

United States Senate

September 17, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Dear Secretary Mayorkas:

I write with deep concerns about last night's Federal Aviation Administration (FAA) decision to implement a two-week Temporary Flight Restriction (TFR) over the international bridge in Del Rio, Texas.

As you well know, the border crisis triggered by your policy decisions has spiraled out of control. Last month there were more than 208,887 apprehensions at the southern border, the second month in a row over the 200,000 mark. We are currently around 1.5 million for the fiscal year – a historic and unacceptable total.

While media coverage of the crisis has dropped significantly, there is no end in sight. Thousands of migrants continue to illegally pour over the U.S.-Mexico border into Del Rio. It is estimated that there are now at least 10,500 migrants underneath the international bridge, with more coming by the hour.

On Thursday, supposedly at the request of an agency under your overall control, the FAA implemented a two-week TFR over the international bridge where thousands of migrants are huddling. This resulted in a media outlet that was actually covering this new surge having to ground a drone that was providing stark imagery to the public.

I cannot stress how deeply disturbed I am by the possibility that you requested the FAA to close the airspace due to political reasons or fear of bad optics. The American people deserve to see what is happening at the southern border – an unprecedented, humanitarian disaster.


Therefore, I ask that you respond to the following in a timely manner:

1. Why did the Border Patrol ask the FAA to implement a TFR over this area of Texas?
2. Has the Border Patrol previously requested the FAA to implement a TFR at the U.S.-Mexico border? If so, provide details of every instance.
3. Did DHS leadership approve of or demand the Border Patrol make a request to restrict the airspace?
4. Did DHS leadership or the Border Patrol have any direct contact with the White House? If so, did White House officials order or pressure the decision?

5. The news outlet that triggered the TFR has been covering the border crisis nonstop for almost 7 months, using a drone constantly, and it has never been an issue. Why is the Border Patrol suddenly hindering their ability to cover it?
6. Has DHS considered that urging FAA to prohibit media drones from flying over the southern border to document a crisis could be a violation of the First Amendment?

I appreciate your consideration of this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Roger W. Marshall". The signature is fluid and cursive, with the first name "Roger" being the most prominent.

Roger Marshall, M.D.
United States Senator