

# United States Senate

WASHINGTON, DC 20510

October 31, 2023

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Ave NW  
Washington, DC 20528

Dear Secretary Mayorkas:

I write regarding the importance of protecting New Hampshire's Northern border.

As you know, we have seen large increases in migrant encounters on the Northern border this past year. That increase has been particularly concentrated in the U.S. Border Patrol's Swanton Sector, which encompasses New Hampshire's border, as well as Vermont's and five counties' in New York. Specifically, U.S. Customs and Border Protection (CBP)'s recently-released data for Fiscal Year (FY) 2023 shows a total of 6,925 encounters in the Swanton Sector, of which 1,551 were in either Vermont or New Hampshire. For comparison, in FY 2022 CBP shows just 1,065 migrant encounters in the Swanton Sector, with only 387 of those occurring in Vermont or New Hampshire. Given the unique challenges on the Northern border and the sudden increase in encounters this year, attention to the specific needs of this sector is urgently needed.

Unfortunately, CBP has not yet provided the specific number of encounters that have occurred in New Hampshire, despite repeated requests from my office for this data. As you know, CBP typically discloses data by Border Patrol sector and station. However, because New Hampshire's data is subsumed under a Vermont-based station, that station's data must be disaggregated to separate the number of encounters occurring in each state. Fortunately, the Border Patrol records the exact geographic location of every encounter, so CBP can use that information to track the number of encounters that occurred in New Hampshire. In fact, in August CBP told the media that the agency is working on parsing New Hampshire specific numbers.<sup>1</sup>

Further, I understand that the agency is concerned that an ongoing Freedom of Information Act (FOIA) lawsuit filed in New Hampshire requesting this data from CBP may hinder the agency's ability to share this information with my office. My office has looked into the agency's concern about this issue, and it is our understanding that there are no statutes or case law that bar agencies from giving information to Congress that is subject to litigation. In particular, FOIA cases do not give agencies the authority to withhold information from Congress. I am reiterating my request that you provide this information immediately. New Hampshire needs accurate information about what is happening within its borders to ensure border security and law enforcement needs are being met.

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<sup>1</sup> Amanda Gokee, "Sununu asks for federal response to 'surge of activity' at New Hampshire's northern border," *Boston Globe* (Aug. 18, 2023), <https://www.bostonglobe.com/2023/08/18/metro/nh-governor-chris-sununu-federalhelp-northern-border-immigration/>.

It is also critical that federal, state and local law enforcement officers have the technology and infrastructure needed to support interoperable communications across the region. Along New Hampshire's Northern border, a lack of radio tower infrastructure creates significant barriers for effective communication across our law enforcement community. Expanding telecommunications infrastructure in the region would empower our federal, state and local law enforcement partners and is vital to strengthening the Northern border. In addition, resources must be committed to ensure our international border crossing facilities are fully equipped to perform their vital duties. This includes access to reliable, high-speed internet connections as well as electricity. The Pittsburg-Charlottesville border crossing facility currently depends on power and telephone services from Canada and low Earth orbit (LEO) satellite service for internet connectivity. This service lacks the reliability of wired broadband connections and can slow the work of our CBP officers in screening and processing vehicles entering from Canada. I ask that you explore any and all available avenues to address telecommunications challenges along New Hampshire's Northern Border.

Additionally, I urge you to keep in mind the Swanton sector's increased encounter numbers when allocating FY 2024 Homeland Security Grant Program's (HSGP) Operation Stonegarden funding, which helps local law enforcement assist CBP and U.S. Border Patrol. Over the last few years, these funds have gone increasingly to the southwest border, though I appreciate that in FY 2023 that agency reversed this trend slightly, with Northern states like New Hampshire seeing a small increase in Stonegarden funding. It is clear that there is a need for increased resources in light of the current higher numbers in the Swanton Sector. I urge you to use your discretion in reviewing CBP and the Federal Emergency Management Agency's (FEMA) recommendations to ensure that New Hampshire gets its fair share of Operation Stonegarden funds.

To address all of these concerns, I am requesting the following:

1. Please provide my office, by November 15, the number of U.S. Border Patrol migrant encounters that occurred in New Hampshire for each of Fiscal Years 2000 through 2023.
2. Please work with my office to explore potential solutions to telecommunications challenges along New Hampshire's Northern border.
3. Please give appropriate weight to the increased Swanton Sector numbers when allocating Operation Stonegarden funding.

Thank you for your urgent attention to these matters.

Sincerely,

A handwritten signature in blue ink that reads "Jeanne Shaheen". The signature is fluid and cursive, with the first name "Jeanne" being larger and more prominent than the last name "Shaheen".

Jeanne Shaheen  
United States Senate