

118TH CONGRESS
2D SESSION

S. 4965

To amend the Internal Revenue Code of 1986 to make the credit for small employer pension plan startup costs and the retirement auto-enrollment credit available to tax-exempt eligible small employers.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2024

Mr. LANKFORD (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to make the credit for small employer pension plan startup costs and the retirement auto-enrollment credit available to tax-exempt eligible small employers.

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 “Small Nonprofit Re-
5 tirement Security Act of 2024”.

1 **SEC. 2. RETIREMENT CREDITS MADE AVAILABLE TO TAX-**
 2 **EXEMPT SMALL EMPLOYERS.**

3 (a) CREDIT FOR SMALL EMPLOYER PENSION PLAN
 4 STARTUP COSTS.—Section 45E of the Internal Revenue
 5 Code of 1986 is amended by adding at the end the fol-
 6 lowing new subsection:

7 “(g) CREDIT MADE AVAILABLE TO TAX-EXEMPT EL-
 8 IGIBLE EMPLOYERS.—

9 “(1) IN GENERAL.—In the case of a tax-exempt
 10 eligible employer, there shall be treated as a credit
 11 allowed under section 3111(g), and not as a credit
 12 determined under subsection (a), an amount equal to
 13 the lesser of—

14 “(A) the amount of the credit determined
 15 under this section (without regard to this sub-
 16 section) with respect to such employer, or

17 “(B) the amount of payroll tax paid by the
 18 employer during the calendar year in which the
 19 taxable year begins.

20 “(2) DEFINITIONS.—For purposes of this sub-
 21 section—

22 “(A) TAX-EXEMPT ELIGIBLE EMPLOYER.—
 23 The term ‘tax-exempt eligible employer’ means
 24 an eligible employer which is described in sec-
 25 tion 501(c) and exempt from taxation under
 26 section 501(a).

1 “(B) PAYROLL TAX.—

2 “(i) IN GENERAL.—The term ‘payroll
3 tax’ means the tax imposed by section
4 3111(a).

5 “(ii) SPECIAL RULE.—A rule similar
6 to the rule of section 24(d)(2)(C) shall
7 apply for purposes of determining the pay-
8 roll tax paid by an employer.”.

9 (b) RETIREMENT AUTO-ENROLLMENT CREDIT.—
10 Section 45T of the Internal Revenue Code of 1986 is
11 amended by adding at the end the following new sub-
12 section:

13 “(d) CREDIT MADE AVAILABLE TO TAX-EXEMPT EL-
14 IGIBLE EMPLOYERS.—

15 “(1) IN GENERAL.—In the case of a tax-exempt
16 eligible employer, there shall be treated as a credit
17 allowed under section 3111(g), and not as a credit
18 determined under subsection (a), an amount equal to
19 the lesser of —

20 “(A) the amount of the credit determined
21 under this section (without regard to this sub-
22 section) with respect to such employer, or

23 “(B) the amount of payroll tax paid by the
24 employer during the calendar year in which the
25 taxable year begins.

1 “(2) DEFINITIONS.—For purposes of this sub-
2 section—

3 “(A) TAX-EXEMPT ELIGIBLE EMPLOYER.—
4 The term ‘tax-exempt eligible employer’ means
5 an eligible employer which is described in sec-
6 tion 501(c) and exempt from taxation under
7 section 501(a).

8 “(B) PAYROLL TAX.—
9 “(i) IN GENERAL.—The term ‘payroll
10 tax’ means the tax imposed by section
11 3111(a).

12 “(ii) SPECIAL RULE.—A rule similar
13 to the rule of section 24(d)(2)(C) shall
14 apply for purposes of determining the pay-
15 roll tax paid by an employer.”.

16 (c) PAYROLL CREDIT.—Section 3111 of the Internal
17 Revenue Code of 1986 is amended by adding at the end
18 the following new subsection:

19 “(g) CREDIT FOR CERTAIN PLANS OF TAX-EXEMPT
20 EMPLOYERS.—

21 “(1) IN GENERAL.—In the case of a tax-exempt
22 eligible employer to which section 45E(g) or section
23 45T(d) applies, there shall be allowed as a credit
24 against the tax imposed by subsection (a) for cal-
25 endar quarters in an applicable year an amount

1 equal to the amount determined under section
2 45E(g)(1) or section 45T(d)(1), whichever is appli-
3 cable.

4 “(2) LIMITATION.—The aggregate amount al-
5 lowed as a credit under this subsection for the cal-
6 endar quarters in any year shall not exceed the
7 amount of the tax imposed by subsection (a) on
8 wages paid with respect to the employment of all
9 employees of the employer during such year, deter-
10 mined by applying a rule similar to the rule of sec-
11 tion 24(d)(2)(C).

12 “(3) DEFINITIONS.—For purposes of this sub-
13 section—

14 “(A) TAX-EXEMPT ELIGIBLE EMPLOYER.—
15 The term ‘tax-exempt eligible employer’ means
16 an eligible employer which is described in sec-
17 tion 501(c) and exempt from taxation under
18 section 501(a).

19 “(B) APPLICABLE YEAR.—The term ‘appli-
20 cable year’ means the calendar year referred to
21 in section 45E(g)(1)(B) or section
22 45T(d)(1)(B), whichever is applicable.”.

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to taxable years beginning after
25 December 31, 2024.

1 (e) TRANSFERS OF FUNDS TO OLD-AGE, SURVIVORS,
2 AND DISABILITY TRUST FUND.—There are hereby appro-
3 priated to the Federal Old-Age and Survivors Trust Fund
4 and the Federal Disability Insurance Trust Fund estab-
5 lished under section 201 of the Social Security Act (42
6 U.S.C. 401) amounts equal to the reduction in revenues
7 to the Treasury by reason of the amendments made by
8 subsections (a), (b), and (c). Amounts appropriated by the
9 preceding sentence shall be transferred from the general
10 fund at such times and in such manner as to replicate
11 to the extent possible the transfers which would have oc-
12 curred to such Trust Fund had such amendments not
13 been enacted.

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