

# **AGREEMENT BETWEEN THE STATE OF SOUTH DAKOTA AND THE ROSEBUD 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 Rosebud Sioux Tribe shall provide benefits to all eligible adult Native American households residing in Gregory, Mellette, Tripp, and Todd 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 Rosebud 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 Rosebud Sioux Tribe will receive 4.6% of the State's Gross allotment using the 1990 Census data.

## **IV. Exchange of Information**

The Rosebud 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 Rosebud 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 Rosebud Sioux Tribe and the State of South Dakota when appropriate.

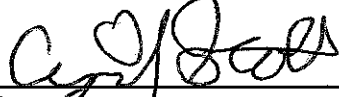
**V. Hold Harmless**


The Rosebud 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 Rosebud Sioux Tribe administration of the LIEAP. The Rosebud 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.

**Rosebud Sioux Tribe**


  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
President  
Position Title

**State of South Dakota**

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

  
\_\_\_\_\_  
Date