



March 25, 2025

National Freedom of Information Act Office, AFN-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Via email to Federal Aviation Administration (FAA): 7-AWA-ARC-FOIA@faa.gov

Re: Freedom of Information Act Request

Dear FOIA Officer,

State Democracy Defenders Fund (“SDDF”) respectfully submits the following request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.* and Federal Aviation Administration (“FAA”) regulations.

Specifically, SDDF requests all records from November 4, 2024 to when this request is processed, of:

1. Any contract entered into between Elon Musk or SpaceX and the FAA for Starlink terminals or any other SpaceX technology or services, including any and all modifications or amendments to the contract(s). The term “contract” for purposes of this request includes any orders for goods or services placed by the agency under any of the following methods: micro-purchases, simplified acquisitions, delivery orders, contracts, blanket purchase agreements (BPAs), and Government-wide acquisition contracts (GWACs), including those acquired through the General Services Administration schedule.
2. Any correspondence or communications about any such contract entered into between Elon Musk or SpaceX and the FAA for Starlink terminals or any other SpaceX technology or services, including any and all modifications or amendments to the contract(s).
3. Any gift, or correspondence or communications about such a gift, made by Elon Musk or SpaceX to the FAA for Starlink terminals or any other SpaceX technology or services, including any agreement that documents the terms and conditions of the gift.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes,

photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, SDDF requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.¹ If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document². Please be advised that SDDF intends to pursue all legal remedies to enforce its right under the FOIA to access these documents. Accordingly, because litigation reasonably is foreseeable, the agency should institute an agency-wide preservation hold on documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. §552(a)(4)(A) and FAA regulations, SDDF requests a waiver of fees associated with processing this request for records. The requested records relate to matters of major public interest concerning the operations and activities of the federal government. In particular, the request seeks records that would inform the public of the acquisition process followed by the FAA for technology and services acquired from SpaceX to install Starlink terminals at FAA facilities, and that would reveal possible security risks if the acquisition process and ensuing agreement did not provide for a prior risk assessment and incorporate adequate safety and security measures to protect the American people and U.S. airspace.

Disclosure is in the public interest because it will make a significant contribution to the public's understanding of whether potential conflicts of interest that arose from the Starlink terminals acquisition may have caused the government to compromise on safety and security requirements and assessments necessary to protect U.S. airspace and the safety and security of the American people. It will also reveal whether FAA funding and resources have been, or will be in the future, diverted to companies owned and controlled by Mr. Musk. Furthermore, the request is entirely for non-commercial purposes.

Mr. Musk owns and controls SpaceX by virtue of his 42% ownership stake and 78% controlling

¹ See 5 U.S.C. §552(b).

² See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

interest in its voting rights.³ The Department of Government Efficiency (“DOGE”) is an office within the Executive Office of the President, created by President Trump to “maximize governmental efficiency and productivity”.⁴ For purposes of conflicts of interest law, Mr. Musk has been designated a “special government employee” (“SGE”) by the White House.⁵ President Trump has also stated publicly that Mr. Musk is “in charge” of DOGE.⁶ SpaceX engineer Theodore (“Ted”) Malaska and at least three other SpaceX employees have been assigned from SpaceX to the FAA as part of Musk’s DOGE team.⁷ Mr. Malaska and two of the other SpaceX employees were designated “special government employees” and issued limited waivers by FAA ethics officials.⁸ On February 18, the day after the waivers were issued, SpaceX engineer Malaska reportedly arrived at FAA headquarters and told employees that Musk wanted them to immediately start work on a program to deploy thousands of the company’s Starlink satellite terminals to support the air traffic control system.⁹ Bloomberg reports that Mr. Malaska informed employees that they had 18 months to fulfill this request or individuals risked being reported to Elon Musk and termination.¹⁰ Since Mr. Malaska’s arrival at the FAA, Starlink terminal installations have been deployed to FAA facilities, although the terms and conditions surrounding the transaction—including the number and location of terminals, safety and security measures, and how any usage or maintenance costs would be paid—remain unclear.¹¹

Without a full and clear understanding of the terms and conditions by which Starlink terminals were made available to FAA for acquisition and installation, any involvement by SpaceX SGEs in the acquisition and installation of Starlink terminals at FAA may not only represent potential conflicts of interest, but may also have caused the agency to circumvent established procurement

³ Micah Maidenberg, *Elon Musk’s SpaceX Stake Moves Lower, But Executive Retains Control*, WALL St. J. (Dec. 23, 2022, 7:00 AM),

<https://www.wsj.com/articles/elon-musks-spacex-stake-moves-lower-but-executive-retains-control-11671761294>.

⁴ Executive Order No. 14158, Establishing and Implementing the President’s Department of Government Efficiency,” (Jan. 20, 2025),

<https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

⁵ Decl. of Joshua Fisher, Director of the White House Office of Administration, *New Mexico v. Musk*, 1:25-cv-00429 at 1 (D.D.C. Feb. 17, 2025),

<https://www.democracymarket.com/wp-content/uploads/2025/02/2025-02-17-Declaration-of-Joshua-Fisher.pdf>.

⁶ Donald Trump, Donald Trump Addresses the FII Priority Conference in Miami Beach, Florida, (February 19, 2025),

<https://rollcall.com/factbase/trump/transcript/donald-trump-speech-fii-priority-conference-miami-beach-florida-february-19-2025/>

⁷ Avi Asher-Schapiro, et al., *Elon Musk’s Demolition Crew*, PROPUBLICA, (March 14, 2024),

<https://projects.propublica.org/elon-musk-doge-tracker/>.

⁸ U.S. Department of Transportation, FAA Ethics Waivers issued to Ted Malaska, Brady Glantz, and Thomas Kiernan (Feb. 17, 2025). Ted Malaska,

<https://www.documentcloud.org/documents/25551906-tmalaska-spacex-18-usc-ss-208b-waiver-2-17-25-continuation-2-21-25/>; Brady Glantz,

<https://www.documentcloud.org/documents/25551904-bglantz-spacex-18-usc-ss-208b-waiver-2-17-25/>; Thomas

Kiernan, <https://www.documentcloud.org/documents/25551905-tkiernan-spacex-18-usc-ss-208b-waiver-2-17-25/>.

⁹ Jason Leopold, et al., *How Elon Musk Muscled His Way Into the FAA*, BLOOMBERG, (March 5, 2025, 6:00 AM)

<https://envoy.east-us.cumulus.bloomberg.com/news/features/2025-03-05/after-elon-musk-lands-at-faa-his-starlink-business-stands-to-gain-business>

¹⁰ *Id.*

¹¹ *Id.*

processes and other legal processes designed to protect the public interest, including measures and risk assessments designed to protect the safety and security of our national airspace.

SDDF is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. SDDF is committed to defending and strengthening democracy while ensuring that all Americans are able to freely exercise their fundamental civil rights. Democracies require that the people who are chosen to represent the public in government operate with integrity, putting the public's interests over their own personal or pecuniary gain. That is SDDF's mission, and why it is requesting records today. SDDF uses a combination of strategic litigation, policy development, and advocacy to advance this goal of a government free from conflicts of interest and self-dealing. SDDF intends to study the records responsive to this request and to share its results with the public through investigative analyses, publications, press releases, or other mechanisms. SDDF does not have a commercial interest that would be served by this request.

Under these circumstances, SDDF satisfies fully the criteria for a fee waiver.

Request for Expedition

Finally, please be advised that SDDF also has requested expedition of this request because its subject matter is of widespread and exceptional interest, and the requested information involves possible questions about the safety, security, and integrity of government programs and potential conflicts of interest. We have enclosed a copy of our request for expedition submitted to National Freedom of Information Act Office (AFN-400) of the Federal Aviation Administration pursuant to 49 C.F.R. §§ 7.27(a)(2) and 7.31(c)(1).

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please contact me at [REDACTED]. Where possible, please produce records in electronic format. Please send the requested records to me at [REDACTED]. If records are able to be produced in electronic format, please send the records to me at Virginia Canter, State Democracy Defenders Fund, 600 Pennsylvania Ave., S.E., Washington, D.C. 20003. Thank you for your assistance in this matter.

Sincerely,

/s/

Virginia Canter
Anticorruption and Ethics Chief Counsel and Director

Attachment



March 25, 2025

National Freedom of Information Act Office, AFN-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Via email to Federal Aviation Administration (FAA): 7-AWA-ARC-FOIA@faa.gov

Re: Request for Expedited Processing of Freedom of Information Act Request

Dear FOIA Officer:

State Democracy Defenders Fund (“SDDF”) respectfully submits the following request for expedited processing of the attached request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.* and the Federal Aviation Administration FOIA regulations, 49 C.F.R. §§ 7.27(a)(2) and 7.31(c)(1).

The attached request for records fulfills the requirements for expedited processing as it concerns “(i) circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;” and “(ii) A request made by a person primarily engaged in disseminating information, with a time urgency to inform the public of actual or alleged Federal Government activity.”

Expedited processing is requested because there is an urgent need for the public to be informed of possible security risks resulting from the FAA's recent acquisition and installation of Starlink terminals to support the FAA air traffic control system. That acquisition stems from demands made by a SpaceX employee for installation of thousands of Starlink terminals at FAA facilities on an accelerated basis. Expedited processing is necessary to inform the public about whether potential conflicts of interest resulting from their simultaneous employment with SpaceX and status as special government employees for FAA may have caused the government to compromise on safety and security requirements necessary to protect U.S. national airspace and the safety and security of the American people.

Mr. Musk owns and controls SpaceX - holding a 42% ownership stake and a 78% controlling interest in its voting rights.¹² The Department of Government Efficiency (“DOGE”) is an office within the Executive Office of the President created by President Trump to “maximize governmental efficiency and productivity”.¹³ For purposes of conflicts of interest law, Mr. Musk has been designated a “special government employee” (“SGE”) by the White House.¹⁴ President Trump has also stated publicly that Mr. Musk is “in charge” of DOGE.¹⁵ SpaceX engineer Theodore (“Ted”) Malaska and at least three other SpaceX employees have been assigned from SpaceX to the FAA in service of DOGE. Mr. Malaska and two of the other SpaceX employees were designated “special government employees” and issued limited waivers by FAA ethics officials.¹⁶ On February 18, the day after the waivers were issued, SpaceX engineer Mr. Malaska reportedly arrived at FAA headquarters and told employees that Musk wanted them to immediately start work on a program to deploy thousands of the company’s Starlink satellite terminals to support the air traffic control system.¹⁷ Bloomberg reports that Mr. Malaska informed employees that they had 18 months to fulfill this request or individuals risked being reported to Elon Musk and termination.¹⁸ Since Mr. Malaska’s arrival at FAA, Starlink terminal installations have been deployed to FAA facilities, although the terms and conditions surrounding the transaction—including the number and location of terminals, safety and security measures, and how any usage or maintenance costs would be paid—remain unclear.¹⁹

Without a full and clear understanding of the terms and conditions by which Starlink terminals were made available to FAA for acquisition and installation, any involvement by SpaceX SGEs in the acquisition and installation of Starlink terminals at FAA may not only represent potential conflicts of interest, but may also have caused the agency to circumvent established procurement processes and other legal processes designed to protect the public interest, including the safety and security of our national airspace. Agency procurement and evaluations processes were

¹² Micah Maidenbergl, *Elon Musk’s SpaceX Stake Moves Lower, But Executive Retains Control*, WALL ST. J. (Dec 23, 2022, 7:00 AM),

<https://www.wsj.com/articles/elon-musks-spacex-stake-moves-lower-but-executive-retains-control-11671761294>.

¹³ Executive Order No. 14158, Establishing and Implementing the President’s Department of Government Efficiency,” (Jan. 20, 2025),

<https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>.

¹⁴ Decl. of Joshua Fisher, Director of the White House Office of Administration, *New Mexico v. Musk*, 1:25-cv-00429 at 1 (D.D.C. Feb. 17, 2025),

<https://www.democracydocket.com/wp-content/uploads/2025/02/2025-02-17-Declaration-of-Joshua-Fisher.pdf>.

¹⁵ Transcript of Donald Trump, Donald Trump Addresses the FII Priority Conference in Miami Beach, Florida, (February 19, 2025),

<https://rollcall.com/factbase/trump/transcript/donald-trump-speech-fii-priority-conference-miami-beach-florida-february-19-2025/>

¹⁶ Avi Asher-Schapiro, et al., *Elon Musk’s Demolition Crew*, PROPUBLICA, (March 14, 2024),

<https://projects.propublica.org/elon-musk-doge-tracker/>.

¹⁷ Jason Leopold, et al., *How Elon Musk Muscled His Way Into the FAA*, BLOOMBERG, (March 5, 2025, 6:00 AM)

<https://envoy.east-us.cumulus.bloomberg.com/news/features/2025-03-05/after-elon-musk-lands-at-faa-his-starlink-business-stands-to-gain-business>.

¹⁸ *Id.*

¹⁹ *Id.*

followed in connection with the FAA Enterprise Network System (FENS) program, an FAA program designed to modernize the nation's air traffic communication system. Based on the agency's procurement process and evaluation of offers, in 2023, FAA awarded the FENS contract to Verizon Communications.²⁰ In contrast, the acquisition of Starlink terminals to support the air traffic control system was apparently prompted by SpaceX employee Mr. Malaska without the FAA undergoing an independent requirements assessment and evaluation process, thereby raising questions about whether the Starlink terminals pose safety and security risks that have yet to be fully and completely identified and addressed.²¹

SDDF is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. SDDF is committed to defending and strengthening democracy while ensuring that all Americans are able to freely exercise their fundamental civil rights. Democracies require that the people who are chosen to represent the public in government operate with integrity, putting the public's interests over their own personal or pecuniary gain. That is SDDF's mission, and why it is requesting records today. SDDF uses a combination of strategic litigation, policy development, and advocacy to advance this goal of a government free from conflicts of interest and self-dealing. SDDF intends to study the records responsive to this request and to share its results with the public through investigative analyses, publications, press releases, or other mechanisms, including on SDDF's website at <https://statedemocracydefenders.org/fund/>.

This request for expedited processing is hereby certified to be true and correct to the best of my knowledge and belief.

Thank you for your attention to this matter. If you have any questions or other concerns, please feel free to contact me by email at [REDACTED] or by mail at Virginia Canter, State Democracy Defenders Fund, 600 Pennsylvania Ave., S.E., Washington, D.C. 20003.

Sincerely,

/s/

Virginia Canter

Anticorruption and Ethics Chief Counsel and Director

Attachment

²⁰ Ian Duncan, et al., *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/>.

²¹ Bryon Tau and Bernard Condon, *Musk has inside track to take over contract to fix air traffic communications system*, AP NEWS (Feb. 25, 2025), <https://apnews.com/article/elon-musk-starlink-spacex-faa-bbe9495978cac61b60c2971168e2921f>.