

116TH CONGRESS
2D SESSION

S. 4297

To allow participants in certain retirement plans to delay their 2020 contributions to such plans to 2021 or 2022, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2020

Mr. CRUZ (for himself, Mr. TILLIS, Mr. PERDUE, and Mrs. LOEFFLER) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To allow participants in certain retirement plans to delay their 2020 contributions to such plans to 2021 or 2022, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Addressing Missed-
5 savings Opportunities for Retirement due to an Epidemic
6 Act” or the “AMORE Act”.

1 **SEC. 2. ALLOWANCE OF DELAY IN MAKING 2020 RETIRE-**
2 **MENT CONTRIBUTIONS.**

3 (a) IN GENERAL.—An eligible participant in one or
4 more applicable retirement plans may make additional
5 contributions to such plans for any taxable year beginning
6 in 2021 or 2022 in an aggregate amount not exceeding
7 the participant’s unused 2020 contribution amount.

8 (b) TREATMENT OF CONTRIBUTIONS AND PLANS.—
9 For purposes of the Internal Revenue Code of 1986—

10 (1) TREATMENT OF CONTRIBUTIONS.—In the
11 case of any additional contribution to which sub-
12 section (a) applies—

13 (A) such contribution shall not, with re-
14 spect to such taxable year—

15 (i) be subject to any otherwise appli-
16 cable limitation contained in sections
17 401(a)(30), 402(h), 408, and 415(c), or

18 (ii) be taken into account in applying
19 such limitations to other contributions or
20 benefits under such plan or any other such
21 plan, and

22 (B) except as provided in paragraph
23 (2)(B), such plan shall not be treated as failing
24 to meet the requirements of section 401(a)(4),
25 401(k)(3), 401(k)(11), 403(b)(12), 408(k),

1 410(b), or 416 by reason of the making (or the
2 right to make) such contribution.

3 (2) TREATMENT OF APPLICABLE PLANS.—

4 (A) IN GENERAL.—An applicable employer
5 plan shall not be treated as failing to meet any
6 requirement of such Code, or failing to be oper-
7 ated in accordance with the terms of the plan,
8 solely because the plan—

9 (i) permits an eligible participant to
10 make additional contributions described in
11 subsection (a) for any plan year, or

12 (ii) does not make any matching con-
13 tribution (as defined in section 401(m)(4)
14 of such Code) with respect to additional
15 contributions described in subsection (a)
16 for any plan year.

17 (B) NONDISCRIMINATION REQUIRE-
18 MENT.—The rules of section 414(v)(4) of such
19 Code shall apply for purposes of this section.

20 (c) DEFINITIONS.—For purposes of this section—

21 (1) APPLICABLE RETIREMENT PLAN.—The
22 term “applicable retirement plan” means any plan—

23 (A) which is—

24 (i) a plan, arrangement, or contract to
25 which an elective deferral (as defined in

1 section 401(g)(3) of the Internal Revenue
2 Code of 1986) may be made, or

3 (ii) an individual retirement plan (as
4 defined in section 7701(a)(37) of such
5 Code), and

6 (B) which allows additional contributions
7 under this section to be made to such plan.

8 (2) ELIGIBLE PARTICIPANT.—The term “eligi-
9 ble participant” means, with respect to any taxable
10 year beginning in 2021 or 2022, a participant in a
11 plan—

12 (A) who has an unused 2020 contribution
13 amount, and

14 (B) with respect to whom no other elective
15 deferrals (or in the case of an individual retire-
16 ment plan, no other contributions) may, without
17 regard to this section, be made to the plan for
18 such taxable year by reason of any applicable
19 limitation described in subsection (b)(1)(A)(i)
20 or any comparable limitation or restriction con-
21 tained in the terms of the plan.

22 In determining whether a participant is an eligible
23 participant, the administrator of an applicable re-
24 tirement plan may rely on a participant’s certifi-

1 cation that the participant satisfies the requirements
2 of this paragraph.

3 (3) UNUSED 2020 CONTRIBUTION AMOUNT.—

4 (A) IN GENERAL.—The term “unused
5 2020 contribution amount” means, with respect
6 to any applicable participant, the excess (if any)
7 for the participant’s last taxable year beginning
8 in 2020 of—

9 (i) in the case of—

10 (I) the applicable retirement
11 plans described in paragraph (1)(A)(i)
12 of such participant, the applicable lim-
13 itations described in subsection
14 (b)(1)(A)(i) on aggregate contribu-
15 tions to such plans for such taxable
16 year, and

17 (II) the individual retirement
18 plans of such participant, the applica-
19 ble limitations described in subsection
20 (b)(1)(A)(i) on aggregate contribu-
21 tions to such plans for such taxable
22 year, over

23 (ii) the aggregate contributions to
24 such applicable retirement plans or indi-
25 vidual retirement plans, whichever is appli-

1 cable, for such taxable year (other than
2 rollover contributions not taken into ac-
3 count in applying such limitations under
4 such Code).

5 (B) REDUCTIONS FOR PREVIOUSLY USED
6 AMOUNTS.—The unused 2020 contribution
7 amount for any taxable year beginning in 2021
8 or 2022 shall be reduced by the portion of such
9 amount taken into account under this section
10 for all preceding taxable years.

11 (C) SECRETARIAL ASSISTANCE.—The Sec-
12 retary of the Treasury (or the Secretary’s dele-
13 gate) shall include, with returns of Federal in-
14 dividual income tax (or accompanying forms or
15 instructions) for taxable years beginning in
16 2020 and 2021, forms or other materials which
17 will assist participants in simply computing
18 their unused 2020 contribution amount for each
19 taxable year beginning in 2021 or 2022.

20 (d) EFFECTIVE DATES.—

21 (1) IN GENERAL.—This section shall apply for
22 years beginning after December 31, 2020.

23 (2) PROVISIONS RELATING TO PLAN OR CON-
24 TRACT AMENDMENTS.—

1 (A) IN GENERAL.—If this paragraph ap-
2 plies to any plan or contract amendment—

3 (i) such plan or contract shall not fail
4 to be treated as being operated in accord-
5 ance with the terms of the plan during the
6 period described in subparagraph (B)(ii)
7 solely because the plan operates in accord-
8 ance with this section, and

9 (ii) except as provided by the Sec-
10 retary of the Treasury (or the Secretary's
11 delegate), such plan or contract shall not
12 fail to meet the requirements of section
13 411(d)(6) of the Internal Revenue Code of
14 1986 and section 204(g) of the Employee
15 Retirement Income Security Act of 1974
16 by reason of such amendment.

17 (B) AMENDMENTS TO WHICH PARAGRAPH
18 APPLIES.—

19 (i) IN GENERAL.—This paragraph
20 shall apply to any amendment to any plan
21 or annuity contract which—

22 (I) is made pursuant to the pro-
23 visions of this section, and

1 (II) is made on or before the last
2 day of the first plan year beginning
3 on or after January 1, 2022.

4 In the case of a governmental plan, sub-
5 clause (II) shall be applied by substituting
6 “2024” for “2022”.

7 (ii) CONDITIONS.—This paragraph
8 shall not apply to any amendment unless
9 during the period beginning on the effec-
10 tive date of the amendment and ending on
11 December 31, 2022, the plan or contract is
12 operated as if such plan or contract
13 amendment were in effect.

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