

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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

March 21, 2022

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

Dear Administrator Dickson:

We are continuing oversight of actions taken by the Federal Aviation Administration (FAA) to censor the ability of U.S. media outlets to accurately report on the crisis on the southern border by issuing temporary flight restrictions prohibiting the use of drones in Del Rio, Texas while thousands of migrants were crossing the border.¹ In response to our September 21, 2021 letter, the FAA recently provided Committee Republicans with heavily redacted documents showing the agency determined that issuing temporary flight restrictions would be “illegal” only hours before the agency reversed course and announced that drones were temporarily prohibited. The FAA’s decision to abruptly reverse course on the legality of banning media drones raises questions about potential political interference at the agency to hide President Biden’s border crisis from the public.

In September of 2021, media outlets began 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 slept outdoors under a bridge waiting to be processed.² At least one news outlet used a drone to collect and publish footage revealing the actual scale of the crisis.³ On September 16, 2021, the FAA issued temporary flight restrictions (TFR) affecting an area on the border in Del Rio, Texas “for Special Security Reasons.”⁴ The restrictions explicitly state “No UAS [unmanned aircraft systems] operations are authorized in the areas covered by this

¹ Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform to Steve Dickson, Administrator, Federal Aviation Administration, (Sept. 21, 2021).

² Hernandez, Arelis R. & Nick Miroff, *Thousands of Haitian migrants wait under bridge in South Texas after mass border crossing*, WASH. POST (Sept. 16, 2021).

³ 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).

⁴ Federal Aviation Administration, NOTAM No. FDC 1/9857, *copy on file with committee staff*.

NOTAM [Notice to Airmen].”⁵ 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 TFR.⁶

Redacted FAA documents provided to Committee Republicans show that an unknown U.S. Customs and Border Protection (CBP) official initially requested the TFR via e-mail on the afternoon of Thursday, September 16, 2021.⁷ In the e-mail request, the official stated that “9,000 Undocumented Aliens are drawing attention from several UAS’s and Media in the area” and that it was requesting “a TFR for the purposes of Officer Safety, Aviation Safety, and due to the Law Enforcement Sensitive activity happening at the Del Rio, TX International Bridge.”⁸ A manager at FAA Headquarters’ System Operations Support Center responded, “We are in receipt of your request, however we cannot issue a TFR as it is illegal for us to restrict airspace for the purposes as specified.”⁹ A later e-mail then documents an apparent phone call between the FAA manager and the requesting CBP official, with the official thanking the manager for “assistance over the phone.”¹⁰ That telephonic or other assistance apparently changed FAA’s opinion on the legality of issuing a TFR. Ultimately, the TFR was issued later that evening, raising concerns about its legality and FAA’s rationale for changing its position.¹¹

These e-mails call into question FAA’s conduct, particularly where a TFR may have been issued improperly and for the purpose of disrupting media attention related to the border crisis. The American people have a right to transparency when it comes to President Biden’s failed border and interior enforcement policies. To assist Committee Republicans in understanding the FAA’s decision to issue a TFR that was described as “illegal” only hours before changing course, please provide the following information no later than April 4, 2022:

1. All documents and communications referring or relating to the September 16, 2021, phone call between the FAA’s System Operations Support Center and U.S. Border Patrol regarding the issuance of a TFR in Del Rio, Texas, including copies of any notes, voicemails, text messages, or additional information related to the call that was not communicated over e-mail;

⁵ *Id.*

⁶ 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).

⁷ E-mail from Unknown Supervisory Detection Enforcement Officer, Air and Marine Operations Center, U.S. Customs and Border Protection to System Operations Support Center, Air Traffic Organization, Federal Aviation Administration (Sept. 16, 2021), *on file with committee staff*.

⁸ *Id.*

⁹ E-mail from Manager, System Operations Support Center, Air Traffic Organization, Federal Aviation Administration to Unknown (Sept. 16, 2021), *on file with committee staff*.

¹⁰ E-mail from Unknown Supervisory Detection Enforcement Officer, Air and Marine Operations Center, U.S. Customs and Border Protection to System Operations Support Center, Air Traffic Organization, Federal Aviation Administration (Sept. 16, 2021), *on file with committee staff*.

¹¹ Federal Aviation Administration, NOTAM No. FDC 1/9857, *copy on file with committee staff*.

Administrator Dickson

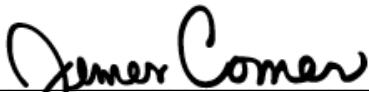
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2. Unredacted copies of all e-mails provided to Committee Republicans in response to our September 21, 2021, letter;
3. All documents and communications, from January 20, 2021, to present, including e-mails from political appointees at FAA, DHS, or the White House regarding the legality of issuing the TFR described in NOTAM Number FDC 1/9857;
4. An explanation of the legal basis relied on by FAA in issuing the TFR described in NOTAM Number FDC 1/9857.

Thank you for your consideration of this important issue. To make arrangements to 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



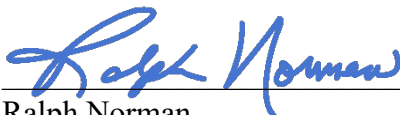
Jody Hice
Ranking Member
Subcommittee on Government
Operations



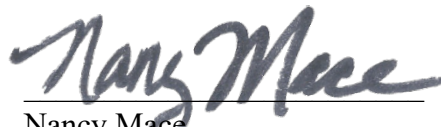
Glenn S. Grothman
Ranking Member
Subcommittee on National Security



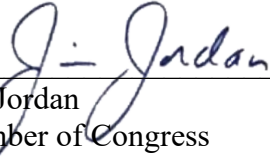
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy

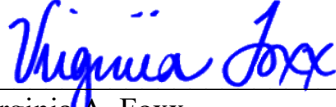


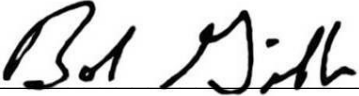
Ralph Norman
Ranking Member
Subcommittee on Environment

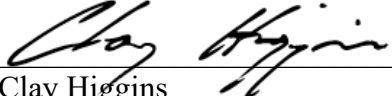


Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Jim Jordan
Member of Congress

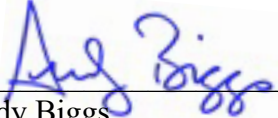

Virginia A. Foxx
Member of Congress

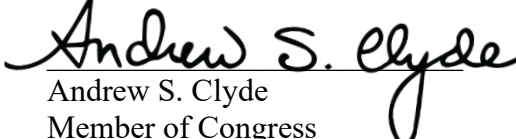

Bob Gibbs
Member of Congress

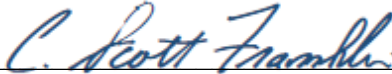

Clay Higgins
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Pete Sessions
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Scott Franklin
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Jake LaTurner
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Pat Fallon
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Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

Administrator Dickson

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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

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties