

**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:

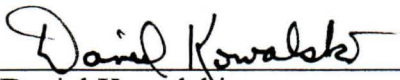
1. I currently serve as Counselor to the Secretary at the United States Department of the Treasury (Treasury). I am authorized to make this declaration and do so on the basis of both my personal knowledge and information made available to me in my official capacity.
2. As noted in my declaration of May 15, 2020, in order to allocate the remaining funds, Treasury requested certain employment and expenditure 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 May 29, 2020, 61 Tribes had not made submissions. In addition, a total of 406 submissions we received were either incomplete or had errors in them that required follow-up.
5. Treasury reached out to all Tribes with incomplete and incorrect submissions in order to request complete and correct data.
6. Because of the high number of incomplete and incorrect submissions as of the Submission Deadline, Treasury allowed corrections to be filed until June 6, 2020 at 11:59:59 pm Alaska Daylight Time.
7. Treasury staff has worked long hours, including nights and weekends, to respond to questions from Tribes, create and post a second request for information, conduct follow up and outreach to collect missing or incomplete information from Tribes, correct and verify data received, and develop an allocation formula for the remaining 40 percent to be distributed, all in a concerted effort to make payments to Tribal governments starting this Friday, June 12. Treasury's efforts resulted in a vast majority of Tribes – nearly 95 percent – with corrected submissions.
8. Treasury expects that the timeline of its allocation determination and payments will be the same as previously indicated in my declaration of June 2, 2020. That is, Treasury expects that it will begin making payments with respect to the remaining 40 percent of the Fund on June 12, 2020.

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 10, 2020
Washington, D.C.



Daniel Kowalski
Counselor to the Secretary
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