

# DOL Clarifies Scope of ERISA Application to Trump Accounts, Related Employer-Facilitated Contribution Programs

EBIA Weekly (June 25, 2026)

*DOL Technical Release 2026-02, Trump Accounts (June 17, 2026); DOL News Release, U.S. Department of Labor Issues Guidance Clarifying Trump Accounts Are Not Generally Employee Pension Benefits Plans (June 18, 2026)*

## Technical Release

## News Release

The DOL has issued a technical release clarifying that Trump Accounts (TAs) and Trump Account Contribution Programs (TACPs) generally will not constitute “employee pension benefit plans” under ERISA § 3(2). TAs are a type of individual retirement account (IRA) that may be established for eligible minors with contributions of up to \$5,000 (as adjusted for inflation after 2027) permitted beginning July 4, 2026, including up to \$2,500 of employer contributions excludable from an employee’s income under Code § 128. A TACP may also be offered through cafeteria plan salary reductions for contributions made to the TA of an employee’s dependent.

Because ERISA § 3(2) focuses on arrangements that provide retirement income to employees, and TAs generally provide tax-advantaged savings for dependents of employees rather than to employees themselves, the DOL concluded that TAs and TACPs generally would not constitute pension plans—even if fully or partially funded by employer contributions under Code § 128. The guidance also addresses two scenarios in which ERISA coverage could potentially arise:

- *Employee as TA beneficiary.* A TA may benefit an employee (rather than a dependent), such as in the case of a 16- or 17-year-old employee. The DOL concluded that employer contributions to an employee’s TA during the growth period would not give rise to an ERISA-covered plan, provided that the employer: (1) ensures employee participation is completely voluntary; (2) does not impose conditions on the use of TA funds beyond those permitted under the Code; (3) does not make or influence investment decisions with respect to TA funds; (4) does not represent that the TA or TACP is an employee pension benefit plan or welfare benefit plan; and (5) receives no payment or compensation in connection with a TA.
- *Post-tax payroll deductions—safe harbor.* For employers that permit post-tax payroll deduction contributions to TAs outside a TACP—whether during or after the growth period—the existing IRA payroll deduction safe harbor at DOL Reg. § 2510.3-2(d) would be available, provided no employer contributions are made and the remaining safe harbor conditions are satisfied. (These conditions are that participation be voluntary and the employer not endorse the program or receive any consideration.) With respect to the prohibition on employer endorsement, the DOL extrapolates from activities considered consistent with the IRA safe harbor requirements to provide examples of actions that it would not view as endorsement,

including employer posting of TA information on its intranet, providing neutral information on the benefits of payroll deduction, and offering a hyperlink to the official TA [website](https://www.TrumpAccounts.gov) (TrumpAccounts.gov)—so long as the employer does not endorse any specific product or provider.

**EBIA Comment:** With this clarity provided by the DOL, employers that stay within the guardrails described in the technical release may offer TACPs and TA-related payroll deductions without triggering the full range of ERISA Title I obligations. Employers that facilitate post-growth-period payroll deductions should be especially mindful of the endorsement prong of the IRA safe harbor. For more information, see EBIA’s Fringe Benefits manual at Section XXIV.H (“Trump Account Contribution Programs (TACPs)”) and EBIA’s ERISA Compliance manual at Section VI (“What Workplace Fringe Benefits Are Subject to ERISA?”).

Contributing Editors: EBIA Staff.