

United States Senate

WASHINGTON, DC 20510

August 26, 2026

The Honorable Markwayne Mullin
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, D.C. 20528

Dear Secretary Mullin:

In July 2026, the Department of Homeland Security (DHS) announced that the full disbursement of the Federal Emergency Management Agency's (FEMA) Homeland Security Grant Program (HSGP) counterterrorism funding to states would now be contingent on compliance with new, unrelated, election-based terms and conditions.¹

Respectfully, we believe this is a mistake.

Compromising the intent and the ability of HSGP to support homeland security advancements puts American lives at risk. In Vermont and New Jersey, HSGP funds have supported critical investments in emergency operation centers, interoperable communication systems, and first-responder training.²

Among several new mandates, states are now required to use U.S. Citizenship and Immigration Services' (USCIS) Systematic Alien Verification for Entitlements (SAVE) to verify voters' citizenship status.³ If states refuse, they stand to lose at least 20%—and up to the entirety—of their HSGP grant funding.⁴

HSGP was created after the terrorist attacks of September 11, 2001, to help states prepare for and respond to all hazards, including acts of terrorism. HSGP makes roughly \$1 billion available annually for state and municipal activities to prevent, prepare for, and respond to acts of terrorism and other catastrophic events.

¹ See FEMA, Notice of Funding Opportunity (NOFO) for Fiscal Year 2026 Homeland Security Grant Program at 15–16 (July 9, 2026), https://www.fema.gov/sites/default/files/documents/fema_gpd_hsgp-nofo-fy2026_0.pdf.

² See Kevin Lane et al., *Vermont Homeland Security Unit, Homeland Security Grant Opportunities* [slide presentation], Presentation at the Vermont Emergency Preparedness Conference (2019), at slide 15, available at <https://vem.vermont.gov/sites/demhs/files/Conference/VEM%20Conference%202019%20%28HSU%29.pdf>; *Vermont Gets Homeland Security Grants*, VERMONT PUBLIC (May 22, 2013), <https://www.vermontpublic.org/vpr-news/2013-05-22/vermont-gets-homeland-security-grants>; Complaint at 14–15, *State of Illinois et al. v. Federal Emergency Management Agency et al.*, No. 1:25-cv-00206 (D.R.I. May 13, 2025) (hereinafter *Illinois v. FEMA*).

³ According to FEMA's HSGP NOFO, "each state and high-risk urban area election jurisdiction must . . . [u]tilize [SAVE,] a system to verify the citizenship of all individuals in the state voter registration database[,] within 120 days of accepting the grant award." FEMA, *supra* note 1.

⁴ *Id.* at 8.

For decades, Republican and Democratic administrations have operated HSGP evenhandedly, recognizing that the physical security and well-being of the American people take precedence over partisan objectives.⁵ The decision to move forward with these requirements means the grant program will become less effective.

There are good faith disagreements about the efficacy of the SAVE system. In October 2025, DHS acknowledged that the SAVE system can produce inaccurate results “due to misspelling of names, transposed numbers, or incomplete information[.]”⁶ One county that received data from the agency found the system falsely flagged voters as noncitizens 25% of the time.⁷ Compelling states to run sensitive voter data against the information contained in SAVE will force some states—like Vermont and New Jersey—to violate their own laws that prohibit disclosure of voters’ protected information, even to federal databases.⁸

These concerns are not resolved by FEMA’s August 10, 2026, HSGP Information Bulletin, which provides updated guidance for these grants.⁹ According to the bulletin, states may also satisfy the SAVE system requirements by submitting a list of voter names to USCIS.¹⁰ Consequently, the agency is still mandating the disclosure of voter information, requiring some states to violate their own privacy laws or risk losing critical, unrelated counterterrorism funding.¹¹

We urge you to withdraw and reissue the HSGP fiscal year 2025 award conditions and fiscal year 2026 NOFO, absent the new election security provisions, to protect the program’s lawful purpose of helping states prepare for and respond to catastrophic events.

Sincerely,



Peter Welch
United States Senator



Andy Kim
United States Senator

⁵ See *Illinois v. FEMA*, Compl. at 2.

⁶ Privacy Impact Assessment for the SAVE Program, DHS Reference No. DHS/USCIS/PIA-006(d) (Oct. 31, 2025), <https://www.dhs.gov/sites/default/files/2025-10/privacy-pia-dhsuscis006d-save-october2025%20%28002%29.pdf>.

⁷ Wren Orey et al., *Six Things to Know About the SAVE America Act*, BIPARTISAN POLICY CENTER, <https://bipartisanpolicy.org/article/five-things-to-know-about-the-save-act/>.

⁸ See 17 V.S.A. § 2154; N.J.S.A. § 47:1A-5.3; N.J.S.A. § 47:1A-1.1; N.J.S.A. § 19:31-18.

⁹ See FEMA, *Grant Programs Directorate Information Bulletin*, No. 580 at 5 (Aug. 10, 2026), https://www.fema.gov/sites/default/files/documents/fema_gpd-ib-template_fy26_election-security-guidance.pdf.

¹⁰ *Id.*

¹¹ See 17 V.S.A. § 2154.