

# **EXHIBIT 1**

**SECOND DECLARATION OF JOHN M. FARLEY**

I, John M. Farley, declare as follows:

1. I am a member of the Senior Executive Service (SES) and the Director of the Executive Office for Asset Forfeiture (TEOAF) at the U.S. Department of the Treasury (Treasury). I have held this position since 2014. My responsibilities include the operations and management of the Treasury Forfeiture Fund (TFF) and TEOAF.
2. The statements in this declaration are based on my personal knowledge and information that I have received in my official capacity.
3. I previously executed a declaration dated April 24, 2019 that explained how the TFF operates and the manner in which TFF allocates money to its equitable sharing and strategic support programs. The purpose of this declaration is to provide an update regarding the strategic support funds allocated to the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), from the TFF in support of CBP's border security law enforcement mission.
4. As explained in my prior declaration, on February 15, 2019, Treasury determined that the TFF could allocate up to \$601 million to CBP for its border security law enforcement mission. *See* First Declaration of John Farley ¶ 24. My prior declaration explained that this sum of money had been separated into two tranches. *Id.* ¶ 25. The first tranche of \$242 million was made available to CBP for obligation on March 14, 2019 through an interagency agreement. The second tranche of \$359 million was made available to CBP for obligation on July 16, 2019 through a modification to the interagency agreement.
5. My prior declaration also explained that, in practice, once the statutory requirements are met and Congressional notifications are made, Treasury and the agencies enter into

Interagency Agreements, after which the agencies receiving TFF funds may begin incurring expenses and submitting invoices to the TFF for reimbursement, which the TFF would then reimburse. *See* First Farley Decl. ¶¶ 14, 25. Since that prior declaration, the manner in which TFF strategic support funds are made available to CBP for its border security expenses has changed. Instead of having CBP submit invoices to Treasury for reimbursement of its expenditures, a financial transfer of approximately \$601 million was made directly to CBP. This money now resides in a CBP account rather than a Treasury account, thereby allowing CBP to spend funds directly without submitting reimbursement requests to Treasury. This financial transfer occurred on or about September 27, 2019.

This declaration is made pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 2 day of October 2019.

  
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John M. Farley  
Director  
Executive Office for Asset Forfeiture  
United States Department of the Treasury