

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RHODE ISLAND LATINO ARTS,
NATIONAL QUEER THEATER,
THE THEATER OFFENSIVE, and
THEATRE COMMUNICATIONS
GROUP,

Plaintiffs,

v.

NATIONAL ENDOWMENT FOR THE
ARTS; MARY ANNE CARTER, in her
official capacity as Senior Advisor
National Endowment for the Arts,

Defendants.

Case No. **1:25-cv-00079**

**DECLARATION OF ANN EILERS, DEPUTY CHAIR FOR MANAGEMENT
AND BUDGET, NATIONAL ENDOWMENT FOR THE ARTS**

Pursuant to 28 U.S.C. § 1746, I, Ann Eilers, declare, under penalty of perjury, the
following to be true and correct:

1. I am over the age of 18 and competent to make this Declaration.
2. The facts stated in this Declaration are within my personal knowledge and are true and correct to the best of my knowledge.
3. I am the Deputy Chair for Management and Budget for the National Endowment for the Arts (“NEA”). In this capacity, I supervise the NEA Office of Grants Management, which has the primary responsibility for issuing and processing the NEA’s financial assistance awards approved by the NEA Chair in conformance with Agency legislation, policies and procedures, and applicable federal laws, executive orders, rules, and regulations. The Office of Grants Management does not draft or issue funding program guidelines, oversee solicitations, review, or recommend for funding any applications/nominations/proposals submitted to the agency under any funding opportunity.

4. The NEA is an independent federal agency. The NEA's primary activities include grantmaking to nonprofit arts organizations, public arts agencies and organizations at the state, regional, local level, nonprofit colleges and universities, federally recognized tribes, and individual writers and translators.
5. Applicants for NEA financial assistance awards are required to comply with federal anti-discrimination laws, and applicable regulations and executive orders. To ensure compliance, applicants are required to certify their compliance with relevant federal laws, regulations, and executive orders by reviewing the Assurance of Compliance language provided by the NEA in the relevant funding program guidelines and checking the certification box on the Application for Federal Domestic Assistance (SF-424), which is submitted through Grants.gov.
6. On January 20, 2025, President Trump issued Executive Order 14168, Defending Women from Gender ideology Extremism and Restoring Biological Truth to the Federal Government (hereinafter, "E.O. 14168"). I am aware that on February 6, 2025, the NEA updated the Assurance of Compliance to ensure applicants' compliance with E.O. 14168. I do not manage the office that identifies updated language or processes these changes.
7. On March 6, 2025, the American Civil Liberties Union Foundation filed a Complaint for Declaratory and Injunctive Relief and a Memorandum in Support on behalf of several Plaintiffs. The Complaint alleges harm to Plaintiffs due to the new compliance requirement with E.O. 14168.
8. No later than March 11, 2025, senior leadership at the NEA will approve the removal of the new language requiring compliance with E.O. 14168 in its Assurance of Compliance until the conclusion of this litigation. The NEA intends to no longer require applicants to certify their compliance with E.O. 14168 while the outcome of this litigation is pending.
9. No later than March 11, 2025, senior leadership at the NEA will approve a change to one of the submission deadlines for the NEA's Grants for Arts Projects ("GAP") funding opportunity. The March 24, 2025 submission deadline for GAP will be changed to April 7, 2025.

Executed on March 10, 2025.

ANN EILERS

Signature

Deputy Chair Management and Budget
Title

March 10, 2024
Date