



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE  
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • 360-725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

## Low Income Home Energy Assistance Program (LIHEAP) Agreement

Between

Swinomish Indian Tribal Community

17337 Reservation Road  
La Conner, WA 98257

(360) 466-3163

[trjames@swinomish.nsn.us](mailto:trjames@swinomish.nsn.us)

[https://swinomish-nsn.gov/](http://swinomish-nsn.gov/)

And

Washington State Department of Commerce

1011 Plum Street SE  
P.O. Box 42525  
Olympia, WA 98504

(360) 725-2862

[brian.sarensen@commerce.wa.gov](mailto:brian.sarensen@commerce.wa.gov)

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## **1. Purpose**

Title XXVI of the Omnibus Budget Reconciliation Act of 1981 states under section 2604(d) (2) of the LIHEAP statute provides that the LIHEAP allocations of reservation-based Native American Tribes applying for direct federal LIHEAP funding are to be based on the ratio of the number of eligible Native American 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 allocation—or on a larger amount agreed on by the Tribe and the State.

The Washington State Department of Commerce (Commerce) agrees to apply to the United States Department of Health and Human Services (HHS), for LIHEAP funds allocated to the State of Washington.

The Swinomish Indian Tribal Community (Swinomish Tribe) agrees to deliver LIHEAP services in its service area.

## **2. Length of Agreement**

We intend the agreement to be reviewed every three years. If the agreement cannot be reviewed in this time period, the agreement will remain in effect. The agreement can be extended or renegotiated at any time with consent of both parties.

## **3. Service Territory**

The Swinomish Tribe shall provide benefits to all eligible Native American households residing on the:

- Swinomish reservation and off-reservation trust land in Skagit County.

For purposes of LIHEAP, a Native American household is one in which a member is Native American. Tribal members may seek services from a non-Tribal LIHEAP servicer when the household has moved outside of the Tribe's geographical service area, if the household is closer to a non-Tribal LIHEAP provider and chooses to be served closer to home, or if the Swinomish Tribe runs out of LIHEAP funds.

## **4. Funding Allocation**

The Swinomish Tribe will receive \$98,954 from the US Department of Health and Human Services for each fiscal year of this agreement. The total Tribal distribution is based on a percentage of households with income at or below 150% of the Federal Poverty Guidelines.

## **5. Data sovereignty, data sharing and non-duplication of payments**

The Swinomish Tribe and Commerce will take the necessary steps to prevent duplicate payments to eligible households. The Swinomish Tribe and Commerce 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 Commerce and the Swinomish Tribe to prevent duplicate payments, the following is agreed to when necessary.

### **A. Name and social security number of household members.**

B. Amount of assistance received in the case of persons moving on or off Tribal service territory.

Referral of applicant households will be made by the Swinomish Tribe and Commerce when appropriate.

**6. Hold Harmless**

The Swinomish Tribe holds Commerce harmless for any violations of federal regulations by the said Tribe. The Swinomish Tribe further holds Commerce harmless for any audit exceptions of the Swinomish Tribe's administration of LIHEAP. The Swinomish Tribe further holds Commerce harmless for any liability, loss, or damage that 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 Swinomish Tribe.

**Swinomish Indian Tribal Community**

St. Edwards  
Signature

7/11/24  
Date

Chairman  
Position Title

**Washington State Department of Commerce**

DocuSigned by:  
Cindy Martin-Anderson  
Signature  
6A85C9B618494EF...

8/5/2024 | 10:28 AM PDT  
Date

Assistant Director, Commerce  
Position Title