

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, et al.,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY
AS PRESIDENT OF THE UNITED STATES, et al.,

Defendants.

C.A. No. 1:25-cv-00039

AFFIRMATION OF R. HENRY WEAVER

R. HENRY WEAVER, an attorney admitted *pro hac vice* to practice before this Court and admitted to practice before the courts of the State of Illinois, states the following under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Attorney General in the Office of the Illinois Attorney General, and I appear on behalf of the State of Illinois in this action.

2. I submit this declaration in support of Plaintiff States' Renewed Second Motion to Enforce the Court's Orders Pertaining to Freeze of FEMA Funds. The facts set forth herein are based upon my personal knowledge and/or a review of the files in my possession.

3. FEMA "administers the Earthquake State Assistance grant program which is designed to increase and enhance the effective implementation of earthquake risk reduction activities at the national, regional, state and local level." SAM.gov, *Earthquake State Assistance*, <https://sam.gov/fal/226c00bf60e64e56aae6c0aeeb7471b1/view> (captured on March 25, 2025) (Exhibit A), at 2. The program's existence and its funding are mandated by statute. *See id.* at 9.

4. The Illinois Emergency Management Agency – Office of Homeland Security (“IEMA-OHS”) was awarded a Fiscal Year 2023 Individual State Earthquake Assistance (“ISEA”) grant (grant number EMC-2023-GR-05005) under the above program.

5. On February 20, 2025, IEMA-OHS submitted a payment request on its Fiscal Year 2023 ISEA grant through the FEMA GO payment system. Then, on February 25, IEMA-OHS received an email from the FEMA GO system that stated: “This email is confirmation that your payment request for grant number EMC-2023-GR-05005 in the amount of \$941.57 has been approved. Your payment was accepted by our financial system on 02/25/2025. Please expect an electronic payment to be made to your organization’s bank within 3 to 5 business days.” *See* Exhibit B. Despite this statement, IEMA-OHS has never received any transfer of funds in relation to this payment request.

6. On March 19, IEMA-OHS received from FEMA the same email about a new review process for grant payments that was received by other States and that was attached as Exhibit B to the Affirmation of Sarah W. Rice in this matter. *See* ECF 168-4 Ex. B.

7. The March 19 email stated that FEMA would be “instituting additional reviews on all grant payments and obligations to ensure allowability in accordance with 2 C.F.R. § 200.305.” *Id.* at 1. FEMA went on to list the additional information demands, *id.* at 2–3, and directed grant recipients to “[p]lease coordinate with your FEMA program officer for more guidance,” *id.* at 3.

8. Plaintiff States argued in their Renewed Second Motion to Enforce the Court’s Orders Pertaining to Freeze of FEMA Funds, filed on March 24, that “the sweeping, indiscriminate, and indefinite pause implemented by FEMA under the guise of a purported ‘manual review’ process is essentially the same funding pause pending purported review of grant programs that OMB directed each agency to carry out, and which this court enjoined.” ECF 168 at 7–8.

9. In the afternoon of March 24, IEMA-OHS submitted another payment request on its Fiscal Year 2023 ISEA grant. *See* Email Correspondence Between IEMA-OHS and FEMA (Exhibit C).

10. Shortly after submitting the payment request, an IEMA-OHS employee reached out to FEMA program officers to alert them that IEMA-OHS had “followed the new manual review payment process to submit a payment request from the FFY 23 ISEA award.” *Id.*

11. The next morning, on March 25 at 10:34 AM, a FEMA Grant Program Specialist replied, thanking the IEMA-OHS employee “for letting us know that you submitted the request.” The FEMA program officer went on to provide further details: “Currently, all grants are still pending review for compliance with Executive Orders. We are waiting for further guidance for when we can approve payment requests. I’ll provide an update as soon as possible.” *Id.*

12. FEMA’s statement on March 25, the day after Plaintiff States filed their Renewed Second Motion to Enforce, that FEMA’s “review” of “all grants” serves to ensure “compliance with Executive Orders” confirms Plaintiff States’ position that this manual review “is essentially the same funding pause pending purported review of grant programs that OMB directed each agency to carry out, and which this court enjoined.” ECF 168 at 7–8.

I declare under penalty of perjury under the laws of the State of Rhode Island and the United States of America that the foregoing is true and correct.

Dated: March 26, 2025

By: /s/ R. Henry Weaver
R. Henry Weaver
Office of the Illinois Attorney General

EXHIBIT A

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 Follow

ASSISTANCE LISTINGS

Earthquake State Assistance

Assistance Listing

- Overview
- Authorizations
- Financial Information
- Criteria for Applying
- Applying for Assistance
- Compliance Requirements
- Contact Information
- History



Note: This Assistance Listing was not updated by the issuing agency in 2025. Please contact the issuing agency listed under "Contact Information" for more information.

Assistance Listing

Popular Name

Earthquake State Assistance

Sub-tier

FEDERAL EMERGENCY MANAGEMENT AGENCY

Assistance Listing Number

97.082

Related Federal Assistance

Not Applicable.

[View available opportunities on Grants.gov related to this Assistance Listing](#) 

Overview

Objectives

The National Earthquake Hazards Reduction Program (NEHRP) is the Federal Government's coordinated approach to addressing earthquake risks. In support of NEHRP, the Federal Emergency Management Agency (FEMA) administers the Earthquake State Assistance grant program which is designed to increase and enhance the effective implementation of earthquake risk reduction activities at the national, regional, state and local level, by making funding available through annual, non-competitive and competitive grants. NEHRP implements the Department of Homeland Security (DHS) and Presidential Policy Directive (PPD -8) objective of hazard mitigation, to develop and maintain those capabilities necessary to reduce the loss of lives and property by lessening the impact of earthquakes. In an effort to provide eligible States and Territories with multiple funding and project management options, as well as to allow for multi-state coordination of projects, the Earthquake State Assistance grant program utilizes two separate funding opportunities: Individual State Earthquake Assistance (ISEA), and Multi-State and National Earthquake Assistance (MSNEA). The Individual State Earthquake Assistance funding opportunity provides funding directly to those States and Territories that have been determined to be at a high, or a very high risk of earthquakes, and who can provide the statutory 25 percent cost-share. They must also be able to demonstrate that the assistance will result in enhanced seismic safety in the State. Funding is provided to eligible States and Territories through non-competitive grants that are administered by FEMA Regional earthquake program management staff. Allowable activities include: Support of seismic mitigation planning, developing inventories and conducting seismic safety inspections of critical structures and lifeline infrastructure, updating building codes, zoning codes, and ordinances to enhance seismic safety, increasing earthquake awareness and education, participation in emergency management exercises that substantially benefit earthquake mitigation efforts, and the promotion of earthquake insurance. Additionally, the Multi-State and National Earthquake Assistance funding opportunity is designed to facilitate the development and management of National, regional and multi-state earthquake risk reductions activities. Funding is made available through competitive grants to nonprofit organizations, as defined by 2 C.F.R. §200.70 and institutions of higher education as defined by 2 C.F.R. §200.55. The grants are administered by FEMA Headquarters' earthquake program management staff.

Examples of Funded Projects

Assistance Listing Description

Earthquake State Assistance

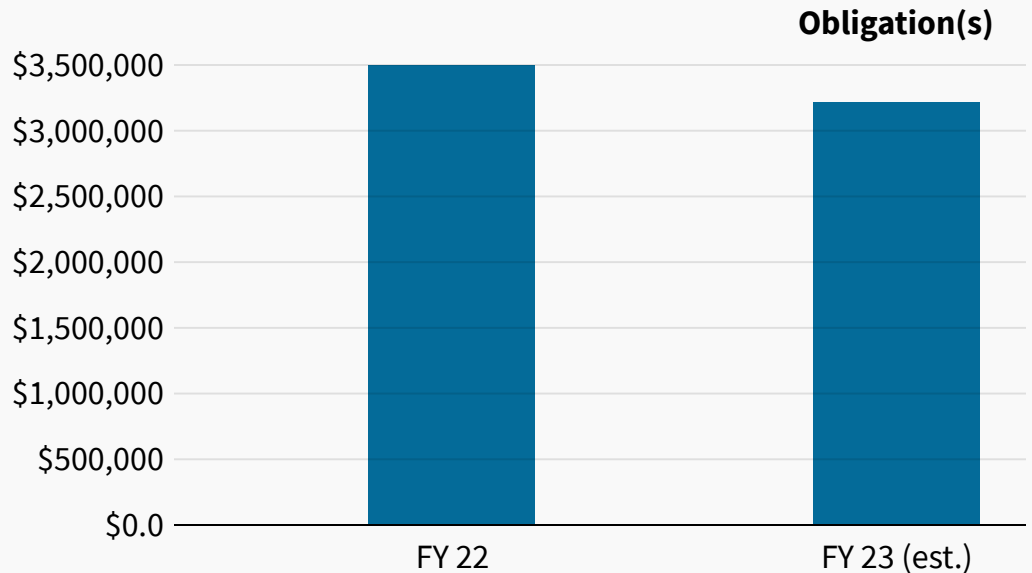
Authorizations

Title Earthquake Hazards Reduction Act of 1977, Part 95-124

The Earthquake Hazards Reduction Act of 1977, Pub. L. No. 95-124 (codified as amended at 42 U.S.C. §§ 7701-7709) (specifically 42 U.S.C. §§ 7704(a)(2)(B), (b)(2)(A)(i), (b)(2)(A)(iv) and (b)(2)(B)).

Financial Information

These funding amounts do not reflect the award amounts that are displayed on USASpending.gov



Obligation(s)	FY 22	FY 23 (est.)	FY 24 (est.)
■ Cooperative Agreements Total	\$3,489,001	\$3,203,650	\$3,300,000
Totals	\$3,489,001	\$3,203,650	\$3,300,000

Range and Average of Financial Assistance

Refer to the official Notice of Funding Opportunity on Grants.gov by year for

actual target allocations by program by eligible applicant.

Accomplishments

Account Identification

70-0711-0-1-453

Criteria for Applying

Types of Assistance

B - Cooperative Agreements

Credentials and Documentation

Eligible States and Territories with High to Very High seismic risks as determined by the Program Office, non-profit organizations as defined by 2 C.F.R. §200.70, and institutions of higher education as defined by 2 C.F.R. §200.55. Subpart E - Cost Principles applies to this program. 2 CFR 200, Subpart E - Cost Principles applies to this program.

Applicant Eligibility

Designations

Other public institution/organization

The purpose of this funding is to support the earthquake mitigation efforts of States and Territories with High to Very High seismic risk as determined by the DHS, FEMA Program Office, non-profit organizations as defined by 2 C.F.R. §200.70 and institutions of higher education as defined by 2 C.F.R. §200.55. These efforts include 1) delivering and increasing awareness and education; 2) developing policies, tools, and products; and 3) implementing programs or projects to support risk reduction and resilience activities from earthquakes.

Beneficiary Eligibility

Designations

U.S. Territories, State, Local, Federally Recognized Indian Tribal Governments

U.S. Territories, State, Local, Federally Recognized Indian Tribal Governments, eligible States and Territories with High to Very High seismic risks as determined by the DHS, FEMA Program Office, and eligible non-profit organizations and institutions of higher education.

Length and Time Phasing of Assistance

Up to 18 months for both Individual State Earthquake Assistance, and Multi-State and National Earthquake Assistance. Extensions to the period of performance will be considered only through formal requests to FEMA and will only be granted for specific and compelling reasons. All extension requests must be submitted to FEMA at least ninety (90) days prior to the expiration of the grant period of performance. Any unobligated funds will be de-obligated at the end of the 90-day close-out period. For more information on extensions and how assistance is awarded/released, refer to the official Notices of Funding Opportunity on Grants.gov. Method of awarding/releasing assistance: Refer to official Notice of Funding Opportunity on Grants.gov.

Use of Assistance

Designations

Civil Defense/Disaster Prevention and Relief/Emergency Preparedness

For costs associated with providing guidance, technology transfer, and assistance to eligible States and Territories, for earthquake hazard mitigation activities. The Individual State Earthquake Assistance NOFO is a non-competitive grant, and restricted to certain specialized/qualified organizations designated by FEMA. Funding may only be used for the purpose set forth in the grant and must be consistent with the statutory authority for the award. Grant funds may not be

used for matching funds for other federal grants / cooperative agreements, or for lobbying or intervention in federal regulatory or adjudicatory proceedings. In addition, federal funds may not be used to sue the federal government or any other government entity. All financial and progress reports must be current at the time of application. Refer to the Notice of Funding Opportunity. Pre-award costs are not allowed. Refer to the Notice of Funding Opportunity. Refer to the Notice of Funding Opportunity. Refer to the Notice of Funding Opportunity.

Applying for Assistance

Deadlines

All applications must be submitted in FEMA GO no later than 5:00:00 pm ET on Friday, May 31, 2023.

Preapplication Coordination

Preapplication coordination is required. An environmental impact statement is required for this listing. An environmental impact assessment is required for this listing. This program is excluded from coverage under E.O. 12372. Preapplication coordination is required. An environmental impact assessment is required for this listing. This program is excluded from coverage under Executive Order (EO) 12372, Intergovernmental Review of Federal Programs, dated July 14, 1982. FEMA has prepared a Record of Environmental Consideration for both funding opportunities that documents EHP compliance for the range of activities eligible for funding under this program pursuant to FEMA's Instructions on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program requirements, FEMA Instruction 108-1-1, dated October 10, 2018.

Application Procedures

2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards applies to this program.
Refer to official Notice of Funding Opportunity on Grants.gov.

Criteria for Selecting Proposals

Refer to official Notices of Funding Opportunity on Grants.gov.

Award Procedure

Refer to official Notices of Funding Opportunity on Grants.gov.

Date Range for Approval/Disapproval

Refer to official Notice of Funding Opportunity on Grants.gov.

Renewals

Not Applicable.

Appeals

Not Applicable.

Compliance Requirements

Policy Requirements

The following 2CFR policy requirements apply to this assistance listing:

Subpart B, General provisions

Subpart C, Pre-Federal Award Requirements and Contents of Federal Awards

Subpart D, Post Federal; Award Requirements

Subpart E, Cost Principles

Subpart F, Audit Requirements

The following 2CFR policy requirements are excluded from coverage under this assistance listing:

Not Applicable

Additional Information:

Reports

Program Reports: Refer to official Notice of Funding Opportunity on Grants.gov.

Cash Reports: Refer to official Notice of Funding Opportunity on Grants.gov.

Progress Reports: Refer to official Notice of Funding Opportunity on Grants.gov.

Expenditure Reports: Refer to official Notice of Funding Opportunity on Grants.gov.

Performance Reports: Refer to official Notice of Funding Opportunity on Grants.gov.

Audits

Refer to the link below for 2 CFR Subpart F Audit Requirements.

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-F>

Additional audit requirements:

In accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements, non-federal entities that expend financial assistance of \$750,000 or more in Federal awards will have a single or a program-specific audit conducted for that year. Non-Federal entities that expend less than \$750,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503. These audits are due to the cognizant Federal agency, submitted through the Federal Audit Clearinghouse, not later than 9 months after the end of the audit period. For additional information regarding audit requirements, refer to 2 CFR, Section 200, Subpart F – Audit Requirements.

Records

Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award generally must be maintained for at least three years from the date the final Federal Financial Report (FFR) is submitted. See 2 C.F.R. § 200.334. Further, if the recipient does not submit a final FFR and the award is administratively closed, FEMA uses the date of administrative closeout as the start of the general record retention period. The record retention period may be longer than three years or have a different start date in certain cases. These include:

- Records for real property and equipment acquired with federal funds must be retained for three years after final disposition of the property. See 2 C.F.R. § 200.334(c).
- If any litigation, claim, or audit is started before the expiration of the three-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. See 2 C.F.R. § 200.334(a).
- The record retention period will be extended if the recipient is notified in writing of the extension by FEMA, the cognizant or oversight agency for audit, or the cognizant agency for indirect costs. See 2 C.F.R. § 200.334(b).
- Where FEMA requires recipients to report program income after the period of performance ends, the program income record retention period begins at the end of the recipient's fiscal year in which program income is earned. See 2 C.F.R. § 200.334(e).
- For indirect cost rate proposals, cost allocation plans, or other rate computations records, the start of the record retention period depends on whether the indirect cost rate documents were submitted for negotiation. If the indirect cost rate documents were submitted for negotiation, the record retention period begins from the date those documents were submitted for negotiation. If indirect cost rate documents were not submitted for negotiation, the record retention period begins at the end of the recipient's fiscal year or other accounting period covered by that indirect cost rate. See 2 C.F.R. § 200.334(f).

Regulations, Guidelines, and Literature

Authorizing Authority for the Program. Public Law 115-307, National Earthquake Hazards Reduction Program reauthorization Act of 2018. The specific authority to implement the Individual State Earthquake Assistance funding opportunity through the use of Grants comes from 42 U.S. Code 7704(a)(2)(B) and (b) (2) (a) (iv) National Earthquake Hazards Reduction Program (NEHRP). Appropriation Authority for Program: The Department of Homeland Security Appropriations Act, 2021(Public Law No. 116-260), Title III, FEMA, OPERATIONS AND SUPPORT, paragraph 1

Formula and Matching Requirements

Statutory formula is not applicable to this assistance listing.

Matching Requirements: Awardees of Individual State Earthquake Assistance (ISEA) Grants must provide 25 percent of the costs of the activities for which assistance is being given. The cost-share requirement is waived for U.S. Territories identified as “Insular Areas” in accordance with 48 U.S. Code, Title 48, Chapter 10, Section 1469a Congressional declaration of policy respecting “Insular Areas.” In addition, the FEMA Administrator may lower or waive the cost-share requirement of these activities for a small, impoverished community, as defined in section 203 for the Disaster Relief Act of 1974 (42 U.S.C. 5133). Non-profit organizations and institutions of higher education awardees of Multi-State and National Earthquake Assistance (MSNEA) grants are not required to provide a cost-share. MOE requirements are not applicable to this assistance listing. MOE requirements are not applicable to this assistance listing.

Contact Information

Regional or Local Locations:

None. Region II (Commonwealth of Puerto Rico, Territory of the U.S. Virgin Islands) José A. Lebron One World Trade Center, 52 Floor Mail Room New York, New York 10007 Email: jose.lebron@fema.dhs.gov Office: (202) 805-7712 Region IV (Alabama, Kentucky, Mississippi, South Carolina, Tennessee) Noriko Kibble 3003 Chamblee-Tucker Road Atlanta, Georgia 30341 Email: noriko.kibble@fema.dhs.gov Office: (770)-220-8870 Region V (Illinois, Indiana) Daniel Ryan 536 South Clark Street Chicago, IL 60605 Email: daniel.p.ryan@fema.dhs.gov Office: (312) 408-4432 Region VI (Arkansas) Bart Moore Federal Regional Center, 800 North Loop 288, Denton, TX 76209 Email: bart.moore@fema.dhs.gov Office: (940) 898-5363 Region VII (Missouri) Cheickh Koma 11224 Holmes Road Kansas City, MO 64131 Email: Cheickh.koma@fema.dhs.gov Office: (816) 283-7067 Region VIII (Montana, Utah, Wyoming) Sean McGowan Denver Federal Center, Building 710A Denver, Colorado 80225 Email: sean.mcgowan@fema.dhs.gov Office: (303)-235-4681 Region IX (Arizona, California, Guam, Hawaii, Nevada) Anne Rosinski 1111 Broadway Oakland, California 94607 Email: anne.rosinski@fema.dhs.gov Office: (510) 627-7172 Region X (Alaska, Idaho, Oregon, Washington) Wendy Shaw 130 228th Street, SW Bothell, Washington 98021 Email: wendy.shaw@fema.dhs.gov Office: (202) 341-0848

Headquarters Office:

Jon Foster

400 C Street, SW 6th Floor Washington, DC 20472,
Washington, DC 20009

✉ Jonathon.Foster@fema.dhs.gov

☎ 202-717-1601

Maigen Lawson

400 C Street, SW 6th Floor Washington, DC 20472,
Washington, DC 20471

✉ Maigen.Lawson@fema.dhs.gov

☎ 202-341-4710

Website: <https://www.fema.gov/emergency-managers/risk-management/earthquake/state-assistance-program-grants>

History

● 2023

Published
Earthquake State Assistance

● 2023

Published
Earthquake State Assistance

● 2023

Published
Earthquake State Assistance

● 2023

Published
Earthquake State Assistance

- **2023**
Published
Earthquake State Assistance
- **2022**
Title Changed
To: Earthquake State Assistance
From: Earthquake Consortium
- **2022**
Published
Earthquake Consortium
- **2021**
Published
Earthquake Consortium
- **2020**
Published
Earthquake Consortium
- **2019**
Published
Earthquake Consortium
- **2018**
Published
Earthquake Consortium
- **2005**
Published
Earthquake Consortium



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EXHIBIT B

From: [FEMA GO](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: [External] Payment confirmation: Fiscal Year 2023 Individual State Earthquake Assistance (ISEA) grant number EMC-2023-GR-05005
Date: Tuesday, February 25, 2025 7:21:37 AM

This email is confirmation that your payment request for grant number EMC-2023-GR-05005 in the amount of \$941.57 has been approved. Your payment was accepted by our financial system on 02/25/2025. Please expect an electronic payment to be made to your organization's bank within 3 to 5 business days.

EXHIBIT C

From: [Redacted]
To: [Redacted]
Subject: FW: IEMA OHS submits payment request from FFY 23 ISEA grant award
Date: Tuesday, March 25, 2025 4:16:47 PM

Get Outlook for iOS

From: [Redacted]@fema.dhs.gov>
Sent: Tuesday, March 25, 2025 10:34:32 AM
To: [Redacted]@illinois.gov>; [Redacted]@fema.dhs.gov>
Cc: [Redacted]@illinois.gov>; [Redacted]@illinois.gov>
Subject: [External] RE: IEMA OHS submits payment request from FFY 23 ISEA grant award

Thank you for letting us know you submitted the request. Currently, all grants are still pending review for compliance with Executive Orders. We are waiting for further guidance for when we can approve payment requests.

I'll provide an update as soon as possible.

Sincerely,

[Redacted]
NDSP/HRPD/NEHRP Grant Program Specialist
FEMA | Region 5
Mitigation Division
Mobile: (202) [Redacted]

From: [Redacted]@illinois.gov>
Sent: Monday, March 24, 2025 3:49 PM
To: [Redacted]@fema.dhs.gov>; [Redacted]@fema.dhs.gov>
Cc: [Redacted]@illinois.gov>; [Redacted]@illinois.gov>
Subject: IEMA OHS submits payment request from FFY 23 ISEA grant award

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please select the Phish Alert Report button on the top right of your screen to report this email if it is unsolicited or suspicious in nature.

IEMA-OHS followed the new manual review payment process to submit a payment request from the FFY 23 ISEA award. Please review this request and if there are any issues let us know. Thank you!

You have successfully submitted your payment request.

EMC-2023-GR-05005: Fiscal Year 2023 Individual State Earthquake Assistance (ISEA) Award accepted

ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY

Period of performance	08/01/2021 - 07/31/2025
Federal resources awarded	\$62,496.00
Required non-federal resources	\$20,832.00
Federal resources disbursed to recipient	\$2,659.36
Pending disbursements to recipient	\$1,864.02
Balance of federal resources available	\$67,673.21

My to do list

Description	Status	Date of status	Due date	Action
No items listed.				

Organization : ILLINOIS EMERGENCY MANAGEMENT AGENCY AND OFFICE OF HOMELAND SECURITY

This information is current of SAM.gov as of 03/02/2025

Registration summary

UEH-EFT	JLCNDRM04J05
DUNS	807648811
Registration status	Active

[Redacted]
Division of Preparedness and Grant Administration
Illinois Emergency Management Agency-Office of Homeland Security

2200 South Dirksen Parkway

Springfield, IL 62703

P: [REDACTED]
E: [REDACTED]@illinois.gov

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