

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<https://oversight.house.gov>

March 6, 2024

Gwynne Shotwell
President and Chief Operating Officer
Space Exploration Technologies Corporation
1 Rocket Road
Hawthorne, CA 90250

Dear Ms. Shotwell,

We write with great concern that Russian forces may have illicitly obtained and used Space Exploration Technologies Corporation (SpaceX)-owned Starlink internet satellite terminals. Starlink, a division of SpaceX, provides users with high-speed broadband internet access and is “often the only way to get internet access in war zones, remote areas and places hit by natural disasters.”¹ Starlink is an invaluable resource for Ukrainians in their fight against Russia’s brutal and illegitimate invasion. It is alarming that Russia may be obtaining and using your technology to coordinate attacks against Ukrainian troops in illegally occupied regions in Eastern and Southern Ukraine, potentially in violation of U.S. sanctions and export controls.²

In February 2022, Russia illegally invaded Ukraine and launched numerous cyber-attacks against Ukraine’s energy and telecommunication infrastructures to weaken Ukraine’s position both on and off the battlefield.³ Within hours of Russia’s attack, the Ukrainian government asked your company to authorize Starlink terminals to provide Ukraine internet access for essential civilian and military needs, and SpaceX delivered satellite kits to Ukraine.⁴

¹ Starlink, *World’s Most Advanced Broadband Satellite Internet* (online at www.starlink.com/technology) (accessed Feb. 23, 2024); *Elon Musk’s Unmatched Power in the Stars*, New York Times (July 28, 2023) (online at www.nytimes.com/interactive/2023/07/28/business/starlink.html).

² *Ukraine Claims Russian Forces Using Musk’s Starlink in Occupied Areas*, The Guardian (Feb. 12, 2024) (online at www.theguardian.com/world/2024/feb/12/ukraine-accuses-russia-forces-using-elon-musk-starlink).

³ Atlantic Council, *Ukrainian Telecoms Hack Highlights Cyber Dangers of Russia’s Invasion* (Dec. 20, 2023) (online at www.atlanticcouncil.org/blogs/ukrainealert/ukrainian-telecoms-hack-highlights-cyber-dangers-of-russias-invasion/).

⁴ *Elon Musk’s SpaceX Sent Thousands of Starlink Satellite Internet Dishes to Ukraine, Company’s President Says*, CNBC (Mar. 22, 2022) (online at www.cnbc.com/2022/03/22/elon-musk-spacex-thousands-of-starlink-satellite-dishes-sent-to-ukraine.html).

The United States supports Ukraine's access to Starlink, and in June 2023, SpaceX entered into a contract with the Department of Defense to purchase "400 to 500 new Starlink terminals and services" for Ukraine.⁶ As of September 2023, 42,000 Starlink terminals had been deployed in Ukraine for "military, hospitals, businesses and aid organizations."⁷

To disrupt Russia's economic, financial, and military capabilities, the federal government worked with allies and partners to implement new sanctions and export controls on Russia and has taken enforcement actions against U.S. exporters and third-parties that seek to evade sanctions and export laws.⁸ On February 21, 2022, President Biden issued an executive order that would prohibit transactions, trade, or new investment in Russian-occupied regions of Ukraine.⁹ Following this executive order, the Department of Commerce implemented a series of export controls to restrict Russia's access to certain technologies. The Department of Commerce also provided information to U.S. private exporters stating that "Russia routinely relies on evasive or deceptive tactics such as the use of third-party intermediaries or transshipment points [...] thereby circumventing restrictions."¹⁰ In 2023, the Departments of Commerce, the Treasury, and Justice repeatedly issued joint compliance notes, alerts, and guidance to U.S. private industry, specifically noting Russian efforts to illegally obtain technology and items through obfuscated third parties.¹¹

⁶ *Elon Musk's Unmatched Power in the Stars*, New York Times (July 28, 2023) (online at www.nytimes.com/interactive/2023/07/28/business/starlink.html).

⁷ *Russia Using Thousands of Musk's Starlink Systems in War, Ukrainian General Says*, Wall Street Journal (Feb. 15, 2024) (online at www.wsj.com/world/russia-using-thousands-of-musks-starlink-systems-in-war-ukrainian-general-says-29303242); *Elon Musk Acknowledges Withholding Satellite Service to Thwart Ukrainian Attack*, New York Times (Sept. 8, 2023) (online at www.nytimes.com/2023/09/08/world/europe/elon-musk-starlink-ukraine.html).

⁸ Department of Justice, *Press Release: Two U.S. Citizens Arrested for Illegally Exporting Technology to Russia* (Mar. 2, 2023) (online at www.justice.gov/opa/pr/two-us-citizens-arrested-illegally-exporting-technology-russia); Department of Justice, *Press Release: Justice Department Announces Charges and Arrests in Two Cases Involving Export Violation Schemes to Aid Russian Military* (Oct. 19, 2022) (online at www.justice.gov/opa/pr/justice-department-announces-charges-and-arrests-two-cases-involving-export-violation-schemes); Bureau of Industry and Security, *Press Release: BIS Imposes Administrative Penalty of \$497,000 to Resolve Allegations of Conspiracy to Divert Radiation-Hardened Silicon Wafers to Russia* (Sept. 28, 2021) (online at www.bis.doc.gov/index.php/documents/about-bis/newsroom/press-releases/2846-2021-09-28-final-clean-vorago-press-release/file); Department of the Treasury, *Sanctions and Russia's War: Limiting Putin's Capabilities* (Dec. 14, 2023) (online at <https://home.treasury.gov/news/featured-stories/sanctions-and-russias-war-limiting-putins-capabilities>); Congressional Research Service, *The Economic Impact of Russia Sanctions* (Dec. 13, 2022) (online at <https://crsreports.congress.gov/product/pdf/IF/IF12092>).

⁹ Exec. Order. No. 14065, 87 Fed. Reg. 10293 (Feb. 21, 2022). *See also* 15 C.F.R. § 746.5 (2024).

¹⁰ Bureau of Industry and Security, *Common High Priority Items List* (Oct. 24, 2023) (online at www.bis.doc.gov/index.php/2011-09-14-14-10-06/russia-export-controls).

¹¹ Department of Commerce, Department of the Treasury, and Department of Justice, *Press Release: Tri Seal Compliance Note: Cracking Down on Third-Party Intermediaries Used to Evade Russia-Related Sanctions and Export Controls* (Mar. 2, 2023) (online at www.bis.doc.gov/index.php/documents/about-bis/newsroom/press-releases/3241-tri-seal-final-clean/file); Bureau of Industry and Security, *Supplemental Alert: FinCEN and the U.S. Department of Commerce's Bureau of Industry and Security Urge Continued Vigilance for Potential Russian Export Control Evasion Attempts* (FIN-2023-Alert004) (May 19, 2023) (online at www.bis.doc.gov/index.php/documents/enforcement/3272-fincen-and-bis-joint-alert-final-508c/file); Bureau of Industry and Security, *Guidance to Prevent Evasion of Prioritized Harmonized System Codes to Russia* (May 24,

The substantial sanctions and export controls levied by the United States and our allies have blocked efforts that would or could aid Russia's nefarious aggression against Ukraine. However, Russia has sought to evade these sanctions. On February 11, 2024, Ukraine's Main Directorate of Intelligence (GUR) released intercepted audio communications between Russian soldiers that indicated Russian forces had illegally deployed and activated Starlink terminals in certain Russian-occupied areas in Eastern Ukraine. Ukrainian intelligence officials assert that Russian forces have obtained Starlink terminals illegally through third-party actors via neighboring countries.¹² Russia's misuse of Starlink terminals *outside* Russia's internationally recognized borders poses a serious threat to Ukraine's security, Ukrainian lives, and U.S. national security. SpaceX Chief Executive Officer Elon Musk publicly stated that, "[t]o the best of our knowledge, no Starlinks have been sold directly or indirectly to Russia."¹³ However, according to Ukraine, the misuse of Starlink terminals is "systemic," raising additional questions about the efficacy of your company's safeguards and compliance with U.S. sanctions and export controls.¹⁴ We are concerned that you may not have appropriate guardrails and policies in place to ensure your technology is neither acquired directly or indirectly, nor used illegally by Russia.

Russian procurement of, use of, or interference with Starlink terminals each has the potential to advance Russia's brutal and illegitimate invasion of Ukraine. Russian President Vladimir Putin personally provoked this conflict with a peaceful neighbor, and his actions have threatened all democratic neighbors and institutions. Two years later, it remains critical that Russia be deprived of any trade that empowers its military. To assist Committee Democrats in review of this matter, please respond on behalf of SpaceX and its subdivision Starlink to the following questions, as well as provide a staff briefing on this issue, no later than March 20, 2024:

1. How many reports or complaints has SpaceX received regarding possible illegal acquisition, trade, or use of Starlink terminals, including in Russian-occupied territories in Ukraine? How many reports or complaints has SpaceX examined?
2. How does SpaceX assess, review, or evaluate reports or complaints related to the possible illegal acquisition, trade, or use of Starlink terminals, including in Russian-occupied territories in Ukraine?

2023) (online at www.bis.doc.gov/index.php/documents/enforcement/3278-bis-guidance-to-prevent-evasion-of-prioritized-harmonized-system-codes-to-russia-final/file).

¹² *Musk Denies Selling Starlink Terminals to Russia After Kyiv Alleges Their Use in Occupied Areas*, CNBC (Feb. 12, 2024) (online at www.cnbc.com/2024/02/12/musk-denies-selling-starlink-terminals-to-russia-after-kyiv-alleges-use.html).

¹³ Elon Musk (@elonmusk), X (Feb. 11, 2024) (online at <https://twitter.com/elonmusk/status/1756758674087825879>); *See also* Starlink (@Starlink), X (Feb. 8, 2024) (online at <https://twitter.com/Starlink/status/1755666250431443347?s=20>).

¹⁴ *Musk Denies Selling Starlink Terminals to Russia After Kyiv Alleges Their Use in Occupied Areas*, CNBC (Feb. 12, 2024) (online at www.cnbc.com/2024/02/12/musk-denies-selling-starlink-terminals-to-russia-after-kyiv-alleges-use.html).

3. What guidance and/or policies does SpaceX have to prevent illegal acquisition, trade, or use of Starlink terminals?
4. What guidance and/or policies does SpaceX follow if it determines an actor has illegally acquired, traded, or used Starlink terminals?
5. What actions has SpaceX taken to ensure Starlink users are compliant with U.S. sanctions and export control laws—including U.S. sanctions and export controls related to Russia?
6. What actions has SpaceX taken or considered taking to eliminate existing or potential security vulnerabilities that actors, such as Russia, may exploit to illicitly acquire, trade or use Starlink terminals, including in Russian-occupied regions in Ukraine?
7. How does SpaceX and its subdivisions work with the Departments of Justice, Commerce, and/or the Treasury to prevent illicit acquisition, trade, or use of satellite terminals, including in Russian-occupied territories in Ukraine?

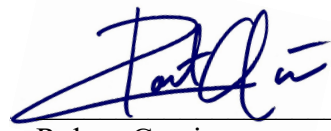
The Committee on Oversight and Accountability is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions regarding this request, please contact Democratic Committee staff at (202) 225-5051.

Sincerely,



Jamie Raskin
Ranking Member



Robert Garcia
Ranking Member
Subcommittee on National Security,
the Border, and Foreign Affairs

Enclosure

cc: The Honorable James Comer, Chairman

The Honorable Glenn Grothman, Chairman
Subcommittee on National Security, the Border, and Foreign Affairs