

United States Senate

WASHINGTON, DC 20510

September 15, 2023

The Honorable Lloyd J. Austin III
Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Austin:

We write to you with concern following initial reports of allegations that Mr. Musk directed the unilateral disabling or impediment of function of Starlink satellite communications (SATCOM) terminals used by the Ukrainian Armed Forces (UAF) in southern Ukraine in 2022.¹ These allegations – made by journalist Walter Isaacson in his biography of Mr. Elon Musk, the Chief Executive Officer of SpaceX – raise serious concerns about whether Mr. Musk has personally intervened to undermine a key U.S. partner at a critical juncture – and if so, how and why he was allowed to do so, what actions the Department of Defense (DoD) will take or has taken to address these actions and prevent further dangerous meddling, and whether further legislation is needed for DoD to effectively pursue these ends.

According to public reports, Mr. Isaacson claims that Mr. Musk – after “conversations with senior Russian officials,”² – interfered with the operation of Starlink services because of his concerns about the impact of the Ukrainian military’s operational decision making as Ukraine has been defending itself from an illegal and unprovoked Russian invasion. Mr. Musk claimed that “...the obvious intent [of the UAF] being to sink most of the Russian fleet at anchor. If I had agreed to their request, then SpaceX would be explicitly complicit in a major act of war and conflict escalation.”³ His unilateral actions to restrict access to the critical Starlink network reportedly had the effect of subverting an intended Ukrainian attack on legitimate Russian military targets operating in and around the occupied Ukrainian territory of Crimea.⁴

Such reports appear to indicate that Mr. Musk’s decision provided de facto protection to Russian military assets which continue to launch strikes on Ukrainian population centers and critical infrastructure and enforce a Russian embargo on grain shipments in the Black Sea, these actions

¹ CNN, “‘How am I in this war?:’ New Musk biography offers fresh details about the billionaire’s Ukraine dilemma,” Sean Lyngaas, September 7, 2023, <https://www.cnn.com/2023/09/07/politics/elon-musk-biography-walter-isaacson-ukraine-starlink/index.html>.

² Reuters, “Musk says he reused Kyiv request for Starlink use in attack on Russia,” David Brunnstrom, Jonathan Landay, Phil Stewart, and Ron Popeski, September 8, 2023, <https://www.reuters.com/world/europe/musk-says-he-refused-kyiv-request-use-starlink-attack-russia-2023-09-08/>.

³ Tweet by Elon Musk, September 7, 2023, <https://twitter.com/elonmusk/status/1699917639043404146?s=46&t=bZcrLpl8DTxSpYLBntBfhQ>.

⁴ CNN, “‘How am I in this war?:’ New Musk biography offers fresh details about the billionaire’s Ukraine dilemma,” Sean Lyngaas, September 7, 2023, <https://www.cnn.com/2023/09/07/politics/elon-musk-biography-walter-isaacson-ukraine-starlink/index.html>.

that have claimed the lives of tens of thousands of Ukrainians and driven an increase in global food prices, bringing the world to the brink of a food security crisis.⁵

After the release of the initial reports, Mr. Isaacson quickly modified a Washington Post adapted excerpt of his book, claiming that he “learned that his book mischaracterized the attempted attack by Ukrainian drones on the Russian fleet in Crimea,” and that “Musk had already disabled (“geofenced”) coverage within 100 km of the Crimean coast before the attack began, and when the Ukrainians discovered this, they asked him to activate the coverage, and he refused.”⁶ The differing versions of events further highlights the confusion surrounding the circumstances of this reported incident.

The confusion over what actually happened during this Ukrainian attack – and Mr. Musk’s specific role – demands answers. SpaceX is a prime contractor and a critical industry partner for the DoD and the recipient of billions of dollars in taxpayer funding.⁷ It poses grave national security risks if DoD contractors are able to independently act to abrogate their provision of services. We are deeply concerned with the ability and willingness of SpaceX to interrupt their service at Mr. Musk’s whim and for the purpose of handcuffing a sovereign country’s self-defense, effectively defending Russian interests. Given our concerns about this matter, and the questions about what specific actions SpaceX did or did not take during this Ukrainian offensive, we respectfully request answers to the following questions:

1. Since February 24, 2022, please provide details of any incidents involving Starlink or other commercially procured U.S. services provided to Ukraine being unilaterally disabled or otherwise restricted or altered by the commercial provider due to non-technical reasons, including the associated circumstances of those incidents, whether those services were being paid for by DOD and the assessed impact to UAF objectives and U.S. national security interests.
2. Please detail the terms and conditions DOD applies to commercial services contracts for space-based services, such as imaging and communications, and specifically discuss whether those contractual obligations protect against the provider unilaterally impeding or otherwise altering delivery of the contracted service.
3. What is the Department’s strategy to develop redundant capabilities, both through organic government-controlled systems and diversified commercially contracted services, to ensure assured access to all critical U.S. national security capabilities, particularly in a time of crisis, and what role do Defense Production Act authorities serve in ensuring continuity of service?

⁵ CNN, “Russia’s war in Ukraine sparked a historic food crisis. It’s not over,” Julia Horowitz, January 17, 2023, <https://www.cnn.com/2023/01/15/business/global-food-crisis-davos/index.html>; BBC, “Ukraine grain deal: What has happened to food prices since it ended?” <https://www.bbc.com/news/world-61759692>.

⁶ Washington Post, “How am I in this war?: The untold story of Elon Musk’s support for Ukraine,” Walter Isaacson, September 7, 2023, <https://www.washingtonpost.com/opinions/2023/09/07/elon-musk-starlink-ukraine-russia-invasion/>.

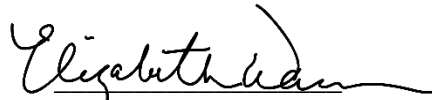
⁷ The Information, “Inside SpaceX’s Lucrative New Government Satellite Program,” Becky Peterson, December 9, 2022, <https://www.theinformation.com/articles/inside-spacexs-lucrative-new-government-satellite-program>.

Given the serious implications to U.S. national security objectives of a unilateral company-directed interruption of all SpaceX contracted commercial services, including the implications for the ongoing war in Ukraine and the potential for other U.S. allies and partners, including Taiwan, to utilize SpaceX or similar commercially contracted services, we appreciate a response to these important questions by October 31, 2023.

Sincerely,



Jeanne Shaheen
United States Senator



Elizabeth Warren
United States Senator



Tammy Duckworth
United States Senator

Cc: The Honorable William LaPlante, Under Secretary of Defense for Acquisition and Sustainment