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Gene Dorado
Comptroller General
Government Accountability Office
441 G Street NW
Washington , DC 20548

Steven Stebbins
Acting Inspector General
U.S. Department of Defense - Office of Inspector General
4800 Mark Center Drive
Alexandria, VA 22350-1500

Dear Comptroller General Dorado and Acting Inspector General Stebbins:

Democracy Defenders Fund (DDF) respectfully requests that you investigate the legality and propriety of the Department of Defense's (DoD) use of its gift acceptance authority to accept a \$400 million Boeing 747-8 from the government of Qatar for temporary use as President Trump's Air Force One, and DoD's use of appropriated funds—including an alleged transfer of \$934 million from the U.S. LGM-35A Sentinel nuclear missile program—to retrofit the Qatari jet for interim use as Air Force One.¹ For the reasons set forth below, DDF believes that the acceptance of the plane and diversion of funding away from the United States critical nuclear deterrence infrastructure are in excess of DoD's statutory authority and constitute waste, abuse, and gross mismanagement of federal funds. Diverting appropriated funds from a nuclear missile program to support an extraordinarily costly retrofit of a foreign government's gift of a luxury aircraft may not only raise national security concerns, but a systemic risk by turning the Sentinel nuclear missile program into a presidential slush fund.

Background

The Air Force currently maintains two Boeing 747-200B jets for presidential air transport.² In 2018, President Trump authorized the purchase of two replacement Air Force One aircraft for \$3.9 billion.³ At the time, President Trump touted that the deal would save taxpayers \$1.4 billion from the original estimated cost of the planes.⁴

¹ David E. Sanger & Eric Schmitt, *What Will It Cost to Renovate Trump's 'Free' Air Force One? Don't Ask*, N.Y. Times (July 27, 2025), <https://www.nytimes.com/2025/07/27/us/politics/air-force-one-trump-cost.html>.

² Air Force, VC-25-Air Force One Fact Sheet (last visited Aug. 4, 2025), <https://www.af.mil/About-Us/Fact-Sheets/Display/Article/104588/vc-25-air-force-one/>.

³ Jeff Zeleny & Dan Merica, *Trump strikes \$3.9 billion deal with Boeing for new Air Force One*, CNN Politics (Feb. 27, 2018), <https://www.cnn.com/2018/02/27/politics/boeing-air-force-one-donald-trump/>.

⁴ *Id.*

Notwithstanding that there are two currently operating planes that operate as Air Force One, and there are two additional planes being bought for the purpose of replacing those planes, President Trump indicated early on in his second administration that he wanted a new plane. As a result, in February he toured a Boeing 747, described as a “palace in the sky,”⁵ that was used by the Qatari Royal Family.⁶ The plane had been flown into the United States specifically to permit the President to tour the jet in West Palm Beach—ten minutes from Mar-a-Lago.⁷

In May it was reported that the Pentagon had agreed to accept the \$400 million jet from Qatar as a “gift” to President Trump to use as Air Force One⁸. Although the plane was reportedly accepted in May, in July it was reported that DoD had taken one of the final steps to formally accept the plane through a Memorandum of Understanding with the Qatari government.⁹ That agreement purportedly states that the jet is being provided as an “unconditional donation” and is not for “any past, present or future official act or decision.”¹⁰ DoD has yet to provide publicly any documentation explaining what legal authority existed for it to accept the plane or for it to modify the plane for use as Air Force One.

DDF and others have already expressed serious concerns about the Constitutionality and propriety of DoD’s acceptance of the Qatari jet for use by the President.¹¹ As has widely been reported, even before accepting the jet, DoD had agreed to hand it over to the President’s Library for his private use at the end of his term. The arrangement appears intended to avoid application of the prohibition on the President from accepting foreign emoluments set forth in Article I, Section 9, Clause 8 of the U.S. Constitution.¹² However, given the economic realities of this arrangement, “[f]unctionally, this is a gift to him, notwithstanding the rationalizations offered by administration lawyers.”¹³

⁵ 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>. =

⁶ Julie Johnsson & Leen Al-Rashdan, *Air Force One Delay Sends Trump Plane Shopping* Bloomberg (March 26, 2025),

https://www.bloomberg.com/news/newsletters/2025-03-26/boeing-s-air-force-one-delay-has-trump-looking-at-747-from-qatar?utm_source=website&utm_medium=share&utm_campaign=copy

⁷ *Id.*

⁸ Paul McLeary & Joe Gould, *Trump administration accepts Qatari jet for Air Force One*, Politico (May 21, 2025),

<https://www.politico.com/news/2025/05/21/trump-administration-accepts-qatari-jet-for-air-force-one-00362805..>

⁹ Ellen Mitchell, *Hegseth Signs Agreement to Accept Qatar Plane Donation: Reports*, The Hill (July 28, 2025),

<https://thehill.com/homenews/5424289-us-qatar-boeing-jet-air-force-one/>.

¹⁰ *Id.*

¹¹ Filip Timotija, *Qatar jet 'obviously' Emoluments Clause violation: Former White House ethics lawyer*, The Hill (May 23, 2025), <https://thehill.com/homenews/administration/5297095-norman-eisen-donald-trump-qatari-jet/>; see also, Meg Kinnard, *What is the Emoluments Clause? And how might it apply to Qatar giving Trump a Plane?*, AP News (May 12, 2025),

<https://apnews.com/article/emoluments-clause-trump-jet-qatar-56f995acb57eb741b0214aba5e7e8220>; Letter from Sen. Tammy Duckworth, et al., to Defense Secretary Hegseth (May 14, 2025), available at [20250514lettertododnonoperationalsecurityrisksofqatariplane.pdf](https://www.defense.gov/Newsroom/Record/20250514lettertododnonoperationalsecurityrisksofqatariplane.pdf).

¹² U.S. Const. Art. I, § 9, cl. 8.

¹³ Norman Eisen, Virginia Canter, and Richard Painter, *A Plane from Qatar? C'mon, Man.*, N.Y. Times (May 14, 2025), <https://www.nytimes.com/2025/05/14/opinion/trump-plane-qatar-crypto.html>.

Now, the Air Force has stated that it will use funds intended for the critical LGM-35 Sentinel nuclear defense and deterrence system to upgrade the President's Jet.¹⁴ This is startling. Not only is DoD accepting a plane it doesn't need, it is siphoning money away from a critical nuclear deterrence program to pay for upgrades, notwithstanding that the plane will be used for a scant few years before being handed over to the President's Library. This is not just a serious abuse of taxpayer money, it also creates unnecessary risks to our national defense.

It has been reported that nearly \$1 billion would be needed to retrofit the aircraft with necessary modifications, such as secure communications, self-defense systems, and medical facilities.¹⁵ The Air Force indicated in a hearing in June that it would reprogram funds from the Sentinel nuclear program that were to upgrade the President's Jet¹⁶ and news reports indicate that \$934 million was recently transferred from the Sentinel program, widely speculated to be in support of retrofitting the President's Qatari Jet.¹⁷

The Sentinel ground based nuclear deterrence program was established to replace the ageing LGM-30 Minuteman III intercontinental ballistic missiles (ICBM) system.¹⁸ The ICBM system makes up one-third of the "nuclear triad," which is considered "the backbone of America's national security" that provides "24/7 deterrence to prevent catastrophic actions from our adversaries."¹⁹ Most of the funds for the Sentinel program are appropriated to DoD's Research, Development, Test, and Evaluation (RDT&E) account with only a small percentage being appropriated to DoD's Procurement account.²⁰ In FY'24, the Sentinel Program was authorized appropriations of approximately \$4.3 billion dollars.²¹ In FY'25, the Sentinel program was authorized appropriations of approximately \$3.9 billion.²²

¹⁴ Rachel S. Cohen, 'Excess' Nuclear Missile Funds Used to Modify Trump's New Air Force One, Air and Space Forces Magazine (June 27, 2025), <https://www.airandspaceforces.com/nuclear-missile-funds-excess-air-force-one/>.

¹⁵ David E. Sanger & Eric Schmitt, *What Will It Cost to Renovate Trump's 'Free' Air Force One? Don't Ask*, N.Y. Times (July 27, 2025), <https://www.nytimes.com/2025/07/27/us/politics/air-force-one-trump-cost.html>.

¹⁶ Audrey Decker, *Air Force Using Sentinel Money to Retrofit Qatar Jet*, Defense One (June 27, 2025), <https://www.defenseone.com/defense-systems/2025/06/air-force-using-sentinel-money-retrofit-qatar-jet/406384/>.

¹⁷ 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/>.

¹⁸ Ellie Cook, *How Sentinel Missiles Compare to Minuteman as US Upgrades Nuclear Arsenal*, Newsweek (Jan. 12, 2024), <https://www.newsweek.com/nuclear-weapons-american-sentinel-missiles-minuteman-three-deterrent-1859720>.

¹⁹ Department of Defense, *America's Nuclear Triad* (last visited Aug. 4, 2025), <https://www.defense.gov/Multimedia/Experience/Americas-Nuclear-Triad/>.

²⁰ National Defense Authorization Act for 2024, P.L. 118-31, § 4101, line 003, § 4102, line 095, 137 Stat. 851 (Dec 22, 2023); National Defense Authorization Act for 2024, P.L. 118-31, § 4101, line 003, § 4102, line 095, 137 Stat. 851 (Dec 22, 2023); see also Department of Defense, Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, *Program Acquisition Cost by Weapon System* 5-21 (March 2024), https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2025/FY2025_Weapons.pdf.

²¹ National Defense Authorization Act for 2024, P.L. 118-31, § 4101, line 003, § 4102, line 095, 137 Stat. 851 (Dec 22, 2023).

²² Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025, P.L. 118-159, § 4201, line 102, 138 Stat. 2352 (Dec. 23, 2024)

While updating the ICBM system is critical for national defense, there have been serious cost overruns through the life of the project.²³ Last year the Sentinel program was 37% over its baseline cost estimate, well over the statutory crucial cost growth threshold set out at 10 U.S.C. 4371 that requires mandatory review of the program (otherwise known as a “Nunn-McCurdy Breach”).²⁴ As required by law, DoD was obligated to either terminate the weapons system or certify that the program was, among other things, “essential to national security,” there were “no alternatives,” that the “program is higher priority than program whose funding must be reduced to accommodate the growth in cost of the program,” and that there are effective internal controls over program costs.²⁵ DoD determined that the program was necessary to the national defense, and certified as much to Congress.²⁶ Currently, the program is now anticipated to cost more than 81% over its initial estimate.²⁷

Request for Investigation

DDF is requesting an investigation into both DoD’s acceptance of the Qatari jet and its transfer of funds to support the retrofitting of the plane. First, as discussed below, acceptance of the plane goes beyond DoD’s statutory gift acceptance authority. Guidance from both the Comptroller General and Department of Justice provide that an agency may not accept a gift if it requires expenditures of money in future fiscal years, as is the case here. Second, transferring funds from the Sentinel program for use in retrofitting the President’s Qatari Jet is inconsistent with the requirement that transfers only be for “higher priority items” and in response to “unforeseen military requirements”. Third, the use of funds allocated for the Sentinel program violates the responsibility of DoD to operate the Sentinel program in a financially prudent way as required by law following the critical Nunn-McCurdy breach. Fourth, and finally, use of funds to support the President’s acceptance of this gift constitutes a waste of federal funds, gross mismanagement, and abuse of DoD’s authorities.

a. DoD’s Gift Acceptance Authority Does Not Permit it To Accept a Gift that Necessarily Requires the Expenditure of Funds in Future Fiscal Years

A core principle of appropriations law is that Congress—not the executive—holds the power of the purse.²⁸ As a result, absent statutory authority an agency cannot augment their appropriations

²³ Government Accountability Office, Nuclear Triad: DoD and DOE Face Challenges Mitigating Risks to U.S. Deterrence Efforts 26-27 (2021), <https://www.gao.gov/assets/720/714181.pdf>.

²⁴ Matt Korda & Mackenzie Knight-Boyle, *The Two Hundred Billion Dollar Boondoggle*, Federation of American Scientists (June 24, 2025), <https://fas.org/publication/the-two-hundred-billion-dollar-boondoggle/>.

²⁵ 10 U.S.C. 4376(b)(2).

²⁶ Department of Defense, Press Release: Department of Defense Announces Results of Sentinel Nunn-McCurdy Review (July 8, 2024), <https://www.defense.gov/News/Releases/Release/Article/3829985/departments-of-defense-announces-results-of-sentinel-nunn-mccurdy-review/>.

²⁷ C. Todd Lopez, Department of Defense, *Sentinel Land-Based Nuclear Modernization Program Will Continue, With Changes*, DOD News (July 10, 2024), <https://www.defense.gov/News/News-Stories/Article/Article/3834502/sentinel-land-based-nuclear-modernization-program-will-continue-with-changes/>.

²⁸ U.S. Const. art. I, § 9, cl. 7 (Appropriations Clause); U.S. Const. art. I, § 8, cl. 1 (Spending Clause).

through acceptance of gifts from non-Federal sources.²⁹ Not infrequently, Congress will pass what are known as “statutory gift acceptance authorities” that permit agencies to accept specific types of gifts for specific purposes without violating the anti-augmentation rules.

DoD has several gift acceptance authorities. Although it is not clear which has purported to be used by DoD in this case, the most obvious authority is 10 U.S.C. 2608. That law permits the Secretary of Defense to accept a contribution of “money or real or personal property” from any person including a “foreign government” “for use by the Department of Defense.”³⁰ Section 2608 was enacted in 1990 as part of supplemental appropriations related to Operations Desert Shield and Desert Storm.³¹ As described in the legislative history, the provision was enacted for the purpose of permitting gifts related to war efforts and to establish appropriate safeguards around the use of money provided by foreign governments to DoD for military operations.³²

The general gift acceptance authority at 10 U.S.C. 2608 is broad; however, it is not sufficient to permit acceptance of the Qatari jet. It has long been the view of both the Comptroller General and Department of Justice that acceptance of gifts that will require the government to incur expenses in future years requires specific authorization by Congress, not merely general gift acceptance authority.³³ In part, that is because acceptance of a gift that inherently requires additional expenditures of money in future years operates as an obligation in advance of appropriations in violation of the Antideficiency Act.³⁴ In essence, the government is not authorized to commit to obligating future funds to support a gift absent prior Congressional appropriation for that purpose.

The Air Force has already made clear that the Qatari jet is not able to operate as Air Force One in its present state.³⁵ At the time it was announced that DoD would accept the Qatari jet, aviation experts noted that it would likely cost \$1 billion or more to retrofit the plane for use as Air Force One.³⁶ For that reason, the Air Force needs to expend significant amounts of money to bring it into operational compliance before deployment and will need to continue to maintain it during the short time it is utilized as Air Force One. Congress has not, however, explicitly appropriated

²⁹ See, e.g., 31 U.S.C. § 3302(b) (Miscellaneous Receipts Act); *Donations - Private Funds - Bureau of Foreign and Domestic Commerce - Establishment Of British Housing Unit*, 16 Comp. Gen. 911 (1937); *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, 56 (Jan. 10, 2006) (“We have particularly noted that it was Congress’s purpose to codify the “anti-augmentation principle”—the principle that an agency may not augment its appropriations from outside sources without statutory authority”).

³⁰ 10 U.S.C. § 2608(a).

³¹ Pub.L. 101-403, Title II, § 202(a)(1), 104 Stat. 872 (Oct. 1, 1990).

³² 136 Cong. Rec. S13512, 13513 (daily ed. Sep. 20, 1990) (statement of Sen. Nunn); See also Government Accounting Office, Operations Desert Shield/Storm: Foreign Government and Individual Contributions to the Department of Defense (May 1992), <https://www.gao.gov/assets/nsiad-92-144.pdf>.

³³ *Memorials - Erection of, on Public Property At Private Expense*, 10 Comp. Gen. 395 (1931); *Erection of Catholic Chapel at West Point*, 21 Op. Att’y Gen. 537 (1897); *Grover Cleveland Birthplace*, 30 Op. Att’y Gen. 527 (1916).

³⁴ See Government Accountability Office, Principles of Federal Appropriations Law 6-229 (2016).

³⁵ Audrey Decker, *Air Force Using Sentinel Money to Retrofit Qatar Jet*, Defense One (June 27, 2025), <https://www.defenseone.com/defense-systems/2025/06/air-force-using-sentinel-money-retrofit-qatar-jet/406384/>.

³⁶ Dan De Luce, et al., *Turning Qatari 747 into Air Force One Could Cost \$1 Billion and Take Years, Experts Say*, NBC News (May 13, 2025), <https://www.nbcnews.com/politics/national-security/turning-qatari-747-air-force-one-cost-1-billion-take-years-experts-say-rcna206582>.

funds to retrofit the Qatari plane. That is not surprising, since DoD currently has a contract with Boeing for two planes to replace the current two planes operating as Air Force One. Absent specific funding, the acceptance of the Qatari jet is inconsistent with the above discussed decisions of the Comptroller General and Department of Justice. The fact that DoD has now, months after it initially announced its acceptance of the plane, transferred funds out of another appropriation account to cover the initial expenses of modifying the jet does not change the analysis. For reasons set forth below, DDF believes that the transfer of those funds was inconsistent with DoD's transfer authority and is a waste of taxpayer money. Regardless, Congress did not expressly authorize the acceptance of the gift, and no matter of fiscal jujitsu can change that fact. For this reason, DDF believes that the acceptance of the Qatari jet is inconsistent with DoD's authority.

b. Transferring Funds from the Sentinel Nuclear Program to Support President's Unnecessary Jet is Inconsistent with DoD's Transfer and Reprogramming Authorities

Agencies generally must use federal funds only for the purposes they were appropriated.³⁷ In limited cases, however, agencies are authorized to either transfer or reprogram funds for another purpose. Transfers of funds involve moving funds between appropriation accounts (e.g., moving funds from DoD's Military Personnel Account to their Procurement Account).³⁸ Reprogramming involves moving funds within an appropriation account but for another use than originally appropriated (e.g., within DoD's Procurement Account).³⁹ Both the transfer and reprogramming of appropriations are tightly controlled by Federal law.

Although DoD has a handful of specific authorities allowing the transfer of funds between specified appropriations accounts,⁴⁰ the most widely applicable authority afforded to DoD is its General Transfer Authority (GTA). The GTA allows for transfers of up to \$6 billion between any appropriation accounts.⁴¹ However, DoD must determine that the action is "necessary in the national interest," for "higher priority item," and "based on unforeseen military requirements."⁴² In addition, DoD must seek and receive Congressional authorization prior to transferring funds.⁴³ DoD is also authorized to reprogram funds within an appropriations account. Unless DoD is reprogramming amounts that are below the relatively low dollar thresholds set forth in the appropriations statutes (known as "below-threshold reprogramming"), DoD is required to notify and receive prior approval from Congress for the reprogramming.⁴⁴ DoD's Financial

³⁷ See, e.g., 31 U.S.C. § 1532 ("An amount available under law may be withdrawn from one appropriation account and credited to another or to a working fund only when authorized by law").

³⁸ Government Accountability Office, A Glossary of Terms Used in the Federal Budget Process 95 (2005), <https://www.gao.gov/assets/gao-05-734sp.pdf>.

³⁹ *Id.* at 85.

⁴⁰ Department of Defense, Financial Management Regulation, Volume 3, Ch. 6, § 4.2.2 (2025), https://comptroller.defense.gov/Portals/45/documents/fmr/current/03/03_06.pdf.

⁴¹ Department of Defense Appropriations Act, 2024, Pub. L. 118-47, § 8005, 138 Stat. 460, 481 (2023); National Defense Authorization Act for Fiscal Year (FY) 2024, Pub. L. 118-31, § 1001, 137 Stat. 136, 378 (2023).

⁴² 10 U.S.C. 2214; Department of Defense Appropriations Act, 2024, Pub. L. 118-47, § 8005, 138 Stat. 460, 481 (2023); National Defense Authorization Act for Fiscal Year (FY) 2024, Pub. L. 118-31, § 1001, 137 Stat. 136, 378 (2023).

⁴³ Department of Defense, Financial Management Regulation, Volume 3, Ch. 6, at § 4.1.3.

⁴⁴ Department of Defense, Financial Management Regulation, Volume 3, Ch 6, at § 4.1.

Management Regulation expressly provides that DoD must receive prior congressional approval when starting a new program or project.⁴⁵

As noted above, most of the funding for the Sentinel Nuclear Program was appropriated to DoD's RDT&E account for Ground Based Strategic Deterrence. The amount appropriated to the Sentinel Nuclear program for procurement use is well below the \$934 million that was reportedly transferred from the Sentinel Program for the purpose of retrofitting the Qatari jet. As a result, the movement of funds appears to have required, in part or in whole, a transfer, and not just a reprogramming, of funds.

To use the GTA, DoD would have to show that upgrading the President's gift jet was "in the national interest" and a "higher priority item" than supporting the national ICBM nuclear deterrence program and that DoD was responding to an "unforeseen military requirement."⁴⁶ No reasonably prudent person could make such a determination. Certifying that the use of millions of dollars slated for nuclear deterrence is better used to modify the President's "palace in the sky" blinks at reality. It would be an abuse of discretion to find that the retrofitting the President's plane is a "higher priority" than expeditiously completing updates to our ageing ICBM nuclear deterrence program. It would also be an abuse of discretion to find that the retrofitting of the President's plane is an "unforeseen military requirement." Numerous outside parties noted that the costs of retrofitting the President's Qatari jet would cost nearly \$1 billion.⁴⁷ It is inconceivable that DoD was not aware at the time it formally accepted the plane in July that it would require a significant expenditure of funds to make the jet functional for use as Air Force One. It cannot now claim that it is responding to an "unforeseen military requirement". For these reasons, DDF believes that the transfer of funds from the Sentinel nuclear deterrence program to upgrade the President's jet would be beyond DoD's statutory authority to transfer funds.

c. Transferring Funds from the Sentinel Nuclear Program is Inconsistent with DoD's Obligations to Effectuate Internal Controls Over Sentinel Funding Following the critical Nunn-McCurdy Breach

In addition to being inconsistent with DoD's GTA, transferring funds that would be used for the Sentinel Nuclear Defense program is inconsistent with DoD's obligations to control costs for the program.

Following DoD's critical Nunn-McCurdy breach, DoD was required to certify that the program was "higher priority than program[s] whose funding must be reduced to accommodate the growth in cost of the program" and to commit to establishing a "management structure for the program [that] is adequate to manage and control program acquisition unit cost [and] procurement unit costs."⁴⁸ The Under Secretary of Defense for Acquisition and Sustainment said

⁴⁵ Section 8075 of Division A of Public Law 118-47.

⁴⁶ Department of Defense Appropriations Act, 2024, Pub. L. 118-47, § 8005, 138 Stat. 460, 481 (2023); National Defense Authorization Act for Fiscal Year (FY) 2024, Pub. L. 118-31, § 1001, 137 Stat 136, 378 (2023).

⁴⁷ See, e.g., Dan De Luce, et al., *Turning Qatari 747 into Air Force One Could Cost \$1 Billion and Take Years, Experts Say*, NBC News (May 13, 2025), <https://www.nbcnews.com/politics/national-security/turning-qatari-747-air-force-one-cost-1-billion-take-years-experts-say-rcna206582>.

⁴⁸ 10 U.S.C. § 4376(b)(2).

at the time of the Sentinel program’s certification that he believed that “we are on the right path to defend our nation while protecting the sacred responsibility the American taxpayer has entrusted us with.”⁴⁹ As per 10 U.S.C. 4377, once the Secretary elects to not terminate a major defense acquisition program for cost overruns, they “shall” among other things “restructure the program in a manner that addresses the root cause or causes of the critical cost growth . . . and ensures that the program has an appropriate management structure” needed to keep costs down.⁵⁰

Given the immense cost overruns, the imperative need for ground-based nuclear deterrence systems, and DoD’s statutory obligation to take steps to control costs, it would be striking for DoD to transfer *any* funding away from the Sentinel program. Transferring nearly \$1 billion dollars—roughly a quarter of appropriated funds for the Sentinel system in FY ‘24—to use to upgrade the President’s surplus Air Force One would be an astonishing violation of DoD’s commitments to control costs associated with the program. DDF believes that the transfer of funds from the Sentinel nuclear deterrence program to upgrade the President’s jet would therefore violate DoD’s statutory obligations under Nunn-McCrudy.

d. Acceptance of the Jet and Expenditure of Funds to Retrofit it is a Waste of Public Funds, Mismanagement, and Abuse of Statutory Authority

Finally, even if it was otherwise legal, the use of DoD’s statutory authority to accept a foreign gift that is not fit for purpose and then expend nearly a billion dollars from appropriations for nuclear deterrence to upgrade that plane would be wasteful, a gross mismanagement of funds, and an abuse of DoD’s statutory authorities in support of the President’s attempt to evade Constitutional restrictions on acceptance of foreign emoluments.

First, the use of funds to retrofit the President’s “palace in the sky” is wasteful. There are two planes currently used as Air Force One and two additional planes that will be deployed in the near future. There is no indication that the current aircraft will not be able to continue to operate until the new Boeing 747 aircraft are deployed in the near future. As one aviation expert was recently quoted as saying, “[t]here’s absolutely no reason the current Air Force One would not soldier on.”⁵¹ There is therefore no apparent need for an additional Air Force One aircraft at this time. In addition, the proposed arrangement would serve a single President—President Trump—and allow utility for no more than a few years in the best-case scenario. Given the immense costs on upkeep and maintenance of the existing Air Force One fleet, added costs of over \$1 billion for an unnecessary, temporary plane makes little fiscal sense.

Second, funds being used to retrofit the jet are being taken out of the appropriations for a critical part of the United States’s nuclear deterrence program; a program that is itself currently over cost

⁴⁹ Department of Defense, Press Release: Department of Defense Announces Results of Sentinel Nunn-McCurdy Review (July 8, 2024), <https://www.defense.gov/News/Releases/Release/Article/3829985/departments-of-defense-announces-results-of-sentinel-nunn-mccurdy-review/>.

⁵⁰ 10 U.S.C. § 4377(a)(1).

⁵¹ Julie Johnsson and Leen Al-Rashdan, *Boeing’s Air Force One Delay Has Trump Looking at 747 From Qatar*, Bloomberg (March 26, 2025), https://www.bloomberg.com/news/newsletters/2025-03-26/boeing-s-air-force-one-delay-has-trump-looking-at-747-from-qatar?utm_source=website&utm_medium=share&utm_campaign=copy

and past development time. DoD was just required to undertake an intensive reassessment of the Sentinel program as a result of a critical Nunn-McCurdy breach and has committed to taking steps to reform and streamline the program. Yet, instead of establishing increased financial controls and allocating costs in a more effective and efficient way, DoD is proposing to use a quarter of the annual funds appropriated for the Sentinel program to upgrade the President's jet. Even if these funds were sitting in a closed account, given the critical need for the Sentinel system and the immense cost overruns, DoD should have sought authority from Congress to reprogram the funds for a future year use as opposed to transferring them to a completely different and unnecessary task. This is clear mismanagement of both the Sentinel program and the funds allocated to DoD.

Third, and finally, DoD's use of its statutory gift acceptance authority and transfer authorities to upgrade the Qatari Plane effectively facilitate the President's unconstitutional acceptance of a foreign emolument. Using DoD's authorities in this way is a clear abuse of function and an affront to good public policy. Article I of the Constitution provides that

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

The clause makes clear that the President is not permitted to accept gifts from foreign nations like Qatar.⁵² While gifts to the Federal government are not considered emoluments, DoD's ownership of the Qatari Jet is deliberately temporary, calculated to end at the time the President leaves office, at which time the plane will be delivered in operating condition to the President's library. The economic and practical aspects of this arrangement make clear that the actual intended beneficiary is the President, not DoD. Properly construed, the gift is best understood as being to the President with DoD merely acting as facilitator.

Congress's intention when enacting agency gift laws, such as 10 U.S.C. 2608, is to permit agencies to defray operating costs without violating the appropriations laws. These laws were not intended to allow outside payors to avoid Constitutional and statutory limitations on the giving of gifts to individual employees. Reprogramming nearly a billion dollars to support the retrofitting of a plane whose acceptance by the President would violate the emoluments clause is fundamentally an abuse of statutory authority and inconsistent with good public policy.

⁵² *D.C. v. Trump*, 315 F. Supp. 3d 875, 886 (D. Md. 2018), *vacated*, 838 F. App'x 789 (4th Cir. 2021), and *rev'd and remanded sub nom. In re Trump*, 928 F.3d 360 (4th Cir. 2019), *on reh'g en banc*, 958 F.3d 274 (4th Cir. 2020), *cert. granted, judgment vacated sub nom. Trump v. D.C.*, 141 S. Ct. 1262, 209 L. Ed. 2d 5 (2021), and *vacated*, 838 F. App'x 789 (4th Cir. 2021); *Applicability of the Emoluments Clause & the Foreign Gifts & Decorations Act to the President's Receipt of the Nobel Peace Prize*, 33 Op. O.L.C. 1, 4 (Dec. 7, 2009); *Proposal that the President Accept Honorary Irish Citizenship*, 1 Op. O.L.C. Supp. 278 (1963).

Conclusion

DoD currently has two fully functioning planes operating as Air Force One and two replacement planes are slated to be completed in the near future. There is no need for an interim plane, certainly not one that will be handed over to the President mere years after deployment and won't be available to the next President. Moreover, it is hard to see how diverting a billion dollars away from our nuclear defense to retrofit the President's Qatari jet supports either our national defense or DoD's responsibility to American taxpayers. DDF therefore respectfully requests an investigation into whether DoD's short-term acceptance of the Qatari jet on behalf of the President and the reprogramming of Federal funds away from nuclear deterrence to retrofit the jet is consistent with Federal law, results in a wasteful use of taxpayer dollars or otherwise violates public policy. DDF thanks you for your commitment to review and respond to this request for an investigation.

/s/

Ambassador Norman Eisen (ret.)
Executive Chair and Founder
Democracy Defenders Fund

/s/

Virginia Canter
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