1**SUPPORTING STATEMENT**
Internal Revenue Service
Employer Contributions to Trump Accounts and
Nondiscrimination Rules for Dependent Care Assistance Programs
OMB Control Number **1545-new**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Section 70204 of Public Law 119-21, 139 Stat. 72 (July 4, 2025), commonly known as the One, Big, Beautiful Bill Act (OBBBA), which applies to taxable years beginning after December 31, 2025, added section 530A regarding Trump accounts to the Internal Revenue Code (Code). A Trump account is a type of traditional individual retirement account (IRA) that is established for the exclusive benefit of an eligible individual and that is designated at its establishment as a Trump account. When the Trump account is opened, the eligible individual is the owner of the Trump account and is referred to as the account beneficiary.

Section 70204 also added section 128 regarding an exclusion from income for employer contributions to the Trump account of an employee or of any dependent of an employee pursuant to a Trump account contribution program.

This document contains proposed regulations providing guidance with respect to employer contributions to Trump accounts and the nondiscrimination rules for dependent care assistance programs. The proposed regulations also require employers maintaining Trump account contribution programs or dependent care assistance programs to maintain written plans, provide employee notifications and certifications, communicate specified information to trustees, furnish statements, and maintain records necessary to demonstrate compliance with the statutory requirements.

Section	Title
1.128-2(b)(1)	Trump account contribution program -written plan requirement
1.128-2(d)(2)(ii)	Content of employee certification
1.128-2(d)(2)(iii)	No reliance on an employee certification that a Trump account is valid
1.128-2(d)(5)(ii)	Section 125 salary reduction arrangements
1.128-2(f)	Notification to eligible employees
1.128-2(g)	Statement of contributions
1.128-2(h)(1)	Employer-to-trustee communications
1.128-2(h)(2)	Corrective notice
1.128-3	Nondiscrimination requirements
1.129-1	Dependent care assistance programs- written plan requirement
1.129-2	Nondiscrimination requirements

2. USE OF DATA

The proposed regulations would affect employers maintaining a Trump account contribution program or a dependent care assistance program. They would define terms for the purpose of implementing sections 128 and 129 and clarify the application of the nondiscrimination testing requirements applicable to Trump account contribution programs and dependent care assistance programs.

The information will be used by employers to administer qualified benefit programs and by the IRS, if necessary during examinations, to verify compliance with the statutory and regulatory requirements under sections 128 and 129.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

The information required by these proposed regulations may be maintained and transmitted electronically using the employer's existing payroll, benefits administration, or recordkeeping systems. No specific electronic filing mechanism is prescribed by these regulations. The IRS has no plans to offer electronic filing, as these are recordkeeping and third-party disclosure requirements.

4. EFFORTS TO IDENTIFY DUPLICATION

The information obtained through this collection is unique and is not already available for use or adaptation from another source.

5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES

The IRS proactively works with both internal and external stakeholders to minimize the burden on small businesses, while maintaining tax compliance. The Agency also seeks input regarding the burden estimates from the public via notices and tax product instructions.

Pursuant to section 7805(f) of the Code, these proposed regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES

Less frequent collection of the required information would impair employers' ability to establish and administer Trump account contribution programs and dependent care assistance programs in accordance with sections 128 and 129 of the Internal Revenue Code and the proposed regulations. It would also reduce the availability of records and documentation needed to demonstrate compliance with the applicable statutory and regulatory requirements, including the nondiscrimination requirements.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

There are no special circumstances requiring data collection to be inconsistent with guidelines in 5 CFR 1320.5(d)(2).

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

A notice of proposed rulemaking (NPRM) was published on August 11, 2026, (91 FR 51611), soliciting comments and requests for public hearings. Comments will be addressed in the final rule.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

No payment or gift has been provided to any respondents.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 U.S.C. 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

The collection does not request information of a sensitive nature. Any tax return or tax return information obtained by the IRS is protected under section 6103.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

These proposed regulations provide guidance with respect to employer contributions to Trump accounts and the nondiscrimination rules for dependent care assistance programs. The Treasury Department and the IRS propose these rules to provide an administrable framework for applying the statutory requirements under sections 128 and 129.

The collection of information in this proposed regulation is in sections 1.128-2, 1.128-3, 1.129-1, and 1.129-2. This information is necessary to provide guidance with respect to employer contributions to Trump accounts and the nondiscrimination rules for dependent care assistance programs. The collections of information are necessary to demonstrate compliance with sections 128 and 129 and the proposed regulations implementing those statutory provisions.

Authority	**Description**	**# of Respondents**	**# Responses per Respondent**	**Annual Responses**	**Hours per Response**	**Total Burden**
IRC §§ 128 &129	Guidance	217,000	1	217,000	8	1,736,000
Totals		**217,000**		**217,000**		**1,736,000**

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no known start-up costs associated with this collection. Respondents are expected to use existing personnel and recordkeeping systems to satisfy these requirements.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

There are no significant additional costs to the Federal Government beyond normal program administration.

15. REASONS FOR CHANGE IN BURDEN

These proposed regulations provide guidance with respect to employer contributions to Trump accounts and the nondiscrimination rules for dependent care assistance programs. The Treasury Department and the IRS propose these rules to provide an administrable framework for applying the statutory requirements under sections 128 and 129. This is a new collection requirement. This will result in an estimated burden increase of 217,000 responses and 1,736,000 hours.

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	217,000	217,000	0	0	0	0
Annual Time Burden (Hr)	1,736,000	1,736,000	0	0	0	0

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

There are no plans for tabulation, statistical analysis and publication.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

The IRS believes that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the forms and regulations expire as of the expiration date. Taxpayers are not likely to be aware that the IRS intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions to the certification statement.