limits the employer-provided benefit payable to a plan member from a defined benefit plan to the lesser of a specific “dollar limit” (\$245,000 in 2022) or 100% of the participant’s average compensation for the three highest consecutive years.<sup>4</sup> Although private-sector plans are subject to both limits, governmental plans are exempt from the 100% compensation limit.

If benefits commence before age 62, IRC § 415(b) requires the dollar limit to be actuarially reduced using prescribed factors. However, for members who have at least 15 years of police, fire and/or armed forces service as defined under IRC § 415(b)(2)(H)(ii), no actuarial reduction is required. Consequently, there is no actuarial adjustment to the IRC § 415(b) dollar limit for these members for benefits commencing prior to age 62.

## **Maximum Contributions**

IRC § 415(c) limits the maximum “annual additions” that can be made to a member’s defined contribution plan account to the lesser of a dollar limit (\$61,000 in 2022), or 100% of the member’s annual compensation. In this context, annual additions include employer and employee contributions, as well as forfeitures. Annual compensation, for the purpose of determining this limit, includes elective deferrals to 401(k), 403(b), governmental 457(b), and 125 “cafeteria” plans, along with certain transportation fringe benefits under IRC § 132(f)(4).

For governmental defined benefit plans that do not “pick-up” mandatory employee contributions under IRC § 414(h)(2), employee contributions are treated as contributions to a defined contribution plan and are subject to the § 415(c) limits. For governmental plans that do “pick-up” employee contributions, the contributions are treated as part of the employer-provided portion of accrued benefits subject to the IRC § 415(b) dollar limits.

## **Maximum Compensation**

For the purpose of determining benefits and contributions, IRC § 401(a)(17) limits the amount of compensation that can be taken into account by a qualified retirement plan. For private-sector plan members, and for governmental plan members hired after 1995, only \$305,000 may be used in 2022 to calculate employee contributions to, or benefits provided by, the qualified plan – even if the member earns more than this amount.

There are special rules that apply to some governmental plan members, referred to as “eligible participants,” that first became participants before the first day of the first plan year beginning after the earlier of: 1) December 31, 1995; or 2) the last day of the plan year that the Omnibus Budget Reconciliation Act (OBRA ‘93) plan amendments were adopted and effective. In 1993, IRC § 401(a)(17) was amended by OBRA ‘93, lowering the maximum compensation limit from \$200,000 to \$150,000, indexed for inflation. OBRA ‘93 allowed governmental plans to grandfather the compensation limits specified in the plan as of July 1, 1993, for eligible participants – provided the plan was amended to apply the OBRA ‘93 limits to all other participants. For governmental plans applying the pre-OBRA ‘93 limits, the maximum compensation limit in 2022 is \$450,000 for grandfathered employees. For governmental plans with no maximum compensation

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<sup>4</sup> Under IRC § 415(m), governmental plans are allowed to pay benefits in excess of the IRC § 415(b) limit by establishing a “qualified excess benefit arrangement” (QEBA). However, these funds must be held separately from the pension trust.



limit as of July 1, 1993, and that amended the plan to grandfather these provisions, benefits can be determined without reference to a compensation limit for grandfathered employees.<sup>5</sup>

### **Maximum Elective Deferrals**

Elective deferrals are voluntary agreements in which employees elect to forego current income in return for the employer's contributions to retirement or other benefit plans. Elective deferrals are available for a variety of tax-qualified retirement plans, including 401(k) and 403(b) plans, for which the maximum elective deferral per participant is \$20,500 in 2022. In addition, governmental employees may have access to deferred compensation plans established under IRC § 457(b). The maximum elective deferral for 457(b) plans is also \$20,500 in 2022.

### **IRA Contribution Limits**

The maximum annual contribution to a traditional IRA and a Roth IRA is \$6,000 in 2022. The IRA contribution limits are indexed for inflation in \$500 increments. However, when the applicable measure of inflation does not increase beyond the statutory threshold, the maximum annual contribution does not change.

### **Catch-Up Dollar Limits**

As a result of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA), plan participants who are or will be age 50 or older by the end of the plan year may voluntarily make additional "catch-up" contributions to the plan, above the maximum elective deferral limits. The maximum catch-up contribution is the lesser of: 1) a specific dollar amount (the "catch-up dollar limit"); or 2) the participant's compensation for the year reduced by any other elective deferrals made during the year. For 2022, the catch-up dollar limit for 401(k), 403(b), SEPs, and 457(b) plans is \$6,500. For SIMPLE plans, the 2022 catch-up dollar limit is \$3,000. For IRAs, the catch-up dollar limit is \$1,000 for 2022.

Note: 457(b) plans have an additional catch-up provision under IRC § 457(b)(3). As amended by EGTRRA, a 457(b) plan participant may, in one or more of the three years ending before normal retirement age, defer the lesser of: 1) twice the applicable dollar limit (i.e., twice \$20,500 or \$41,000 in 2022); or 2) the sum of the applicable dollar limit for the year (i.e., \$20,500 in 2022) plus the amount by which the applicable dollar limit in preceding years exceeded actual deferrals in those years. In the three years ending before normal retirement age, a 457(b) plan participant may apply the greater of the 414(v) catch-up provision or the 457(b)(3) catch-up provision, but not both.

### **Taxable Earnings for Social Security and Medicare**

To fund Social Security's Old Age, Survivor, and Disability Insurance (OASDI) program, both employers and employees pay a 6.20% payroll tax on earnings up to the maximum taxable earnings limit. This limit is adjusted annually for inflation and increases to \$147,000 in 2022. Because the maximum earnings limit was eliminated for the Medicare Hospital Insurance (HI) program in 1993, there is no limit on earnings subject to the 1.45% Medicare tax.

On October 13, 2021, the Social Security Administration (SSA) announced a 5.9% increase in the cost-of-living adjustment for 2022. The adjustment is based on the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) from the third quarter of 2020 to the third quarter of 2021. The

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<sup>5</sup> Treas. Reg. § 1.401(a)(17)-1(d)(4)(ii).



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cost-of-living adjustment will be effective for payments beginning in January 2022 to Social Security and Supplemental Security Income (SSI) beneficiaries.

### Links

IRS News Release (IR-2021-216) is available at:

<https://www.irs.gov/newsroom/irs-announces-401k-limit-increases-to-20500>

IRS Notice 2021-61 is available at:

<https://www.irs.gov/pub/irs-drop/n-21-61.pdf>

The 2022 Social Security report is available at:

<https://www.ssa.gov/news/press/factsheets/colafacts2022.pdf>

### Circular 230 Notice

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