

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

September 21, 2021

The Honorable Steve Dickson  
Administrator  
Federal Aviation Administration  
U.S. Department of Transportation  
800 Independence Avenue, SW  
Washington, DC 20591

Dear Administrator Dickson:

The Committee on Oversight and Reform Republicans write to request information from the Federal Aviation Administration (FAA) on recent actions taken to censor the ability of U.S. media outlets to accurately report on the crisis on the southern border. By preventing the use of unmanned drones to observe and report on rapidly deteriorating conditions in Del Rio, Texas, the Biden Administration is attempting to hide the conditions and consequences of the border crisis from the American people. We demand that the FAA reverse its decision and once again permit aerial media surveillance of the Biden Administration's actions on the southern border, as well as an accounting of the events and decisions leading up to the FAA's actions to – very literally – provide air cover for this Administration.

Over the last several days, media outlets have been reporting on more than 10,000 migrants who arrived and illegally crossed the border into Del Rio, Texas at one time, overwhelming U.S. personnel at the Department of Homeland Security (DHS) and creating a humanitarian crisis as thousands of migrants sleep outdoors under a bridge waiting to be processed.<sup>1</sup> At least one news outlet used an unmanned aircraft system, also known as a drone, to collect and publish footage revealing the actual scale of the crisis.<sup>2</sup> No doubt this footage was embarrassing to the Biden Administration. The images show the abrupt reversal of the Trump Administration's deterrent policies has led to a continued crisis with months of historically high illegal crossings – it is projected that nearly two million illegal aliens will cross the southern

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<sup>1</sup> Hernandez, Arelis R. & Nick Miroff, *Thousands of Haitian migrants wait under bridge in South Texas after mass border crossing*, WASH. POST (Sept. 16, 2021), available at [https://www.washingtonpost.com/national/haitian-migrants-mexico-texas-border/2021/09/16/4da1e366-16fe-11ec-ac9a-9c36751cf799\\_story.html](https://www.washingtonpost.com/national/haitian-migrants-mexico-texas-border/2021/09/16/4da1e366-16fe-11ec-ac9a-9c36751cf799_story.html).

<sup>2</sup> Melugin, Bill & Adam Shaw, *Drone footage shows thousands of migrants under bridge in Del Rio, Texas as local facilities overwhelmed*, FOX NEWS (Sept. 16, 2021), available at <https://www.foxnews.com/politics/drone-footage-thousands-migrants-bridge-del-rio>.

border this year.<sup>3</sup> This will be a record high and represents an assault on the rule of law in the U.S.

On September 16, 2021, apparently in response to this reporting, the FAA issued temporary flight restrictions affecting an area on the border in Del Rio, Texas “for Special Security Reasons.”<sup>4</sup> The restrictions are in effect immediately through September 30, 2021.<sup>5</sup> The restrictions explicitly state “No UAS [unmanned aircraft systems] operations are authorized in the areas covered by this NOTAM [Notice to Airmen].”<sup>6</sup> In contrast, manned aircraft are apparently authorized to operate in that airspace. The notice states that only unmanned aircraft acting in support of national defense, homeland security, or other law enforcement may operate in the area identified, and that any unmanned aircraft operators who do not comply with the restrictions are subject to “security action” by the U.S. Department of Defense, Department of Homeland Security, or the Department of Justice.<sup>7</sup> The notice is totally devoid of any details justifying its classification as a “Security” type notice of flight restrictions.<sup>8</sup> Only after significant media attention, at least one media outlet was able to obtain a clearance from the FAA to continue operating its drone within the area covered by the temporary flight restrictions.<sup>9</sup>

Considering the timing of the announcement, the specific geography targeted, the lack of justification given for the “Special Security Reasons,” and the specificity of the announcement targeting unmanned aircraft systems, we can only conclude that this action by the FAA was done to shield the Biden Administration from scrutiny over the consequences of its disastrous border policies and prevent the public from receiving more images of poor conditions on the border in Del Rio, Texas. Using government resources to conduct such blatant censorship is exactly the kind of abuse of power that must be rooted out of our government – to say nothing to the basic lack of transparency.

To assist the Republicans on the Oversight Committee in understanding the FAA’s decision to prevent media coverage of the Biden Border Crisis in Del Rio, Texas, please make arrangements to provide a briefing and deliver all documents and communications with any entity within or outside of your agency related to the issuance of NOTAM Number FDC 1/9857 no later than October 5, 2021.

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<sup>3</sup> See Southwest Land Border Encounters, U.S. Customs and Border Protection, *available at* <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last accessed Sept. 17, 2021); *see also* Priscilla Alvarez, *US on track to encounter record 2 million migrants on the southern border, government estimates show*, CNN NEWS (Mar. 31, 2021).

<sup>4</sup> Federal Aviation Administration, NOTAM No. FDC 1/9857, *available at* [https://tfr.faa.gov/save\\_pages/detail\\_1\\_9857.html](https://tfr.faa.gov/save_pages/detail_1_9857.html).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Miller, Andrew Mark & Bill Melugin, *Fox News cleared to fly after Biden FAA temporarily bans drones over bridge packed with illegal immigrants*, FOX NEWS (Sept. 17, 2021), *available at* <https://www.foxnews.com/politics/bidens-faa-places-temporary-ban-on-drones-flying-over-bridge-packed-with-illegal-immigrants>.

Thank you for your consideration of this important issue. To make arrangements to schedule a briefing, deliver documents, or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer  
Ranking Member  
Committee on Oversight and Reform



Jody Hice  
Ranking Member  
Subcommittee on Government  
Operations



Glenn S. Grothman  
Ranking Member  
Subcommittee on National Security



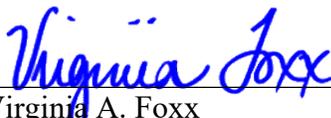
Michael Cloud  
Ranking Member  
Subcommittee on Economic and  
Consumer Policy



Ralph Norman  
Ranking Member  
Subcommittee on Environment



Paul A. Gosar, D.D.S.  
Ranking Member



Virginia A. Foxx  
Member of Congress



Bob Gibbs  
Member of Congress



Clay Higgins  
Member of Congress

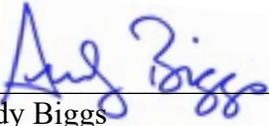


Fred Keller  
Member of Congress

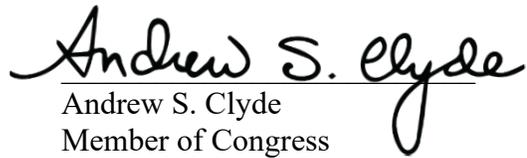
Administrator Dickson

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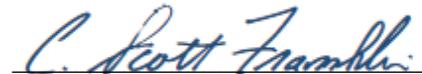
Andy Biggs  
Member of Congress



Andrew S. Clyde  
Member of Congress



Nancy Mace  
Member of Congress



Scott Franklin  
Member of Congress



Jake LaTurner  
Member of Congress



Yvette Herrell  
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman  
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman  
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman  
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman  
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman  
Subcommittee on Environment