

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

AGUA CALIENTE BAND OF CAHUILLA
INDIANS, et al.,

Plaintiffs,

v.

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

Defendant.

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

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 initial deadline for Tribes to submit the requested data was 11:59:59 pm Alaska Daylight Time on May 26, 2020. Based on the issues outlined in my declaration of May 26, 2020, Treasury extended the deadline for submission until 12:00 pm Eastern

Daylight Time on Friday, May 29, 2020. On May 27, 2020, Treasury also sent a reminder email to the Tribes that had not yet made their submissions.

4. As of the Submission Deadline, 61 Tribes had not made submissions. In addition, many of the submissions we received were either incomplete or had errors in them that required follow-up.
5. Because of the high number of missing, incomplete, and incorrect submissions as of the Submission Deadline, Treasury has allowed new submissions to continue.
6. As of today, June 2, 2020, at 2:00 pm Eastern Daylight Time, Treasury is missing submissions from 57 Tribes. As of the same date and time, 336 Tribes' submissions contain incomplete and/or incorrect information. Treasury is in the process of reaching out to Tribes with incomplete and incorrect submissions in order to request complete and correct data. We expect that we will have reached out to all 336 Tribes by end of day tomorrow, June 3, 2020.
7. Because of the surprisingly large number of incomplete and/or incorrect submissions, Treasury expects that the timeline of its allocation determination and payments will necessarily be moved back by approximately one week.

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: June 2, 2020
Washington, D.C.



Daniel Kowalski
Counselor to the Secretary
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