



SELF-FINANCING BY THE TRUMP ADMINISTRATION:

Is It Consistent with the Miscellaneous
Receipts Act and the Antideficiency
Act?

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Two relatively obscure statutes, the Miscellaneous Receipts Act and the Antideficiency Act, play key roles in protecting Congress’s authority over federal spending. The Miscellaneous Receipts Act requires that unless Congress provides otherwise, all funds received by the federal government must be deposited in the Treasury. This safeguards Congress’s power of the purse because the Constitution provides that any withdrawal of funds from the Treasury must be approved by Congress in an appropriations act. The Antideficiency Act reinforces this framework by barring agencies from spending funds without congressional authorization, including funds unlawfully kept outside the Treasury.

The Trump Administration, however, appears to have repeatedly bypassed these foundational appropriations laws, raising the prospect that how the government finances public action may be undermined. The executive branch under President Trump has refused to deposit funds from settlements, foreign agreements, and purported “gifts” into the Treasury. Instead, it has diverted the funds to Administration or presidential priorities. By structuring transactions to route money around the Treasury, the Administration appears to be creating a parallel financing system under presidential control.

The Miscellaneous Receipts Act

The Constitution’s Appropriations Clause provides that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.”¹ The Miscellaneous Receipts Act (MRA) prevents the executive branch from circumventing congressional control over spending by directing that all funds received by the government must be deposited into the Treasury. Specifically, it provides that “an official or agent of the Government receiving money for the Government from any source shall deposit the money in the Treasury.”² Once deposited in the Treasury, the Appropriations Clause ensures that the funds can be withdrawn only through an appropriation enacted by Congress.

As a result of the MRA, an agency’s lawful funding cannot exceed the funds Congress has appropriated.³ Any outside money retained by an agency violates the law unless Congress has created an explicit exception, such as allowing an agency to accept private gifts. Whether an agency with an authorization to retain funds can spend the retained funds depends on whether the statutory language also authorizes the spending. For example, some exceptions to the MRA require the funds to be held by the agency until Congress approves their expenditure in an appropriations act, while others allow the funds to be spent to implement authorities otherwise granted by statute.⁴

Federal officials who violate the MRA may be removed from office and required to forfeit any portion of the funds they hold and would otherwise be entitled to.⁵ The MRA does not specify criminal penalties,

¹ U.S. Constitution, Art. I, § 9, cl. 7.

² 31 U.S.C. § 3302(b). Officials who violate the MRA may be removed from office and required to forfeit any portion of the funds they hold or would otherwise be entitled to. *Id.* § 3302(d).

³ Application of the Miscellaneous Receipts Act to the Settlement of False Claims Act Suits Concerning Contracts with the General Services Administration, 30 Op. O.L.C. 53 (2006), <https://www.justice.gov/opinion/file/786171/dl>; GAO, *Principles of Federal Appropriations Law* 6-162 to 6-163 (3d ed. 2008), <https://www.gao.gov/assets/2019-11/202819.pdf>.

⁴ Compare 10 U.S.C. § 2608 (prohibiting DOD from obligating gifted funds “except to the extent and in the manner provided in subsequent appropriations Acts”) with 15 U.S.C. § 1522 (allowing the Commerce Department to retain gifts and spend them “for the purpose of aiding or facilitating the [Department’s] work”).

⁵ 31 U.S.C. § 3302(d).

but an official's conduct may still give rise to criminal liability under other federal statutes prohibiting the misappropriation of government resources.⁶ To date, no criminal charges appear to have been brought specifically for an MRA violation.

Application to Property and Services

The MRA, together with related appropriations principles, prohibits agencies from increasing the resources available to them beyond what Congress has provided. If agencies could freely accept property or services in lieu of money, the executive branch could effectively expand its operational capacity without an appropriation. A donated aircraft, office building, or team of contractors increases agency resources just as surely as cash deposited into an agency account.

In a number of cases, GAO has interpreted the MRA and related appropriations laws to prevent this type of circumvention. In those decisions, GAO has concluded that agencies may not accept in-kind transfers of property and services that would augment the agency's budget.⁷

The Doctrine of Constructive Receipt

Agencies also may not avoid the MRA by structuring transactions so that no federal official ever physically receives the money. This issue most often arises in enforcement and settlement contexts, where an agency directs a regulated party to make payments to third parties—such as educational institutions, nonprofits, or remediation funds—instead of paying penalties into the Treasury. Both the Government Accountability Office (GAO) and the Department of Justice's Office of Legal Counsel (OLC) have stated that under the doctrine of constructive receipt, the form of a transaction is disregarded and its substance controls.⁸

GAO has objected to third-party payments that were "unrelated to correcting the violation charged and circumvented receipt of a penalty to accomplish a separate objective."⁹ For that reason, GAO held that the Commodity Futures Trading Commission (CFTC) violated the MRA when it required a charged party, as part of a settlement, to make a donation to an unrelated educational institution.¹⁰

OLC has applied the constructive receipt doctrine more narrowly. While it prohibits payments to third parties if the government retains control over how the funds are used, OLC permits third-party settlements if the government retains no control over the funds after the agreement is executed.¹¹ Under OLC's approach, the CFTC settlement would likely be permissible.

⁶ 18 U.S.C. § 641.

⁷ GAO, *Principles of Federal Appropriations Law*, 6-164 to 6-166 (reviewing GAO decisions, acknowledging inconsistency across doctrinal frameworks, and noting the distinctions make little practical difference).

⁸ Effect of 31 U.S.C. § 484 on the Settlement Authority of the Attorney General, 4B Op. O.L.C. 684, 688 (1980), https://www.justice.gov/d9/olc/opinions/1980/06/31/op-olc-v004b-p0684_0.pdf.

⁹ GAO, *Whether the Federal Communications Commission's Order on Improving Public Safety Communications in the 800 MHz Band Violates the Antideficiency Act or the Miscellaneous Receipts Statute*, B-303413, at 14 (Nov. 8, 2004), <https://www.gao.gov/assets/b-303413.pdf>.

¹⁰ GAO, *Commodity Futures Trading Commission—Donations Under Settlement Agreements*, B-210210 (Sept. 14, 1983), <https://www.gao.gov/products/b-210210>.

¹¹ Effect of 31 U.S.C. § 484 on the Settlement Authority of the Attorney General, 4B Op. O.L.C. 684, 688 (1980), https://www.justice.gov/d9/olc/opinions/1980/06/31/op-olc-v004b-p0684_0.pdf.

Some administrations have adopted additional safeguards. For example, the Biden Administration permitted third-party settlement payments only if they satisfied OLC’s criteria and met further internal restrictions, including a requirement that the payments be closely tied to remedying the alleged violation.¹² Under the Trump Administration, Attorney General Pam Bondi has gone even further, imposing a “prohibition on improper third-party settlements” that bars nearly all settlements requiring payments to third parties not directly harmed or involved in the case.¹³ As discussed below, however, the Trump Administration appears to have repeatedly deviated from this policy.

The Iran-Contra Affair

The Iran-Contra affair provides the clearest historical example of executive officials financing government action in violation of the MRA.¹⁴ In the mid-1980s, Congress enacted a series of funding prohibitions—most prominently the Boland Amendments—barring the use of appropriated funds to support the Nicaraguan Contra rebels. Reagan Administration officials nonetheless continued providing financial support to the Contras by designing a financing mechanism that bypassed Congress entirely.

To implement this scheme, National Security Council and other Administration officials created a complex network of private companies and offshore accounts to raise funds. Officials used the private companies as intermediaries to facilitate and hide the sale of arms by the United States to Iran in violation of an arms embargo. They also solicited financial contributions from private individuals and foreign governments. Nearly \$48 million in arms-sale proceeds and third-party contributions flowed through the private companies and accounts. A portion of those funds was used to support the Contras.¹⁵ The officials also encouraged foreign governments to contribute funds directly to the Contras.¹⁶

The joint majority report of the House and Senate select committees investigating the Iran-Contra Affair found that although the funds never passed through a federal account, executive officials exercised decisive control over their generation and use. The report concluded that the generation and spending of funds without congressional authorization—and in some instances for purposes Congress had expressly prohibited—violated the Miscellaneous Receipts Act.¹⁷

¹² Guidelines and Limitations for Settlement Agreements Involving Payments to Non-Governmental Third Parties, 89 Fed. Reg. 97,525 (Dec. 9, 2024), <https://www.govinfo.gov/content/pkg/FR-2024-12-09/pdf/2024-28866.pdf>.

¹³ Memorandum from the Att’y Gen. to Dep’t of Just. Employees, Reinstating the Prohibition on Improper Third-Party Settlements (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388536/dl?inline>.

¹⁴ See Report of the Congressional Committees Investigating the Iran-Contra Affair, S. Rep. No. 100-216, H.R. Rep. No. 100-433, 411-14 (1987), <https://archive.org/details/reportofcongress87unit/page/411/mode/2up>.

¹⁵ *Id.* at 9.

¹⁶ Alex Whiting, *Controlling Tin Cup Diplomacy*, 99 Yale L.J. 2043 (1990).

¹⁷ Report of the Congressional Committees Investigating the Iran-Contra Affair, S. Rep. No. 100-216, H.R. Rep. No. 100-433, 411-14 (1987), <https://archive.org/details/reportofcongress87unit/page/411/mode/2up>. *But see id.* at 556 (Minority Report) (maintaining that “[s]ubstantial legal arguments can be made” both for and against finding a violation of the Miscellaneous Receipts Act).

The Antideficiency Act

Like the Miscellaneous Receipts Act, the Antideficiency Act (ADA) is one of Congress’s principal tools for protecting its constitutional power of the purse. The Antideficiency Act prohibits federal officials from obligating funds beyond what Congress has appropriated.¹⁸ Agencies must report ADA violations to the President and Congress, and responsible officials are subject to administrative discipline.¹⁹ In cases of knowing and willful violations, the statute authorizes criminal penalties, including fines and imprisonment for up to two years.²⁰ Although no criminal prosecutions have ever been brought, the mandatory reporting and penalties reflect Congress’s determination that unauthorized spending is a serious violation of federal law.²¹

The Department of the Interior’s use of recreation fees during the December 2018–January 2019 government shutdown shows how the Antideficiency Act works in practice.²² At the time, Congress had not passed appropriations for the Department, meaning it had no funding for routine maintenance at national parks. Nevertheless, the Department used recreation fee balances to pay for maintenance, trash collection, and related activities to keep certain national parks open. The Government Accountability Office later concluded that this spending violated the ADA. Although the recreation fees were available for “critical deferred maintenance and facility condition improvements,” Congress had not authorized their use for routine operations.²³ By spending money without a valid appropriation, Interior violated the ADA.

The Antideficiency Act and the Miscellaneous Receipts Act frequently operate in tandem. When an agency receives money that must be deposited in the Treasury under the MRA but instead retains and spends it, two violations can arise. First, the failure to deposit the funds violates the MRA. Second, once the agency obligates or expends those unlawfully retained funds, it exceeds the amount Congress has appropriated, triggering the ADA. In this way, the MRA protects the intake side of federal finance—ensuring that money flows into the Treasury—while the ADA enforces the output side by preventing unauthorized obligations and expenditures. Executive self-financing schemes that route money around the Treasury therefore risk violating both statutes simultaneously.

Executive Self-Financing under the Trump Administration

The second Trump Administration has increasingly financed government action with unappropriated funds that include settlements, purported gifts, and foreign arrangements. Many of these practices seem to conflict with the MRA, the ADA, and related appropriations principles. A common feature of these efforts is the expansion of executive discretion in directing funds and controlling assets outside of congressional control and oversight.

¹⁸ 31 U.S.C. § 1341(a).

¹⁹ *Id.* §§ 1349, 1351.

²⁰ *Id.* § 1350.

²¹ See GAO, *Testimony Before the H. Comm. on the Budget—Proposals to Reinforce Congress’s Constitutional Power of the Purse*, B-333181, at 6 (2021), <https://www.gao.gov/assets/gao-21-538t.pdf> (testimony of Emmanuelli Perez, GAO Deputy Counsel).

²² GAO, *Department of the Interior—Activities at National Parks during the Fiscal Year 2019 Lapse in Appropriations*, B-330776 (Sep. 5, 2019), <https://www.gao.gov/assets/b-330776-d20751.pdf>.

²³ *Id.* at 4.

The Trump Administration's actions appear to constitute the most significant circumvention of the appropriations process since at least the Iran-Contra affair over 40 years ago. Taken together, the dollar amounts involved exceed by several orders of magnitude the funds illegally diverted to support the Contras.

Major Examples

Several recent examples of executive self-financing stand out because of their scale, visibility, or institutional significance. These examples illustrate the legal and constitutional issues raised when the executive branch directs funds or controls assets without congressional appropriation.

Trade Deals with Japan and South Korea

In the fall of 2025, the Administration negotiated two trade deals that collectively place \$750 billion in foreign capital under presidential control. In exchange for partial tariff relief, Japan agreed in September to provide \$550 billion in investment capital for investments that President Trump would personally select and approve, with the money flowing through federally controlled corporations.²⁴ South Korea struck a similar deal with the United States in November, committing \$200 billion under the same model.²⁵ Collectively, the \$750 billion from Japan and South Korea is nearly as large as the entire federal nondefense discretionary budget in FY2025.²⁶

Because the Administration asserts control over project selection and approval, the money would appear to be “received for the Government” under the MRA and should be deposited in the Treasury. Under the Antideficiency Act and the Constitution's Appropriations Clause, it could then be withdrawn for agency use only with congressional approval. The White House, however, has said that the “funds will be spent at President Trump's discretion and direction.”²⁷

\$1 Million “Gifts” in Exchange for a Visa

In September 2025, the Trump Administration announced a new “Gold Card” visa program under which foreign nationals become eligible for certain visa categories if they pay the Commerce Department \$1

²⁴ White House, *Implementing the United States–Japan Agreement* (Sept. 4, 2025), <https://www.whitehouse.gov/presidential-actions/2025/09/implementing-the-united-states-japan-agreement>; Memorandum of Understanding Between the Government of Japan and the Government of the United States of America with Respect to Strategic Investments, Japan–U.S., undated, https://www.cas.go.jp/jp/seisaku/tariff_measures/houmon/pdf/250905oboegaki.pdf.

²⁵ Ministry of Trade, Industry & Energy, S. Korea, *Signing of the Memorandum of Understanding on Strategic Investment Between Korea and the United States* (Nov. 11, 2025), <https://www.korea.kr/briefing/pressReleaseView.do?newsId=156728395>; White House, *Joint Fact Sheet on President Donald J. Trump's Meeting with President Lee Jae-Myung* (Nov. 13, 2025), <https://www.whitehouse.gov/fact-sheets/2025/11/joint-fact-sheet-on-president-donald-j-trumps-meeting-with-president-lee-jae-myung>.

²⁶ Center on Budget & Policy Priorities, *Policy Basics: Non-Defense Discretionary Programs* (Dec. 16, 2025), <https://www.cbpp.org/research/federal-budget/non-defense-discretionary-programs> (estimating budget authority of \$783 billion for non-defense discretionary programs in FY2025).

²⁷ *Trump To Decide How Japan Investment Deal Funds Spent, White House Says, Reuters* (July 23, 2025), <https://www.reutersconnect.com/item/trump-to-decide-how-japan-investment-deal-funds-spent-white-house-say/s/dGFnOnJldXRlcnMuY29tLDlwMjU6bmV3c21sX1ZBMjA0NTIzMDcyMDI1UIAx> (quoting White House Press Secretary Karoline Leavitt).

million, or if a corporation pays \$2 million on their behalf.²⁸ The Administration has characterized these payments as “gifts,” relying on a statutory exception to the MRA that allows the Commerce Department to accept and spend gifts for departmental purposes.²⁹

Under longstanding GAO precedent, however, a “gift” is a gratuitous transfer made without consideration, and a receipt does not become a gift merely because an agency labels it as such.³⁰ Payments made in exchange for a privilege or benefit are not gifts and must be deposited as miscellaneous receipts. Here, the payment is the price of a visa, not a gratuitous donation. Treating these payments as gifts appears to violate the MRA and allows the executive branch to retain and spend funds outside Congress’s appropriations process.

White House Ballroom

In July 2025, the White House announced plans for a 90,000-square-foot White House ballroom, projected by the Administration to cost roughly \$300 million and to be funded entirely by private donors.³¹ Reporting identified multiple corporate pledges of more than \$10 million each.³² President Trump later hosted the ballroom’s corporate donors at a White House reception, giving private financiers of a federal building access to the President at a taxpayer-funded event.³³ Although he initially claimed the construction would not affect the East Wing, he subsequently demolished it.³⁴ The Administration has offered no legal authority for the donations but is likely relying on a gift statute for the National Park Service.³⁵ Although private donations have funded past White House renovations, the ballroom marks a dramatic departure in both scale and impact, entailing a \$400 million project and the demolition and reconstruction of an entire wing of the White House complex.³⁶

Additional Examples

The Trump Administration has taken additional actions that also appear to raise serious MRA and Antideficiency Act concerns. Whether these violate the MRA and Antideficiency Act has not been adjudicated by GAO or the courts. At a minimum, they would appear to conflict with the intent of the laws and Congress’s constitutional power of the purse.

²⁸ Exec. Order No. 14,351, *The Gold Card* (Sept. 19, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-09-24/pdf/2025-18602.pdf>.

²⁹ *Id.* § 2(a) (citing 15 U.S.C. § 1522).

³⁰ GAO, *Principles of Federal Appropriations Law* 6-223 (3d ed. 2008).

³¹ White House, *The White House Announces White House Ballroom Construction to Begin* (July 31, 2025), <https://www.whitehouse.gov/briefings-statements/2025/07/the-white-house-announces-white-house-ballroom-construction-to-begin>.

³² *White House List of Donors for President Trump’s \$300 Million Ballroom*, N.Y. Times (Oct. 23, 2025), <https://www.nytimes.com/2025/10/23/us/politics/trump-ballroom-donors-list.html>; Arden Farhi & Jennifer Jacobs, *Who’s Paying for the White House Ballroom and What’s in it for Them*, CBS News (Sept. 19, 2025), <https://www.cbsnews.com/news/trump-white-house-ballroom-donor-names>.

³³ Zolan Kanno-Youngs, *Trump Hosts Dinner for Wealthy Donors to White House Ballroom*, N.Y. Times (Oct. 15, 2025), <https://www.nytimes.com/2025/10/15/us/politics/trump-white-house-dinner-ballroom-donors.html>.

³⁴ Luke Broadwater, *Trump Is Wasting No Time in Tearing Down the East Wing*, N.Y. Times (Oct. 22, 2025), <https://www.nytimes.com/2025/10/22/us/politics/east-wing-white-house-demolition-trump.html>.

³⁵ See GAO, *Fund Solicitations for Redecorating the White House*, B-202800 (Oct. 29, 1981), <https://www.gao.gov/assets/b-202800.pdf> (Letter to Hon. John D. Dingell, Chairman, Subcomm. on Oversight & Investigations, H. Comm. on Energy & Commerce).

³⁶ *White House Renovations*, USA Facts (Oct. 24, 2025), <https://usafacts.org/articles/white-house-renovations>.

Controlling the Proceeds of Venezuelan Oil Sales

On January 6, 2026, the Trump Administration announced that the United States would sell 30 to 50 million barrels of seized Venezuelan oil. President Trump said on Truth Social that the proceeds from the oil sales “will be controlled by me, as President of the United States of America, to ensure it is used to benefit the people of Venezuela and the United States!”³⁷

He then issued an executive order asserting that the proceeds belonged to the Venezuelan government but would be disbursed at the direction of the Secretary of State.³⁸ Initial sales reportedly generated \$500 million, some of which was held in Qatar before being transferred to Venezuela.³⁹ Secretary of State Marco Rubio told Congress that Venezuela’s interim leaders would submit monthly budgets to the United States, which would control permissible uses of the funds and audit expenditures for compliance.⁴⁰

Secretary Rubio cited no statutory authority to seize the oil or control the proceeds, instead pointing to an agreement with Venezuela.⁴¹ But such an agreement cannot override the Miscellaneous Receipts Act or authorize the executive branch to bypass Congress’s control over federal funds. At a later hearing, Treasury Secretary Scott Bessent said he was unaware of such an agreement. He instead cited the International Emergency Economic Powers Act for legal authority but struggled to explain how it applied.⁴² The statute does not exempt agencies from the MRA.

Although funds not received “for the government” can fall outside the MRA, that argument does not appear to apply here given the level of control the government is reportedly exercising.⁴³ The United States is taking possession of the oil, selling it, retaining and distributing portions of the proceeds, and dictating their use—steps that on their face appear to establish constructive receipt.

³⁷ Donald J. Trump (@realDonaldTrump), Truth Social (Jan. 6, 2026, 6:46 PM), <https://truthsocial.com/@realDonaldTrump/posts/115850817778602689>; see also Dep’t of Energy, *Fact Sheet: President Trump Is Restoring Prosperity, Safety and Security for the United States and Venezuela* (Jan. 7, 2026), <https://www.energy.gov/articles/fact-sheet-president-trump-restoring-prosperity-safety-and-security-united-states-and> (“These funds will be disbursed for the benefit of the American people and the Venezuelan people at the discretion of the U.S. government.”).

³⁸ Exec. Order No. 14,373, *Safeguarding Venezuelan Oil Revenue for the Good of the American and Venezuelan People* (Jan. 9, 2026), <https://www.govinfo.gov/content/pkg/FR-2026-01-15/pdf/2026-00831.pdf>;

³⁹ Steve Holland, *US Says It Has Returned to Venezuela All \$500 Million of Initial Oil Sale*, Reuters (Feb. 3, 2026), <https://www.reuters.com/business/energy/us-has-returned-remaining-200-million-initial-500-million-oil-sale-venezuela-us-2026-02-04>.

⁴⁰ David Klepper & Regina Garcia Cano, *Rubio Details How the Trump Administration Will Control Venezuela’s Oil Money*, Associated Press (Jan. 28, 2026), <https://apnews.com/article/venezuela-trump-oil-sales-rubio-maduro-rodriguez-61ad64e8a983db7faaa80beb71ba1aa4>.

⁴¹ Testimony of the Honorable Marco Rubio, Secretary of State, *U.S. Policy Towards Venezuela: Hearing Before the Senate Foreign Relations Comm.*, 119th Cong. (Jan. 28, 2026) at 2:25:40–2:27:55 (video), available at <https://www.foreign.senate.gov/hearings/us-policy-towards-venezuela>.

⁴² Carl Hulse & Robert Jimison, *Democrats Push for Transparency on Venezuelan Oil Money Controlled by U.S.*, N.Y. Times (Feb. 11, 2026), <https://www.nytimes.com/2026/02/11/us/venezuela-oil-money-democrats-congress.html>.

⁴³ See GAO, *Principles of Federal Appropriations Law* 6-177 to 6-183 (3d ed. 2008).

A Boeing Jumbo Jet Gifted by Qatar

The Trump Administration confirmed in May 2025 that it would accept a luxury Boeing 747-8 jumbo jet from Qatar for use as Air Force One.⁴⁴ The jet, reportedly worth roughly \$400 million, may be the largest gift ever given to the United States by a foreign government.⁴⁵ It is slated to be transferred later to President Trump’s presidential library at the end of this Administration. Although the Justice Department approved both transfers, the Administration has refused to release its legal rationale.⁴⁶ The Administration is likely invoking one of the Defense Department’s statutory gift authorities, but accepting the jet would appear to exceed that authority as implemented by the Department’s own regulations.⁴⁷

Settlements with Law Firms

In March 2025, several major law firms began entering agreements with the Trump Administration’s Equal Employment Opportunity Commission (EEOC) to collectively provide roughly \$1 billion in pro bono legal services for causes chosen by the Administration.⁴⁸ Because the government retained post-settlement control over which organizations would receive those services, it appears to have constructively received the funds in violation of the MRA, even under OLC’s narrower formulation of the doctrine. Although the Department’s policy barring third-party settlement payments to nonvictims does not formally bind the EEOC, these agreements would violate that policy if executed by the Justice Department.⁴⁹

DOJ Settlements with Universities

The Justice Department entered a settlement in July 2025 requiring Brown University to pay \$50 million to “state workforce development organizations,” rather than to the Treasury,⁵⁰ and in November entered

⁴⁴ Donald J. Trump (@realDonaldTrump), Truth Social (May 11, 2025, 8:42 PM), <https://truthsocial.com/@realDonaldTrump/posts/114492082555622686>.

⁴⁵ Jonathan Karl & Katherine Faulders, *Trump Administration Poised to Accept ‘Palace in the Sky’ as a Gift for Trump from Qatar: Sources*, ABC News (May 11, 2025),

<https://abcnews.go.com/Politics/trump-administration-poised-accept-palace-sky-gift-trump/story?id=121680511>.

⁴⁶ Hannah Rabinowitz, *DOJ Lawyers Cleared Pam Bondi’s Memo Backing the Legality of Trump Accepting Qatari 747*, CNN (May 14, 2025), <https://www.cnn.com/2025/05/14/politics/bondi-justice-department-trump-qatar-747>; American Oversight, *DOJ Sued for Withholding Legal Memo on Trump Administration’s \$400 Million Jet Gifted by Qatar* (July 28, 2025),

<https://americanoversight.org/doj-sued-for-withholding-legal-memo-on-trump-administrations-400-million-jet-gifted-by-qatar>.

⁴⁷ 10 U.S.C. § 2608; DoD Financial Management Regulation (DoD 7000.14-R), Vol. 12, Ch. 3, 3.3.2 (July 2010) (“Contributions should not be accepted if it would result in substantial expenditures or administrative efforts and maintenance that are disproportionate to any benefit.”); see also Sara Dorn, *Trump Said Gifted Qatari Jet Was ‘Free’—But Renovation Cost Could Reportedly Near \$1 Billion*, Forbes (July 28, 2025), <https://www.forbes.com/sites/saradorn/2025/07/28/trump-said-gifted-qatari-jet-was-free-but-renovation-cost-could-reportedly-near-1-billion> (estimating costs of up to \$1 billion to retrofit the Qatari jet).

⁴⁸ Sam Baker, *Law Firms Pledge Almost \$1 Billion in Free Work to Trump*, Axios (Apr. 12, 2025), <https://www.axios.com/2025/04/12/big-law-pro-bono-legal-work-trump>.

⁴⁹ Memorandum from the Att’y Gen. to Dep’t of Just. Employees, Reinstating the Prohibition on Improper Third-Party Settlements (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388536/dl?inline>.

⁵⁰ Brown Univ., Agreement with Federal Government to Restore Brown Research Funding, Resolve Compliance Reviews (July 30, 2025), <https://www.brown.edu/news/2025-07-30/brown-united-states-resolution-agreement>; Resolution Agreement Between Brown University and the United States (July 30, 2025), https://www.brown.edu/sites/default/files/brown-and-united-states-resolution-agreement_July-30-2025.pdf.

a similar settlement requiring Cornell University to invest \$30 million in research projects that benefit U.S. farmers.⁵¹ Because the DOJ retained no post-settlement control over the funds, the agreements likely complied with OLC's longstanding interpretation of the MRA. But they appear inconsistent with GAO's broader approach to constructive receipt, as the payment neither compensated victims nor related to the underlying discrimination case.⁵² Moreover, they appear to have violated DOJ's current settlements policy, contravening the Attorney General's February 2025 directive not to permit third-party payments to nonvictims.⁵³

Donation for Military Service Payment

The Trump Administration announced in October 2025 that it intended to use a \$130 million donation from billionaire Timothy Mellon to pay service members during the government shutdown.⁵⁴ Using the donation for troop pay would violate the Antideficiency Act, as the Department's gift-acceptance statutes authorize it to receive such funds but not to spend them on salaries.⁵⁵ It is unclear, however, whether any of the funds were actually spent.

⁵¹ White House, *Fact Sheet: President Donald J. Trump Secures Major Settlement with Cornell University* (Nov. 7, 2025), <https://www.whitehouse.gov/fact-sheets/2025/11/fact-sheet-president-donald-j-trump-secures-major-settlement-with-cornell-university>; Agreement Between the United States of America and Cornell University (July 11, 2025), <https://statements.cornell.edu/2025/documents/cornell-settlement-agreement.pdf>.

⁵² See GAO, *Whether the Federal Communications Commission's Order on Improving Public Safety Communications in the 800 MHz Band Violates the Antideficiency Act or the Miscellaneous Receipts Statute*, B-303413, at 14 (Nov. 8, 2004), <https://www.gao.gov/assets/b-303413.pdf> (citing prior examples of GAO rejecting similar settlements).

⁵³ Memorandum from the Att'y Gen. to Dep't of Just. Employees, *Reinstating the Prohibition on Improper Third-Party Settlements* (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388536/dl?inline>.

⁵⁴ Tyler Pager, *Donor Who Gave \$130 Million to Pay Troops Is Reclusive Heir to Mellon Fortune*, N.Y. Times (Oct. 25, 2025), <https://www.nytimes.com/2025/10/25/us/politics/timothy-mellon-donation-troops.html>.

⁵⁵ 31 U.S.C. § 1341; 10 U.S.C. ch. 155.