

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

State of New York, *et al.*

*Plaintiffs,*

v.

Case No. 1:25-cv-1144-JAV

U.S. Department of the Treasury, *et. al.*

*Defendants.*

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I, Thomas H. Krause, Jr., declare under penalty of perjury:

1. I am employed as the Senior Advisor for Technology and Modernization at the Department of the Treasury. I started serving in this role on January 23, 2025. In addition to serving as Senior Advisor for Technology and Modernization, on February 5, 2025, the Treasury Secretary delegated the performance of duties of the Fiscal Assistant Secretary to me.
2. I submitted a declaration in the above-captioned matter on Tuesday, February 12, 2025 in support of Defendants' Opposition to Plaintiffs' Preliminary Injunction. Dkt No. 33 ("Krause Decl."). I provide this declaration to inform the Court regarding a change in information regarding my employment at Treasury that has occurred since my Tuesday declaration was executed.
3. My Tuesday declaration noted that I had been delegated the duties of the Fiscal Assistant Secretary, but that I had not yet assumed those duties. *See* Krause Decl. ¶ 1. As explained in the declaration of Michael Wenzler that also accompanied the Tuesday filing, Dkt. No 31 ("Wenzler Decl."), this was because, at the time, my role as a consultant appointed under 5 U.S.C. § 3109 prohibited me from performing managerial or supervisory work, *see* Wenzler

Decl. ¶ 7 (citing 5 C.F.R. §304.103(b)). As Mr. Wenzler noted, *see id.* ¶ 8, at the time my declaration was executed, I was in the process of being transferred to a Temporary Transitional Schedule C appointment, which would allow me to assume the duties delegated to me of Fiscal Assistant Secretary.

4. This morning, I was sworn into my new appointment as a Temporary Transitional Schedule C, and have assumed the duties of Fiscal Assistant Secretary delegated to me.
5. I have been informed by Treasury's ethics office that, in this new position, I will retain my ethics designation as a Special Government Employee (SGE) under 18 U.S.C. § 202.
6. At all times since January 23, 2025, I have remained a Treasury employee.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 2/13/25

Signed: 

Thomas H. Krause, Jr.

Senior Advisor for Technology and Modernization

Fiscal Assistant Secretary (PDO)

United States Department of the Treasury