

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AGUA CALIENTE BAND OF CAHUILLA
INDIANS, et al.,

Plaintiffs,

v.

Case No. 1:20-cv-1136-APM

STEVEN MNUCHIN, in his official capacity
as Secretary of the Treasury,

Defendant.

DECLARATION OF DANIEL KOWALSKI

I, Daniel Kowalski, hereby do state and declare as follows:

1. I currently serve as Counselor to the Secretary at the United States Department of the Treasury (Treasury). I am authorized to make this declaration and do so on the basis of both my personal knowledge and information made available to me in my official capacity.
2. As noted in my declaration of May 15, 2020, in order to allocate the remaining funds, Treasury requested certain employment and budgetary data from Tribes. The form containing the data request is publicly available at <https://home.treasury.gov/system/files/136/Tribal-Employment-and-Expenditure-Submission-Instructions.pdf>, and was posted on the evening of May 14, 2020. Treasury subsequently opened an online portal for Tribes to input their responses on May 19, 2020.
3. Treasury's current deadline for Tribes to submit the requested data is 11:59:59 pm Alaska Daylight Time on May 26, 2020.

4. 747 Tribes were asked to submit the additional requested data, and Treasury has been monitoring closely Tribes' responsiveness to Treasury's request for submissions. As of approximately 9:00 pm Eastern Daylight Time on May 25, 2020, 256 Tribes had submitted the requested data, while 491 Tribes had not yet done so. On or around 9:00 pm, Treasury sent a reminder email to the 491 Tribes that had not yet submitted the requested data.
5. As of approximately 12:00 pm Eastern Daylight Time today, May 26, 2020, 277 Tribes have submitted the requested data, while 470 have not yet done so. Of the 470 that have not yet submitted their data, 74 have logged into the portal and filled out some of the data and/or uploaded some of the requested forms but have not yet certified and submitted the data.
6. As of approximately 5:00 pm Eastern Daylight Time today, May 26, 2020, the following four (4) plaintiffs in this litigation have not yet submitted the requested data: Ak-Chin Indian Community, Arapaho Tribe of the Wind River Reservation, Cherokee Nation, and Snoqualmie Indian Tribe.
7. Several Tribes have reported the following difficulties in completing these submissions: (a) a storm in Alaska over the weekend resulted in widespread power outages throughout the State; and (b) the closure of offices as a result of COVID-19 has made it difficult for Tribes to access financial statements and tax forms that are saved on office computers. Tribes have reported these difficulties via email to two mailboxes that Treasury uses for various communications with Tribes, CARES-STATES@treasury.gov and Treasury.Consult@treasury.gov.
8. Because of the difficulties reported by Tribes, and the number of in-process submissions, Treasury is considering a short extension of tonight's deadline of 11:59:59 pm in order to enable Tribes to complete their data submissions via the online portal. Any extension will be posted to Treasury's website and emailed to Tribes.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: May 26, 2020
Washington, D.C.



Daniel Kowalski
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