

Weekly Digest

• September 22, 2026 •

EMPLOYEE
BENEFITS

The IRS Issues Proposed Regulations on Trump Accounts and Dependent Care Assistance Programs

"The Internal Revenue Service ("IRS") and Department of Treasury (the "Department") released proposed regulations governing employer contributions to Trump Accounts ("TAs") and long-awaited nondiscrimination guidance regarding Dependent Care Assistance Programs ("DCAPs"). The rules establish the operational framework for Trump Account employer contribution programs ("TACPs") while also clarifying DCAP and TACP nondiscrimination testing requirements. Although the rules are in proposed form, plan sponsors may rely on the guidance when implementing TACPs and performing nondiscrimination testing until the regulations are finalized." [Full Article](#)

Trucker Huss, APC



DOL Issues Field Assistance Bulletin Outlining Mental Health Parity Enforcement Approach

"The Department of Labor's Employee Benefits Security Administration ("EBSA") issued Field Assistance Bulletin No. 2026-03 (the "FAB"), outlining a new set of guiding principles for enforcing the nonquantitative treatment limitation ("NQTL") requirements under the Mental Health Parity and Addiction Equity Act ("MHPAEA"), as amended by the Consolidated Appropriations Act, 2021 ("CAA, 2021")." [Full Article](#)

Proskauer Rose, LLP

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Employer-Sponsored Health Plans Could Receive Trillions in Federal Tax Subsidies Over Next Decade

"The Congressional Budget Office (CBO) recently reported that under current federal income tax rules, employer-sponsored health plans could receive trillions in subsidies over the next decade. CBO analysts prepared the 2026 report with staff analysts from the congressional Joint Committee on Taxation (JCT). More specifically, the report states that these plans could be entitled to \$6.6 trillion in subsidies over the next decade and \$7.1 trillion over the next 11 years." [Full Article](#)

Hall Benefits Law, LLC



Same ICHRA, New Name: Meet the CHOICE Arrangement

"The U.S. Small Business Administration and CMS announced 'CHOICE Arrangements,' a new name for Individual Coverage Health Reimbursement Arrangements, or ICHRAs. These arrangements allow employers to provide an HRA to employees and family members who are enrolled in individual market coverage or Medicare. This recent announcement is the first ICHRA-related announcement of the second Trump Administration and signals continued federal support for these arrangements." [Full Article](#)

Groom Law Group

Plan Sponsors Increase Focus on Health Plan Fiduciary Roles

"Experts stress the importance of setting financial controls with providers during the request-for-proposal process, especially regarding pharmacy benefits." [Full Article](#)

Asset International, Inc



Tobacco Surcharge Claims Up In Smoke? DOL, HHS, And Treasury Issue FAQ 74: Addressing Questions Raised By Tobacco Surcharge Lawsuits

"In FAQ Part 74, the Tri-Agencies acknowledge the language that implied rewards or surcharges be applied or removed retroactively appeared only in the preamble, not in the regulatory text. Accordingly, the Tri-Agencies announced they will not take enforcement action against a plan or issuer that does not provide a reward retroactive to the start of the plan year, so long as the plan provides the reward for the period after the participant satisfies the reasonable alternative standard and otherwise complies with the wellness program regulations." [Full Article](#)

Mondaq, Ltd