

United States Senate

COMMITTEE ON
 HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
 WASHINGTON, DC 20510-6250

February 27, 2025

VIA EMAIL

The Honorable Sean Duffy
 Secretary of Transportation
 1200 New Jersey Avenue, SE
 Washington, DC 20590

Dear Secretary Duffy:

I write to request information and records regarding the Federal Aviation Administration’s (“FAA”) proposed purchase of technology from Elon Musk’s Starlink to communicate aviation weather information—potentially delivering a windfall to Mr. Musk worth millions of dollars. The proposed purchase raises a number of troubling questions given Mr. Musk’s deliberate disregard for even the most obvious conflicts of interest posed by his business interests and simultaneous work for the federal government.¹ The apparent selection of Musk-owned Starlink as an FAA contractor reeks of the most corrupt, self-serving abuses that federal procurement laws and principles are intended to prevent. The technology that supports our National Airspace System needs to be upgraded, but that must be accomplished without allowing Elon Musk to brazenly line his pockets at taxpayers’ expense.

Since President Trump’s election, Elon Musk has exerted unprecedented and unjustified influence over the FAA, which directly regulates and has fined Mr. Musk’s SpaceX company for its disregard for safety.² Mr. Musk successfully pressured the FAA Administrator to resign³ and, through his work for the Department of Government Efficiency, has directed the firing of more than 300 FAA employees.⁴ At your invitation, Mr. Musk and a team from SpaceX (Starlink’s parent company) visited the Air Traffic Control System Command Center on February 17 to “envision how we can make a new, better, modern and safer system.”⁵ One week later, on February 24, the FAA issued a statement explaining that “the FAA has been considering the use of Starlink” to improve the reliability of weather information for the aviation community in remote areas of the country, and that Starlink terminals are being tested in Alaska and New

¹ See The FAA (@FAANews), X (Feb. 24, 2025, 8:03 PM), <https://x.com/FAANews/status/1894191384019525693>; Jason Leopold & Allyson Versprille, *Musk Begins Testing His Starlink Terminals in US Airspace System*, BLOOMBERG (Feb. 24, 2025), <https://www.bloomberg.com/news/articles/2025-02-25/musk-seeks-to-install-starlink-terminals-in-us-airspace-network>.

² See Eric Lipton & Kirsten Grind, *Elon Musk’s Business Empire Scores Benefits Under Trump Shake-Up*, N.Y. TIMES (Feb. 11, 2025), <https://www.nytimes.com/2025/02/11/us/politics/elon-musk-companies-conflicts.html>.

³ *Id.*

⁴ See Letter from Sen. Richard Blumenthal, Ranking Member, Permanent Subcomm. on Investigations, to The Honorable Sean Duffy, Sec’y of Transp. (Feb. 19, 2025), <https://www.hsgac.senate.gov/wp-content/uploads/2025-2-19-Letter-from-Ranking-Member-Blumenthal-to-DOT-Secretary-Duffy.pdf>.

⁵ Secretary Sean Duffy (@SecDuffy), X (Feb. 16, 2025, 9:15 PM), <https://x.com/SecDuffy/status/1891310401800872114>.

Jersey.⁶ News reports indicate that Mr. Musk has already “approved shipment of 4,000 Starlink terminals to the FAA” and that the FAA is “close to cancelling” a \$2.4 billion contract with Verizon Communications, Inc. (“Verizon”), which was awarded in 2023 following a competitive bidding process.⁷ Mr. Musk has implied that Starlink’s technology will replace Verizon-contracted services and equipment.⁸ In response to Mr. Musk’s apparent scheme to replace Verizon with Starlink, reportedly “[s]everal senior FAA officials have refused to sign paperwork authorizing the switch.”⁹

Beyond the clear ethical boundaries that his conduct crosses, Mr. Musk’s apparent participation in or influence over FAA procurement decision-making may violate federal conflicts of interest laws. As a special government employee, Mr. Musk may not “act as an agent” for his own company when the company seeks federal contracts that are awarded with Mr. Musk’s participation.¹⁰ This prohibition was enacted to prevent exactly the kind of improper influence that appears to arise here, where Mr. Musk “could potentially distort the government’s process for making a decision to confer a benefit, impose a sanction, or otherwise to directly effect the interests of discrete and identifiable persons or parties.”¹¹ Mr. Musk’s improper self-dealing in this case appears all the more egregious in light of the circumstances surrounding Starlink’s selection.

The FAA’s procurement policy emphasizes “competition among two or more sources” as the “preferred method of procurement,” which is intended to secure the best value to satisfy the FAA’s mission and ensure public trust.¹² The FAA may avoid a competitive bidding process when it is “not feasible” and a single source contract is “in the FAA’s best interest and the rational basis for the decision is documented.”¹³ Procurements anticipated to exceed \$250,000 “must be publicly announced on the Internet or through other means.”¹⁴ There is no indication that any of these procedures were followed in the case of Starlink’s selection. The FAA’s hurried adoption of Starlink for services already contracted to Verizon, the absence of any justification for exempting Starlink from the competitive bidding process, and Mr. Musk’s undue influence over the FAA’s decision-making appear to point to one conclusion—that Mr. Musk is corruptly and unlawfully enriching himself by steering this multi-million-dollar FAA contract to his own business.

⁶ The FAA (@FAANews), X (Feb. 24, 2025, 8:03 PM), <https://x.com/FAANews/status/1894191384019525693>.

⁷ See Leopold & Versprille, *supra* note 1; Ian Duncan, Hannah Natanson, Lori Aratani & Faiz Siddiqui, *FAA targeting Verizon contract in favor of Musk’s Starlink, sources say*, WASH. POST (Feb. 26, 2025), <https://www.washingtonpost.com/business/2025/02/26/musk-starlink-doge-faa-verizon/>; FAA Enterprise Network Services (FENS), SAM.gov, U.S. Dep’t of Transportation, <https://sam.gov/opp/7e58b8f050ef40f59761aa3b334528a5/view> (last visited Feb. 27, 2025).

⁸ Elon Musk (@elonmusk), X (Feb. 24, 2025, 8:47 PM), <https://x.com/elonmusk/status/1894202642639061144>.

⁹ Duncan, et al., *supra* note 7.

¹⁰ See 18 U.S.C. § 205(a)(2); 18 U.S.C. § 205(f) (exempting special government employees from the prohibition “if the head of the department or agency concerned with the grant or contract certifies in writing that the national interest so requires and publishes such certification in the Federal Register”); 18 U.S.C. § 208 (prohibiting special government employees from personally and substantially participating in any particular matter that would have a direct and predictable effect on the employee’s financial interests).

¹¹ Van Ee v. E.P.A., 202 F.3d 296, 310 (D.C. Cir. 2000).

¹² See FAA Acquisition Management Policy, § 3.2.2.2 (Oct. 2024), <https://fast.faa.gov/docs/acquisitionManagementPolicy/acquisitionManagementPolicy.pdf>.

¹³ *Id.* § 3.2.2.4.

¹⁴ *Id.* §§ 3.2.2.4, 3.2.1.3.11.

To assist the Permanent Subcommittee on Investigations' understanding of the FAA's justification of and process for selecting Starlink, please provide the following information and records by March 7, 2025.

1. Specify the amount of money the FAA has spent to procure Starlink terminals it is currently testing in Alaska and New Jersey and the date(s) on which any payments were made by the FAA to Starlink.
2. Describe in detail any FAA-related work, whether compensated or uncompensated, currently or previously performed by:
 - a. Ted Malaska, Senior Director of Application Software at SpaceX;
 - b. Brady Glantz, Software Engineer at SpaceX; and
 - c. Thomas Kiernan, Software Engineer at SpaceX.¹⁵
3. All communications¹⁶ referring or relating to Starlink transmitted to, from, or between Elon Musk, Ted Malaska, Brady Glantz, Thomas Kiernan and any FAA personnel from January 20, 2025 to the present.
4. All records¹⁷ referring or related to any waiver of ethics obligations in connection with FAA's potential Starlink contract, including, but not limited to, any waiver issued to Elon Musk, Ted Malaska, Brady Glantz, Thomas Kiernan, or any other individual.
5. All records documenting the basis for selecting Starlink as a single source contractor, including, but not limited to, implementation and planning documents and procurement plans.
6. All records provided by the relevant FAA service organization(s) that constitute "supporting documentation that justifies the proposed single source strategy decision" benefitting Starlink pursuant to Section 3.2.2.4 of the FAA Acquisition Management Policy, including, but not limited to, results of market analysis, cost or price data, unique qualifications or performance capability, and past performance.
7. All records reflecting an FAA contracting officer's "affirmative determination" of Starlink's responsibility as a contractor pursuant to Section 3.2.2.7.2 of the FAA Acquisition Management Policy.
8. All records reflecting the FAA Chief Information Officer's review and approval of procurement actions for information technology and services benefitting Starlink pursuant to Section 3.2.1.6 of the FAA Acquisition Management Policy.

¹⁵ Byron Tau & Bernard Condon, *Musk has inside track to take over contract to fix air traffic communications system*, ASSOCIATED PRESS (Feb. 25, 2025), <https://apnews.com/article/elon-musk-starlink-spacex-faa-bbe9495978cac61b60c2971168e2921f>.

¹⁶ For purposes of this request, "communications" include any records, as defined below, transmitted in any way between two or more individuals or entities.

¹⁷ For purposes of this request, "records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), direct messages, chats, calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

9. The name(s) and title(s) of any FAA personnel that approved or participated in approving:
 - a. The FAA's recourse to a sole source contract or anticipated sole source contract with Starlink; and
 - b. Any waiver of ethics obligations issued to any personnel in connection with the Starlink contract.

10. All records reflecting the FAA's assessment of Verizon's performance of the contract awarded in 2023.

11. All records reflecting the scope of work covered by:
 - a. The contract awarded to Verizon in 2023;
 - b. Any associated request for proposals issued by the FAA since 2023;
 - c. Any draft contract or proposal submitted to the FAA by Starlink; or
 - d. Any draft contract or proposal submitted by the FAA to Starlink.

Sincerely,



Richard Blumenthal
Ranking Member
Permanent Subcommittee on Investigations

cc: The Honorable Ron Johnson
Chairman
Permanent Subcommittee on Investigations

Mr. Chris Rocheleau
Acting Administrator
Federal Aviation Administration