

February 20, 2026

Internal Revenue Service

Attn: CC:PA:01:PR

Room 5503, P.O. Box 7604

Ben Franklin Station, Washington, D.C. 20044.

RE: Notice 2025-68

To the Office of Associate Chief Counsel,

The CHRO Association (“Association”) appreciates the opportunity to submit comments regarding the employer implementation of Section 530A Child Savings Accounts (“Trump Accounts”). Under the current framework, the federal government provides initial seed funding, and a number of employers are considering matching or supplementing that contribution as part of their total rewards strategies. While interest is strong, companies need additional IRS guidance to resolve significant operational, compliance, and administrative questions before implementing this benefit at scale.

The CHRO Association is a public policy advocacy organization representing the most senior human resources officers (CHROs) at nearly 400 of the largest corporations doing business in the United States and globally. Collectively, these companies employ more than 10 million employees in the United States—nearly nine percent of the private-sector workforce—and approximately 20 million employees worldwide.

Our member companies are leaders in designing and delivering competitive, comprehensive benefits that address the diverse and evolving needs of today’s workforce. They approach benefits not as a transactional expense, but as a strategic lever for attracting, retaining, and engaging top talent while supporting long-term employee well-being. In a dynamic labor market, they are committed to anticipating change and offering benefits that are both adaptable and forward-thinking.

On behalf of employers and plan administrators responsible for payroll and benefits operations, we respectfully request timely IRS guidance addressing key open questions regarding the implementation and tax administration of Trump Accounts. Employers are actively evaluating how best to support employee participation, including through employer-funded contributions. However, uncertainty in several core areas materially impedes vendor onboarding, payroll configuration, employee communications, and compliance readiness.

Outlined below are the principal issues on which guidance is needed.

1. ERISA Status and Compliance Concerns

Employers would strongly benefit from explicit IRS guidance, coordinated as appropriate with the Department of Labor, confirming that employer contributions to Section 530A accounts do not trigger ERISA plan status and will not be subject to IRC non-discrimination rules. If employer-supported Trump Accounts were treated as ERISA-covered plans, employers could face significant reporting and disclosure requirements, fiduciary obligations, plan documentation requirements, and ongoing compliance oversight. These obligations would likely deter many employers from offering this benefit. Clear guidance that appropriately structured employer contributions do not create an ERISA-covered plan would make the benefit more accessible and encourage broader participation.

2. Authorization of Private Administrators

Employers request confirmation whether Section 530A accounts may be administered by private financial institutions and, if so, the intended model:

- Will there be a single approved provider or will multiple institutions be authorized to offer and administer these accounts?
- What are the correction procedures if contributions are misdirected to the wrong trustee?

If multiple providers are permitted, employers could face substantial administrative complexity in managing contributions across various platforms with differing processes, data requirements, and reconciliation methods. Standardization—at minimum through consistent operating rules and data formats—would significantly reduce operational burden.

3. Verification of Qualified 530A Status

A critical outstanding issue is how employers can confirm that an account is a properly established, qualified Section 530A account. Employers will be reluctant to deposit funds without certainty that the account satisfies statutory requirements, and contributions will receive the intended tax treatment.

Clear IRS certification standards and/or a centralized verification mechanism would mitigate risk and promote broader employer participation.

4. Verification of “Eligible Child” Status

Employers also need an administrable method to confirm that a child qualifies for any employer matching seed contribution (e.g., based on birth-year eligibility and other statutory criteria). Requiring employers to collect and retain birth certificates or other sensitive documentation

would create significant administrative burdens, raise privacy concerns, and increase data security risks and potential liability exposure.

Our member companies recommend a simplified attestation approach under which the employee certifies the child's eligibility and the employer may rely on that certification without independent document review, paired with appropriate taxpayer/account-level validation by the government and/or the account administrator, as needed.

5. Additional Operational and Tax Administration Questions

Employers also request guidance on the following:

- Who bears responsibility for monitoring cumulative contributions across all sources (e.g. exceeding annual contribution limits, from multiple employer sources)?
- What documentation must employers maintain to substantiate employer contributions?
- Can existing reporting mechanisms (e.g., Form W-2 or other established forms) be used to report and track contributions?

Finally, our member companies suggest consideration of an alternative structure that would remove some of the administrative complexity. Under this model, the employer would provide funds through payroll operations, the employee would deposit the contribution into the Section 530A account, and the employer would report the contribution through existing payroll tax reporting mechanisms.

This approach could minimize employer administrative complexity, reduce ERISA risk, avoid direct account management responsibilities, and eliminate the need for employers to verify account qualification directly.

We appreciate the IRS's consideration of these comments and would welcome the opportunity to provide additional operational input to support efficient and workable implementation for employers and employees alike. To schedule a meeting to discuss further or with any questions, please contact me at Cbirbal@chro.org.

Respectfully submitted,



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