

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 the Secretary of the United
States Department of Treasury,

Defendant.

Case No. 1:20-cv-01136 (APM)

DECLARATION OF TRALYNNA SHERRILL SCOTT

I, Tralynna Sherrill Scott, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am the Treasurer of the Cherokee Nation (“Nation”), a plaintiff in this case.
2. The statements herein are based on my own personal knowledge obtained within the scope of my role as Treasurer of the Nation, and I could testify competently to them if called upon to do so.
3. The Nation received communication from the U.S. Department of the Treasury (“Treasury”) on Tuesday, May 19, 2020 at 10:01 p.m. to submit “employment and expenditure information.” by 11:59 p.m. Alaska Daylight Time on Tuesday, May 26, 2020. The email, attached hereto as Exhibit “A”, did not contain any further explanation as to the meaning of “employment” or “expenditure information,” nor did it contain any attachments. The following four hyperlinks were provided in the body of the email:
 - (i) [Click Here](#) – Link to the portal through which the Nation was required to submit the additional information requested.

- (ii) caresITforms@treasury.gov – An email address to use for technical assistance.
- (iii) <https://home.treasury.gov/cares> – Link to a webpage containing general information about the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).
- (iv) CARES-States@treasury.gov – General contact email for Treasury regarding the CARES Act.

Although not included in the email either by link or by attachment, on May 14, 2020 Treasury did provide additional guidance on their second request for submittal of tribal information in a document titled “Guidance to Tribes for Completing Supplemental Request for Information.” This guidance was posted as a link on a separate webpage.¹ Unfortunately, this guidance left many unanswered questions as to the information Treasury was seeking from the Tribes. In an effort to clarify the information request, Treasury did participate in a Coronavirus Relief Fund Forum (“Forum”) hosted by the Native American Finance Officers Association (“NAFOA”) on May 18, 2020; however, I do not know whether this Forum was open to all Tribes, or only to those Tribes who pay to be a member of NAFOA.²

4. Because of my role as Treasurer of the Nation, I was asked to collect and submit the information to Treasury prior to the deadline. I collected the requested information consistent with the guidance Treasury provided, which for the Nation was over 360 pages of data. As stated above, Treasury required Tribes to submit this information via a portal. The only way in which to access said portal was through the link provided in the May 19, 2020 email.

¹ <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>

² NAFOA membership dues are \$5,000 per year: https://res.cloudinary.com/nafoa/image/upload/v1590594240/Member%20Tribes/MemberTribe_Application_2020.pdf. Last accessed June 4, 2020.

5. After collecting all requested information, I attempted to access the portal through the link Treasury provided. However, over a two day period my attempts to access the portal were to no avail. Each time, I received an error message reading:

Authorization Required

You must first log in or register before accessing this page.

If you have forgotten your password, click Forgot Password to reset it.

However, there was no "Forgot Password" link on the webpage. A screenshot of the webpage and error message are attached hereto as Exhibit "B." I was eventually able to access the portal; however, once I accessed the portal, the small size limit on file uploads required me to spend additional hours reformatting, reorganizing and separating the file into multiple smaller files. I then had to access the portal again to upload the information in a total of 38 separate documents.

6. Because of the system Treasury put in place, the task of submitting the Nation's information was arduous, frustrating and time consuming. At times, I was worried that I would not be able to upload the Nation's information due to the technical issues associated with the portal. In fact, even after submitting the requested information, I still worried as to whether or not all 38 documents had been successfully uploaded because Treasury had no mechanism in place for Tribes to confirm the number of documents that were uploaded. Using the portal certainly required great deal of patience and persistence.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 5th day of June, 2020.


Tralynna Sherrill Scott, Treasurer
Cherokee Nation

Exhibit A

Tralynna Scott

From: CARES-States@treasury.gov
Sent: Tuesday, May 19, 2020 10:01 PM
To: Tralynna Scott
Subject: <EXTERNAL> SLR-2004185762 Requesting Supplemental Tribal Information

To Eligible Tribal Governments:

The Department of the Treasury is responsible for allocating amounts in the Coronavirus Relief Fund reserved to Indian tribes. Treasury began making payments to tribal governments based on population on May 5, 2020, and has made payments to all Indian tribes submitting correct payment information other than Alaska Native corporations.

In order to receive additional payments based on tribal employment and expenditures, tribal governments are required to submit additional information to Treasury.

Please provide supplemental information for your tribe Cherokee Nation through the form available here:

[Click Here](#)

Tribes are required to submit their employment and expenditure information by 11:59 pm Alaska Daylight Time on Tuesday, May 26, 2020. If a tribal government has not submitted its information by this time, it may not receive a payment from the allocation of the Coronavirus Relief Fund based on employment and expenditures.

For assistance with technical issues with this submission, please contact caresITforms@treasury.gov

For up to date information about this and other CARES Act programs, please visit:

<https://home.treasury.gov/cares>

U.S. Department of the Treasury
Coronavirus Relief Fund (CRF)
CARES-States@treasury.gov

Exhibit B

