



NATIONAL CONGRESS OF AMERICAN INDIANS

Resolutions Committee Recommendation

Resolution #: REN-19-002

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

Comments:

The Child Care and Development Block Grant Act does not contain a definition for “relative.” Instead, the Act contains a more expansive definition for “Eligible Child Care Providers”, which states that the child must be the “the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of [the child care] provider.” In the past HHS has interpreted, this definition to include cousins, however, HHS has changed its interpretation of the statute to exclude cousins. This change in the interpretation will prevent tribal nations from using the grant funds compensate cousins who provide safe, secure, and culturally appropriate child care in their tribal communities.

Recommendations:

Resolution REN-19-002 is in order and should be forwarded to the Human Resources committee and Indian Child & Family Welfare subcommittee for consideration. The NCAI Resolutions Committee recommends adoption.

Sponsor a member in good standing (yes/no)?: _____



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #REN-19-002

TITLE: Amend the definition of Relative under the Child Care Development Block Grant Program to include Cousin

EXECUTIVE COMMITTEE

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Chickasaw Nation

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CHIEF EXECUTIVE OFFICER
KEVIN ALLIS
FOREST COUNTY POTAWATOMI COMMUNITY

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments;

WHEREAS, the Childcare Development Block Grant Program (CCDBG) under the Child Care and Development Fund is the primary federal program supporting Tribal government efforts to provide secure and safe child care for working parents in tribal communities;

WHEREAS, family members are critical resources in providing secure, safe, and culturally sensitive child care and the law allows for these family child care providers to be compensated for their services;

WHEREAS, the Child Care and Development Fund Program no longer interprets the definition of relative to include "cousins" and thus while many tribes have been providing compensation to "cousins" who provided relative child care consistent with their federally approved plans, absent a waiver of this definition of "relative" many Indian parents are going to be without child care;

WHEREAS, cousins are critical members of the tribal family structure, and in many Tribal communities a cousin is considered a sibling and those people's children are nieces and nephews;

WHEREAS, Executive Order 131175 § 6 and the Department of Health and Human Services' Tribal Consultation Policy support the consideration and granting of waivers regulations in order to allow to tribal governments to better administer federal programs in Indian Country so that they are consistent with tribal laws and customs;

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) asks that HHS waive the definition of "relative" for tribal

governments operating a CCDBG Program and allow Tribal Governments to define within their CCDF Plans the term “relative” to include cousins; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians (NCAI.) asks that HHS allow Tribes with existing plans to submit an amendment to their plans to amend the definition of “relative” to include cousins; and

BE IT FURTHER RESOLVED, that the National Congress of American Indians (NCAI.) asks Congress to amend the Childcare Development Block Grant Act to specifically include in the definition of “relative” who are eligible for compensation under the Act, cousins.

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.

Jefferson Keel, President

ATTEST:

Juana Majel Dixon, Recording Secretary



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-19-002

EXECUTIVE COMMITTEE

- PRESIDENT Jefferson Keel
FIRST VICE-PRESIDENT Aaron Payment
RECORDING SECRETARY Juana Majel-Dixon
TREASURER W. Ron Allen

REGIONAL VICE-PRESIDENTS

- ALASKA Rob Sanderson, Jr.
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- SOUTHEAST Nancy Camley

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- SOUTHWEST Joe Garcia

- WESTERN Quintin C. Lopez

- CHIEF EXECUTIVE OFFICER KEVIN ALLIS

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005

TITLE: To Add Cousins to the Amend the dDefinition of "Eligible Child Care Providers" Relative in under the Child Care and Development Block Grant Program to include Cousin Act

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Child Care and Development Block Grant Program (CCDBG) under the Child Care and Development Fund (CCDF) is the a primary federal program supporting Tribal government efforts to provide safe and secure child care for working parents in tribal communities; and

WHEREAS, in tribal communities family members relatives are critical resources into providing safe, secure, and culturally sensitive child care and the law allows for these family child care providers to be compensated for their services; and

WHEREAS, cousins are critical critical members of the tribal family structure, and in many (Tribal communities a cousins are is considered a siblings and those people's children are nieces and nephews; and

WHEREAS, the Child Care and Development Block Grant Act (the Act) allows relatives to be compensated for providing child care under the definition of "Eligible Child Care Providers;," and

WHEREAS, the Department of Health and Human Service (HHS) Child Care and Development Fund Program no longer interprets the definition of "Eligible Child Care Providersrelative" in the Act to include "cousins" and thus while many tribes have been providing compensation to "cousins" who provided relative child care consistent with their federally approved plans, absent a waiver of this definition of "relative" many Indian parents are going to be without child care; and

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WHEREAS, many tribal nations have provided compensation to “cousins” who provide child care consistent with their federally approved plans; and

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WHEREAS, absent a waiver of the definition of “Eligible Child Care Providers” many Indian parents will be left without child care; and

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~~WHEREAS, cousins are critical members of the tribal family structure, and in many Tribal communities a cousin is considered a sibling and those people’s children are nieces and nephews;~~

~~WHEREAS, Executive Order 131475 § 6 and the Department of Health and Human Services Tribal Consultation Policy support allow HHS to the consideration and granting of tribal waivers to of statutory and regulatory requirements in cases where the waiver is consistent with the applicable Federal policy objectives order to allow to tribal governments to better administer federal programs in Indian Country so that they are consistent with tribal laws and customs.~~

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) ~~asks urges that~~ HHS ~~waive to waive~~ the definition of “Eligible Child Care Providers” ~~relative~~ as it applies to cousins for tribal ~~governments nations~~ operating a CCDBG Program, ~~permitting and allow Tribal Governments nations to include cousins in their to~~ definition of “relative” ~~e~~ within their CCDF Plans ~~the term “relative” to include cousins;~~ and

BE IT FURTHER RESOLVED, that the NCAI ~~asks urges that~~ HHS ~~to allow Tribal nations~~es with existing plans to submit an amendment ~~to their plans to amend the~~change their definition of “relative” to include cousins; and

BE IT FURTHER RESOLVED, that the NCAI ~~asks urges~~ Congress to amend the Child ~~e~~Care and Development Block Grant Act to ~~specifically add “cousins” include to in~~ the definition of “relative” ~~Eligible Child Care Providers” who are eligible for compensation under the Act, cousins; and;~~

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.

Jefferson Keel, President

ATTEST:

Juana Majel Dixon, Recording Secretary