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NEWS FOR IMMEDIATE RELEASE

July 16, 2025

**AG Kaul Sues Trump Administration for Unlawfully Cutting
Billions in Disaster Mitigation Funding**

MADISON, Wis. – Attorney General Josh Kaul today joined a coalition of 20 states in suing the Trump Administration over its unlawful termination of the Federal Emergency Management Agency’s (FEMA) Building Resilient Infrastructure and Communities (BRIC) program, which is designed to protect communities from natural disasters before they strike.

The BRIC program has provided funding to communities across the nation to proactively help strengthen infrastructure against natural disasters. By focusing on preparation, the program has protected property, saved money that would have otherwise been spent on post-disaster costs, reduced injuries, and saved lives.

“This program helps keep people and property safe from harm from natural disasters,” said AG Kaul. “Canceling this funding is both reckless and unlawful.”

Responding to the catastrophic losses resulting from Hurricane Katrina and its aftermath, Congress passed a law stating FEMA must protect communities through four interrelated functions—mitigation, preparation, response, and recovery. The BRIC program is the core of FEMA’s pre-disaster mitigation efforts. A recent [study](#) concluded that every dollar FEMA spends on mitigation saves an average of six dollars in post-disaster costs.

The BRIC program supports often difficult-to-fund projects, such as constructing evacuation shelters and flood walls, safeguarding utility grids against wildfires,

protecting wastewater and drinking water infrastructure, and fortifying bridges, roadways, and culverts.

The impact of the BRIC program's termination has been devastating, with communities across the country being forced to delay, scale back, or cancel hundreds of mitigation projects that rely on this funding. Projects that have been in development for years, and in which communities have invested millions of dollars, are now threatened. And now, Americans face a higher risk of harm from natural disasters.

Over the past four years, FEMA has selected nearly 2,000 projects to receive roughly \$4.5 billion in funding under the BRIC program.

In Wisconsin, dozens of disaster-preparedness projects selected for BRIC funding have been cancelled as a result of the BRIC program termination. These include projects for building tornado safe rooms in small communities at high-risk for tornadoes, like Potosi and Cuba City in Grant County. These two projects would have provided near-absolute life safety protection for 3,000 occupants. Another cancelled project would have protected a bridge in the Town of Whitestown against scouring during flooding events. Whitestown is located along the Kickapoo River—one of the most flood-prone areas in the state.

The BRIC funding was also intended to update hazard mitigation plans in several Wisconsin counties, as well as the statewide plan that guides disaster preparedness efforts throughout the state. Without these updates, counties could lose eligibility for future FEMA grants, and if the statewide plan expires, Wisconsin could lose access to federal disaster mitigation and recovery funding.

AG Kaul and the coalition argue that FEMA's decision to abruptly terminate the BRIC program is in direct violation of Congress's decision to fund it. The Executive Branch has no lawful authority to unilaterally refuse to spend funds appropriated by Congress. They also assert that shutting down the BRIC program violates Separation of Powers and the Administrative Procedures Act, and violates the Appointments Clause because Cameron Hamilton, who acted as FEMA Administrator and gave the directive to terminate the BRIC program, was never appointed by the President or confirmed by the Senate and therefore was acting as Administrator unlawfully.

With this lawsuit, AG Kaul and the coalition are seeking a preliminary injunction to prevent the Trump Administration from spending BRIC funds on other purposes and a permanent injunction to reverse the termination of the BRIC program and require the restoration of these critical funds to the communities relying on them.

Joining AG Kaul in filing this lawsuit are attorneys general of Arizona, California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and the Governor of the Commonwealth of Pennsylvania.

A copy of the complaint is available [here](#).