

**AGREEMENT BETWEEN THE STATE OF SOUTH DAKOTA AND THE  
CHEYENNE RIVER SIOUX TRIBE FOR THE LOW INCOME ENERGY  
ASSISTANCE PROGRAM FUNDING ALLOCATION**

**I. Purpose**

Title XXVI of the Omnibus Budget Reconciliation Act of 1981, states under section 2604(d) (2) that sums available under the State's allotment for purposes of the Low Income Energy Assistance Program will be reserved for tribal organizations participating in administering the Low Income Energy Assistance Program.

Section 2605(b) (2) of the LIHEAP statute provides that the LIHEAP allotments of reservation-based Indian tribes applying for direct federal LIHEAP funding are to be based on the ratio of the number of eligible American Indian households living within a state on the tribe's reservation or adjacent trust land, to the total number of eligible households in the state, with the resulting percentage multiplied by the state's gross LIHEAP allotment--or on a larger amount agreed on by the tribe and the state.

**II. Geographic Boundaries**

The Cheyenne River Sioux Tribe shall provide benefits to all eligible adult Native American households residing in Dewey and Ziebach counties. For purposes of LIHEAP, an adult Native American household is one in which at least one adult member of the household is Native American.

**III. Funding Allocation**

The Cheyenne River Sioux Tribe will receive 2.82% of the state's allotment. The tribal distribution is based on the percentage of households with income less than 150% of OMB Poverty Level Income Guidelines.

**IV. Exchange of Information**

The Cheyenne River Sioux Tribe and the State of South Dakota will take whatever steps are necessary to prevent duplicate payments to eligible households and will identify procedures to prevent duplicate payments in the separate funding plans serving separate geographic areas. In order for the State of South Dakota and the Cheyenne River Sioux Tribe to prevent duplicate payments, the following is agreed to when deemed necessary.

1. Name and social security number of household members.
2. Amount of assistance received in the case of persons moving on and off reservations.

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Referral of applicant households will be made by the Cheyenne River Sioux Tribe and the State of South Dakota when appropriate.

**V. Hold Harmless**

The Cheyenne River Sioux Tribe holds the State of South Dakota harmless for any violations of federal regulations by the said tribe. The tribe further holds the State of South Dakota harmless for any audit exceptions of the Cheyenne River Sioux Tribe administration of the Low Income Energy Assistance Program. The Cheyenne River Sioux Tribe further holds the State of South Dakota harmless for any liability, loss or damage which may be suffered directly or indirectly by any third party as the result of any claims, demands or actions arising from the performance of this agreement by the tribe.

**VI. Terms of Agreement**

This agreement shall be effective on October 1, 1994.

CHEYENNE RIVER SIOUX TRIBE

10-7-94  
(DATE)

*Larry LaPlante*

VIC-CHAIRMAN

STATE OF SOUTH DAKOTA

*James W. Ellenbecker*  
JAMES W. ELLENBECKER, SECRETARY  
DEPARTMENT OF SOCIAL SERVICES