



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

March 30, 2026

Honorable Shad White
Auditor, State of Mississippi
Post Office Box 956
Jackson, Mississippi 39205

Re: State Agency Contributions to Section 530A “Trump Accounts”

Dear Auditor White:

The Office of the Attorney General has received your request for an official opinion.

Questions Presented

1. Under current state law, may a state agency contribute to Section 503A “Trump accounts” as an additional employment benefit to state employees?
2. If question 1 is answered in the affirmative, must each employee with qualifying children in that agency receive the same additional benefit or may the agency determine the distribution among eligible employees through policy?

Brief Response

1. There currently exists no statutory framework in Mississippi law for state agencies to provide contributions to Trump accounts as an employment benefit.
2. Because state law does not provide statutory authority for state agencies to contribute to Trump accounts, your second question is moot. However, the Mississippi Legislature could enact legislation, as it did with the Mississippi State Employees Paid Parental Leave Act, to authorize state agencies to contribute to Trump accounts as an additional employment benefit.

Applicable Law and Discussion

Section 70204 of Public Law 119-21, 139 Stat. 72 (July 4, 2025), also known as the Working Families Tax Cuts Act (“WFTCA”), established “Trump accounts,” which provide for the creation of tax-advantaged investment accounts for eligible children. *See* 26 U.S.C.A. § 530A. In your first

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question, you ask whether Mississippi state agencies may contribute to Trump accounts as an employment benefit to their employees.

As an initial matter, to the extent your question seeks an interpretation of the WFTCA, this office is unable to “opine on questions that require interpretations of federal law.” MS AG Op., *Ladner* at *1 (Feb. 20, 2024). “Opinions of this office are issued pursuant to [Mississippi Code Annotated] Section 7-5-25 on prospective questions of state law only.” MS AG Op., *Giddy* at *1 (May 24, 2024).

“State agencies have only such powers as are expressly conferred by law or which arise by necessary implication.” MS AG Op., *Johnson* at *1 (June 19, 1989); *see also Farrish Gravel Co. v. Miss. Highway Comm’n*, 458 So. 2d 1066, 1068 (Miss. 1984) (recognizing same). The types of compensation and benefits available to state employees are provided by statute. *See* Miss. Code Ann. §§ 25-3-1 to 25-3-73 (Salaries and Compensation), 25-3-91 to 25-3-105 (Vacation Time and Sick Leave), 25-11-101 to 25-11-147 (Social Security and Public Employees’ Retirement and Disability Benefits), 25-14-1 to 25-14-15 (Government Employees Deferred Compensation Plan Law), 25-15-1 to 25-15-411 (Group Insurance for Public Employees), 25-17-1 to 25-17-11 (Cafeteria Fringe Benefit Plans), and 25-3-105 (Mississippi State Employees Paid Parental Leave Act).

As a matter of state law, there currently exists no statutory framework in Mississippi law for state agencies to provide contributions to Trump accounts as an employment benefit.

Because state law does not provide statutory authority for state agencies to contribute to Trump accounts, your second question is moot. However, the Legislature could enact legislation authorizing state agencies to contribute to Trump accounts as an additional employment benefit. By way of example, in 2025, the Legislature passed H.B. 1063 granting eligible state employees six weeks of paid parental leave. Section 25-3-105(5) of the Mississippi State Employees Paid Parental Leave Act provides that “[t]he paid parental leave provided under this section shall be in addition to other leave benefits available to state employees by state or federal law and shall not be counted against accrued personal leave or major medical leave”

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Kristi D. Kennedy

Kristi D. Kennedy
Special Assistant Attorney General