

REN-19-002: To Add Cousins to the Definition of “Eligible Child Care Providers” in the Child Care and Development Block Grant Act

Sponsor: Chairman Aaron Payment

Summary:

- The Child Care and Development Block Grant Act is the key source of funding used to assist families with child care. Tribal nations under the Act can use the funds to compensate “Eligible Child Care Providers.”
- The Department of Health and Human Services (HHS) no longer interprets the definition of “Eligible Child Care Providers” to include “cousins.”
- Resolution REN-19-002 urges HHS to waive the definition of “Eligible Child Care Providers” for tribal nations and to allow tribal nations to submit amendments to their current Child Care and Development Fund (CCDF) plans.
- Resolution REN-19-002 urges Congress to amend the Child Care and Development Block Grant Act to include cousins in the definition of “Eligible Child Care Providers.”

Issue:

The Child Care and Development Block Grant Act is the primary source of federal funding to support low income families by paying for child care to enable parents to work, attend school, or vocational training. The Act defines “Eligible Child Care Providers” as those family members who are 18 years of age or older and are by affinity, consanguinity, or by court decree to be the great grandparent, grandparent, aunt, uncle, or sibling of the child. In several tribal nations, cousins are critical members of the family structure and cousins are considered to be siblings. In the past, HHS has interpreted the definition of “Eligible Child Care Providers” to include cousins, however, HHS has changed its interpretation of the statute to exclude cousins. This change in the interpretation prevents tribal nations from using the funds to compensate cousins who provide safe, secure, and culturally appropriate child care in their tribal communities.

Action:

- REN-19-002 urges HHS to waive the definition of “Eligible Child Care Providers” (under Executive Order 13175 § 6) as it applies to cousins for tribal nations operating a Child Care Block Grant Program.
- REN-19-002 urges HHS to allow tribal nations with CCDF plans to submit an amendment to add “cousins” to their definitions of “relative.”
- REN-19-002 urges Congress to amend the Child Care and Development Block Grant Act to add “cousins” to the definition of “Eligible Child Care Providers.”

For additional information, please contact Jacob Schellinger at jschellinger@ncai.org or Kelbie Kennedy at kkennedy@ncai.org.

Resolution Action Plan: REN-19-002

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Action Plan:

- 30 Days:
 - Reach out to the resolution sponsor to learn more about the change in interpretation of “Eligible Child Care Providers” by HHS.
 - Conduct additional background research:
 - The Child Care and Development Block Grant Act (CCDBG).
 - The 2014 final rule by HHS on the CCDBG Act.
 - Changes in HHS interpretation on the inclusion of cousins for tribal nations.
 - Waivers under Executive Order 13175 § 6.
 - CCDF plans and the process for submitting amendments for a plan.
 - Meet with fellow NCAI staff regarding the CCDBG Act and changes by HHS in interpreting the definition.
 - Reach out to our partners at NICWA to see if they are working on this issue and if they have any background resources.
 - Reach out to additional tribal organizations that may be working on this issue.
 - Identify coalitions that are working on this issue and determine if they are a good fit for joint efforts.
 - Identify key HHS officials to reach out to on the interpretation issue.
 - Identify key HHS officials to reach out to on the amendment to CCDF plans issue.
 - Determine if there have been other legislative efforts to change the definition of “Eligible Child Care Providers” in the last five years.
 - Identify potential Senate and House sponsors and co-sponsors for the bill on the committees of jurisdiction.
 - Identify potential Senate and House co-sponsors on the appropriate appropriations committees.
- 60 Days:
 - Identify relevant examples of tribal concerns.
 - Develop an advocacy message plan.
 - One pager on the issue for the hill.
 - One pager for HHS.
 - Talking points.
 - Letters.
 - Reports that include data and info graphics etc.
 - Tribal comments.
 - Reach out and set up meetings with key HHS officials on the interpretation issue.
 - Reach out and set up meetings with key HHS officials on the amending the CCDF plans issue.

- Reach out to Senate and House potential sponsors for the legislation.
- 90 Days:
 - Reach out to Senate and House potential co-sponsors of the legislation.
 - Send out information about the issue to NCAI members.
 - Send letters to key HHS officials from NCAI on the interpretation issue and the amending CCDF plans issue.
 - Provide additional information to House and Senate office staff as needed.
 - Reach out to appropriate Senate and House committee staff to brief them on the issue and bill.
 - Work with communications team to develop short term and long term communications plan for the congressional track and the agency track on this issue.
 - Press releases.
 - Social media plan.
 - Op-eds.
 - NCAI website build out.
 - General outside press.
 - Hill briefings.
 - Arrange additional House and Senate meetings as needed.
 - Follow up with tribal nations, House and Senate offices on the legislation and appropriate committee staff.
 - Follow up with HHS staff.
- 120 Days:
 - Continue Hill visits and collaborate with tribal nations, relevant tribal organizations, and allies.
 - Continue to follow up with key HHS staff.