

AGREEMENT BETWEEN THE STATE OF SOUTH DAKOTA AND THE OGLALA SIOUX TRIBE FOR THE LOW INCOME ENERGY ASSISTANCE PROGRAM (LIEAP) 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 allocation for purposes of the Low Income Energy Assistance Program (LIEAP) will be reserved for tribal organizations participating in administering the LIEAP.

Section 2605(b) (2) of the LIEAP statute provides that the LIEAP allotments of reservation-based Indian tribes applying for direct federal LIEAP 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 LIEAP allotment--or on a larger amount agreed on by the tribe and the state.

II. Geographic Boundaries

The Oglala Sioux Tribe shall provide benefits to all eligible adult Native American households residing in Bennett, Jackson and Shannon counties. For purposes of LIEAP, an adult Native American household is one in which all adult members of the household are Native American.

III. Funding Allocation

The Oglala Sioux Tribe will receive a percentage of the State's Gross allotment. The total tribal distribution is based on a doubling of the percentage of households with income at or below the greater of 150% of the Federal Poverty Guidelines or 60% of each state's median income as published by the U.S. Department of Health and Human Services using either the 1990 Census data or the 2010 Census data, whichever is greater for the tribe. Per this contract, the Oglala Sioux Tribe will receive 5.84 percent of the State's Gross allotment using the 1990 Census data.

IV. Exchange of Information

The Oglala 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 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 Oglala Sioux Tribe to prevent duplicate payments, the following is agreed to when necessary.

1. Name and Social Security Number of household members

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2. Amount of assistance received in the case of persons moving on and off reservations.

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

V. Hold Harmless

The Oglala 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 Oglala Sioux Tribe administration of the LIEAP. The Oglala 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, 2014.

Oglala Sioux Tribe

Bryan V. Brown
Signature

Sept 19, 2014
Date

President Oglala Sioux Tribe
Position Title

State of South Dakota

Lynne A. Valenti
Lynne A. Valenti, Cabinet Secretary
Department of Social Services

10/7/14
Date