

Addendum to the Agreement Between
The U.S. Department of Education (Department or ED)
And

The U.S. Department of the Interior (DOI)- Bureau of Indian Education (BIE)

Purpose

This Addendum modifies the June 12, 2020, Agreement between the U.S. Department of Education (Department or ED) and U.S. Department of the Interior (DOI)- Bureau of Indian Education (BIE) regarding the ESF-BIE CARES Act funds (“June 12 Agreement”). Under the Education Stabilization Fund (ESF) established by the 2021 Coronavirus Response and Relief Supplemental Appropriations Act (“CRRSA”), Division M of the Consolidated Appropriations Act 2021 (Public Law 116-260), the Department is to allocate one-half of 1 percent of the funds to the Secretary of Interior for programs operated or funded by the BIE under the terms and conditions established for funding provided under section 18001(a)(2) of the CARES Act (Public Law 116–136), for BIE-operated and funded elementary and secondary schools and Tribal Colleges and Universities. (Section 311 of the CRRSA.) For purposes of this Addendum, this allocation will be referred to as the ESF-BIE II Fund. This addendum does not modify the June 12 Agreement as it applies to ESF-BIE CARES Act funds that were transferred to BIE on June 17, 2020.

Funding

BIE’s allotment under the ESF-BIE II set-aside is \$409,400,000.

Applicable Provisions

All provisions of the June 12 Agreement apply to the ESF-BIE II Fund, except for Uses of Funds paragraphs 1, 4 and 5, which are replaced by the language below. In addition, this Addendum establishes timelines for the required reports in the Communication and Reporting section.

Uses of Funds

1. BIE must disburse no less than 90 percent of the ESF-BIE II Fund to BIE funded schools. Such funding shall be allocated as follows:
 - a. 60 percent for BIE -funded schools, as defined in 25 U.S.C. 2021, provided that such schools may not be required to submit a spending plan before receipt of funding.
 - b. 40 percent for Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(d)(3) of the Higher Education Act of 1965 (“HEA”).

4. BIE-funded K-12 schools may use the funds for any purposes listed in the Elementary and Secondary School Emergency Relief Fund of the CRRSA, section 313(d) of the CRRSA.

5. TCUs may use the funds for any purposes listed in the Higher Education Emergency Relief Fund section 314(c) of the CRRSA. The restrictions in section 314(d)(5) of the CRRSA do not apply to these ESF-BIE II funds.

Communication and Reporting

BIE will report on the following schedule regarding the ESF-BIE II Fund, including the same content established in the June 12 Agreement:

- a) First report –due April 30, 2021 (January 1 – March 31, 2021)
- b) Second report –due July 31, 2021 (April 1 – June 30, 2021)
- c) Third report –due October 31, 2021 (July 1 – September 30, 2021)
- d) Final report –due January 30, 2022 (October 1 – December 31, 2021)
- e) Provide to ED a copy of the reports required under section 15011(b) of the CARES Act (which is made applicable to the funds under the CRRSA by section 801(b) of Division O of the Consolidated Appropriations Act 2021); those monthly reports may be combined and sent to ED on the report due dates in a) – d), followed by any further monthly reports required after such dates.

Agency Approvals

/s/

Frank T. Brogan

Assistant Secretary for Elementary and Secondary Education

U.S. Department of Education

Date: January 8, 2021

/s/

Tony L. Dearman

Director, Bureau of Indian Education

Date: January 11, 2021