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AG Kaul Sues Trump Administration Over Unlawful Conditions on Federal Funds

Attorneys General fight against overreach threatening emergency services and infrastructure projects

MADISON, Wis. – Attorney General Josh Kaul today announced that he has joined a coalition of 19 attorneys general in filing two lawsuits against the Trump administration for threatening to withhold billions of dollars in federal road, highway, and emergency preparedness funding and attempting to strongarm states into advancing the Trump administration’s agenda, potentially undermining public safety.

Wisconsin’s emergency preparedness funding is at risk, with millions of dollars annually allocated through Federal Emergency Management Agency (FEMA) grants to support critical public safety functions, such as statewide emergency response coordination and operations. Without this funding, the state’s capacity to prepare for and respond to disasters would be severely diminished.

Similarly, the U.S. Department of Transportation’s (DOT) new conditions jeopardize Wisconsin’s infrastructure funding. These federal grants are vital for maintaining and improving Wisconsin’s roads, bridges, and transit systems.

“The Trump administration is responsible for administering these funds in accordance with the applicable federal laws,” said AG Kaul. “It doesn’t have the authority to withhold these funds that were appropriated by Congress because states won’t agree to help advance its agenda. These suits are seeking to ensure that these critical funds aren’t unlawfully withheld.”

Page 1 of 3

The coalition's first lawsuit is filed against the U.S. Department of Homeland Security (DHS), DHS Secretary Kristi Noem, and subagencies including FEMA. The second lawsuit is filed against the DOT and DOT Secretary Sean Duffy. Both lawsuits are aimed at new federal conditions each agency has imposed that would require the states and state agencies to assist with federal immigration enforcement efforts or lose access to billions of federal dollars used for public safety and transportation infrastructure.

Congress has established dozens of federal grant programs administered by FEMA and the DOT to support projects such as disaster relief, flood prevention, and transportation infrastructure improvements.

In February, Secretary Noem directed DHS and its sub-agencies, including FEMA, to withhold federal funding from jurisdictions that do not assist with federal immigration enforcement. In March, DHS amended the terms and conditions it places on federal funds to require recipients to certify that they will assist in enforcing federal immigration law.

Shortly after, DOT Secretary Duffy issued a letter to DOT grant recipients, stating his intent to apply similar conditions to transportation grants. These funds include grants for highway construction, public transportation maintenance, and airport and railway safety.

In their lawsuit against DHS and FEMA, the coalition argues that the immigration-related conditions exceed the agencies' legal authority. The coalition further explains that the conditions are unconstitutional because Congress appropriated this funding to help states prepare for, protect against, respond to, and recover from major disasters. These changes could put public safety at risk by jeopardizing billions of dollars in federal emergency preparedness and response funding.

In a separate lawsuit against the DOT, the coalition argues that tying immigration-enforcement to federal transportation funding exceeds DOT's legal authority. The coalition states rely upon DOT funding for critical infrastructure projects, including highway development, airport safety, traffic accident prevention, and rail safety.

Joining AG Kaul in these lawsuits are the attorneys general of California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Washington, and Vermont.

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