

**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. I hereby reaffirm my declaration dated May 6, 2020, in its entirety.
3. On May 5, 2020, the Secretary of the Treasury and the Secretary of the Interior made a joint announcement regarding payments from the Coronavirus Relief Fund (the Fund) to Tribal governments (Announcement), available at <https://home.treasury.gov/news/press-releases/sm998>. As set forth in the Announcement, Treasury has already allocated 60 percent of the \$8 billion available under the Fund among Tribal governments based on population data. Treasury has also determined that the remaining 40 percent is to be allocated based on “the total number of persons employed by the Indian tribe and any tribally-owned entity, and further data to be collected on the amount of higher expenses faced by the tribe in the fight against COVID-19.” *See* Announcement.

4. In order to allocate the remaining funds, Treasury has 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 will open an online portal for Tribes to input their responses to the form next week.
5. Treasury expects to allow Tribes seven (7) business days from the date of the request to prepare and submit the requested data, with an expected submission deadline of 11:59 pm Alaska Daylight Time on May 26, 2020. In determining the amount of time to allow the Tribes to prepare and submit the data necessary for Treasury's allocation, Treasury balanced the potential burden of a relatively compressed timeframe to respond against Tribes' immediate need for these funds during this public health emergency.
6. Treasury expects that it will be able to review Tribes' submissions and determine the final payment amounts for each Tribe within seven (7) business days of the expected May 26, 2020 submission deadline, *i.e.*, June 4, 2020.
7. Payments of the remaining 40 percent to eligible Tribes under the Fund will commence no later than the next business day after Treasury has computed final payment amounts.

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 15, 2020
Washington, D.C.



Daniel Kowalski
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