



The Impact of Federal Early Care And Education Programs on Tribes

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Introduction

Enormous systemic challenges complicate the support the federal government gives American Indian and Alaska Native, or AI/AN, families with young children.

When the federal government entered treaties with tribes to acquire their lands, the government guaranteed to protect and enhance tribal lands, resources, and self-governance. This includes economic and social programs to raise the standard of living and social well-being of AI/AN people to a level comparable to the rest of the country. However, the efforts to support the healthy growth and development of young AI/AN children have fallen short.

Tribes are ineligible to receive or apply for several major federal programs dedicated to early learning and development. These include:

- Individuals with Disabilities Education Act Part B.
- Preschool (Section 619) Grants.
- Preschool Development Grants.
- State Grants provided under Child Abuse Prevention and Treatment Act.

When tribes *are* eligible for funding, the amount available depends on arbitrary allotments that exist in law—many of which are not calculated based on any reasonable assessment of need.

Administration and availability of funds also varies across federal programs. Some programs provide direct grants to tribes or require tribes to petition states for funding. Others set aside a certain amount to be administered by the Bureau of Indian Affairs (BIA) through its Bureau of Indian Education (BIE) department which only gives funding to certain tribes.

To better understand the different programs that affect AI/AN children and young families living on tribal lands, the Bipartisan Policy Center comprehensively reviewed federal early care and education programs impacting this population. It serves as an addendum to BPC's [Tribal Early Care and Education Programs](#) report released in 2021.

An example of the challenge can be illustrated with a tribe aiming to serve infants and toddlers. Tribes will receive direct funds from the Department of Health and Human Services to provide child care assistance to qualifying families. However, if a tribe wishes to provide nutrition assistance or screening for disabilities or delays for babies and toddlers, tribes must jump at least three hurdles to access funds under the Child and Adult Care Food Program (CACFP) and the Individuals with Disabilities Education Act (IDEA) Part C program for infants and toddlers. Neither program provides direct funds to tribes. First, tribes may apply for reimbursement under CACFP through the state in which they are located. If the tribal land crosses state lines, however, they must enter agreements with multiple states. Second, to access Part C, tribes must seek funds from BIE, which in turn, provides awards for tribes and tribal organizations. Third, the tribe must ensure it is on a reservation that operates a BIE elementary or secondary school, as IDEA only permits BIE to pass through Part C funds "on reservations served by elementary and secondary schools for American Indian children operated or funded by the Secretary of the Interior." Only 20% of reservations have a BIE-operated elementary or secondary school, which means by law, tribes on four out of five reservations are not eligible to receive funds under Part C.

Even when tribes or tribal organizations are eligible for funding, they may not receive awards; that is the case for the Child Care Access Means Parents in Schools (CCAMPIS) program, which has not awarded a grant to any Tribal College or University in the past three fiscal years.

This review is organized by federal agency and provides a background of each program and its impact on tribal communities; information on how funding is distributed to tribes, if at all; and descriptors denoting which programs offer funding on a discretionary basis subject to the yearly appropriations process and those which are provided on a mandatory basis that cannot be changed without an act of Congress.

Additionally, there is a review of the various federal relief packages passed by Congress to blunt the effects of COVID-19 and their impact on tribes.

We recommend Congress and federal agencies take these steps to improve how the federal government supports AI/AN children and families:

1. Adopt recommendations included in BPC's 2022 report, [*Righting a Wrong: Advancing Equity in Child Care Funding for American Indian and Alaska Native Families*](#).
2. The Department of Health & Human Services should:
 - a. Publicly post approved CCDF plans for tribes receiving funding. Making them broadly available allows researchers and policymakers to determine trends across tribal programs and better understand grantee operations.
 - b. Assess the impact relief packages have had on tribes, including detailed information on the amount of funding received and how many children and providers benefited.
 - c. Publicly report the programmatic impact on AI/AN children in the same way it provides comprehensive data on child care in the states through its annual CCDF data tables.
3. Congress should:
 - a. Conduct a comprehensive programmatic review—*with hearings*—on the efficacy of federal programs that impact early care and education on tribal lands. This should result in recommendations to fully address the gaps that exist across agencies and funding streams and include committees on AI/AN affairs, appropriations, finance, health, education, nutrition, and child abuse prevention.

Programs Supporting Tribal Early Care And Education

DEPARTMENT OF HEALTH & HUMAN SERVICES

Child Abuse Prevention and Treatment Act (CAPTA)

- Background: The Child Abuse Prevention and Treatment Act consists of four main funding streams:¹
 - CAPTA State Grants: These grants improve child protective services, including reporting of child maltreatment, intakes, screenings, investigations, case management, and trainings.
 - Child Abuse Discretionary Activities Grants: These grants fund research and contracts at public and private agencies working to prevent child maltreatment. The grants also fund technical assistance to states to support the prevention and treatment of child abuse and neglect.
 - Children’s Justice Act Grants: These grants fund programs that investigate, assess, and prosecute child abuse and neglect, with a focus on addressing sexual abuse, child fatalities from maltreatment, and abuse of children with special needs of severe health issues.
 - Community-Based Child Abuse Prevention Grants: These funds are granted to a lead entity in each state, as determined by the governor, that distributes funding to community-based organizations to prevent child abuse.
- Impact on Tribes: CAPTA does *not* authorize state grants—which hold the largest amount of child abuse prevention funding—to tribes or tribal organizations.² There are no reservations for tribes among the other programs within CAPTA except for the Community-Based Child Abuse Prevention Grants. However, the reservation provided is shared with other populations: Only 1% of total funding under the Community-Based Child Abuse Prevention program is reserved to fund tribes, tribal organizations, and migrant programs. Further, the funding provided is so modest, the federal government can typically only fund three awards per fiscal year.³

1 Child Welfare: An Overview of Federal Programs and their Current Funding: <https://crsreports.congress.gov/product/pdf/R/R43458>.

2 The Child Abuse Prevention and Treatment Act: Background, Programs, and Funding. https://www.everycrsreport.com/files/20091104_R40899_52b107ff31f0e25899fbc-35212a7433e09a9a385.pdf.

3 Rural Health Information Hub. Grants to Tribes, Tribal Organizations, and Migrant-Programs for Community-Based Child Abuse Prevention Programs. Available at: <https://www.ruralhealthinfo.org/funding/1829>.

- Funding Method: Formula.
- Character of Funding: Discretionary.
- Most Recent Appropriation:
 - CAPTA Community-Based Child Abuse Prevention Grants: \$60 million (up to \$600,000 for tribes, tribal organizations, and migrant programs).

Child Care & Development Fund (CCDF)

- Background: A portion of Child Care and Development Block Grant (CCDBG) funds, which are discretionary, and the Child Care Entitlement to the States (CCES), which are mandatory, are reserved for American Indian tribes. For discretionary child care funding, the statute reserves an amount no less than 2% of the appropriation. An amount greater than 2% of discretionary funds may be reserved for tribes as long as (1) the overall appropriation is greater than what was provided in 2014, the year of the legislation's last reauthorization; and (2) no state receives less than what it would have received in 2014.⁴ The amount of funding tribes receive is based on the number of children under the age of 13 living in tribal communities, in addition to a base amount set by the HHS secretary. In fiscal year 2021, 3% of discretionary funds were allocated for tribes.
- Impact on Tribes—CCDBG: For FY 2022 CCDBG funds, grant awards made to the 50 states and Washington, DC averaged approximately \$106 million, with a range from nearly \$7 million to \$644 million. The grant awards made to territories averaged approximately \$15 million, with a range of \$5 million to \$45 million. The grant awards made to tribes averaged approximately \$1 million, with a range of \$70,000 to \$46 million.⁵
- Impact on Tribes—CCES: For FY 2022 mandatory funds, grant awards made to the 50 states and Washington, DC, averaged approximately \$23 million, with a range from nearly \$2 million to \$102 million. The grant awards made to territories averaged approximately \$15 million, with a range of \$2 million to \$58 million. The grant awards made to tribes averaged approximately \$400,000, with a range of \$7,000 to \$14 million.⁶
- Impact on Tribes—Matching Funds: While states are able to draw down funds if they match a certain percentage of the funding, they receive through CCES, tribes are not subject to the requirements regarding matching funds and, thus, do not receive matching funds.⁷

⁴ 42 U.S.C. § 9858m.

⁵ U.S. Department of Health & Human Services. Fiscal Year 2023, Administration for Children and Families, Justification of Estimates for Appropriations Committees. Available at: <https://www.acf.hhs.gov/sites/default/files/documents/olab/fy-2023-congressional-justification.pdf>.

⁶ Ibid.

⁷ 45 CFR § 98.83 - Requirements for tribal programs.

- Impact on tribes—CCDF: To qualify for CCDF funds, tribes must be federally recognized, and the tribal population must include at least 50 children under age 13 living on or near the reservation or service area. While Administration for Children & Families (ACF) requires tribes to submit detailed annual reports to offer the agency a glimpse into the use of CCDF funding by the tribes, these reports are not publicly available.⁸ Greater information is provided through the annual reports submitted by the states. Of the 1.49 million children served by CCDF through the states in FY20,⁹ 1% were AI/AN children.¹⁰
- Funding Method: Formula.
- Character of funding: Discretionary and Mandatory.
- Most Recent Appropriation:¹¹
 - CCDBG: \$5.91 billion (Tribes: \$354 million).
 - CCES Mandatory: \$3.55 billion (Tribes: \$100 million).
 - CCES Matching: \$2.16 billion (Tribes: N/A).

Head Start

- Background: Head Start allocates funds to local community-based organizations to provide comprehensive services from birth to age five.
- Impact on Tribes: Head Start launched 34 AI/AN Head Start programs in the summer of 1965.¹² There are 150 AI/AN Head Start and 58 AI/AN Early Head Start programs operating across 26 different states.¹³ Based on the needs of local communities, Head Start programs offer traditional language and cultural practices to provide high-quality services to young children and their families. There are approximately 44,000 children of AI/AN heritage served through Head Start—both in AI/AN and non-tribal programs.¹⁴

8 U.S. Department of Health and Human Services. ACF-700 Tribal Annual Report. Available at: <https://www.acf.hhs.gov/occ/report/acf-700-tribal-annual-report>. This gap was noted in 2017 as a part of the Office of Policy, Research and Evaluation's report titled Understanding American Indian and Alaska Native Early Childhood Needs: The Potential of Existing Data. Available at: https://www.acf.hhs.gov/sites/default/files/documents/opre/aian_ec_needs_technical_report_may_2017_final_508.pdf.

9 U.S. Department of Health and Human Services. FY 2020 Preliminary Data Table 1 - Average Monthly Adjusted Number of Families and Children Served. Available at: <https://www.acf.hhs.gov/occ/data/fy-2020-preliminary-data-table-1>.

10 U.S. Department of Health and Human Services. FY 2020 Preliminary Data Table 12a - Average Monthly Percent of Children in Care By Race and Ethnicity. <https://www.acf.hhs.gov/occ/data/fy-2020-preliminary-data-table-12a>.

11 U.S. Department of Health & Human Services. Fiscal Year 2023, Administration for Children and Families, Justification of Estimates for Appropriations Committees. Available at: <https://www.acf.hhs.gov/sites/default/files/documents/olab/fy-2023-congressional-justification.pdf>.

12 U.S. Department of Health and Human Services. American Indian and Alaska Native Programs. Available at: <https://eclkc.ohs.acf.hhs.gov/programs/article/american-indian-alaska-native-programs>.

13 U.S. Department of Health and Human Services. National American Indian and Alaska Native Head Start Collaboration Office. Available at: <https://eclkc.ohs.acf.hhs.gov/state-collaboration/article/national-american-indian-alaska-native-head-start-collaboration-office>.

14 Ibid.

Additionally, in FY 2021, Head Start allocated \$4 million to reestablish the Tribal Colleges and Universities Head Start Partnership program, which is designed to support activities to improve skills and qualifications of education personnel, to provide assistance to staff and parents in the program, to develop curricula to promote high-quality services and instruction, and to develop and implement learning opportunities for AI/AN Head Start agency staff.¹⁵ ACF awarded six grants for this program in September 2020, and these grants were continued with 2021 funding.

- Funding Method: Formula
- Funding Character: Discretionary.
- Most Recent Appropriation: \$10.75 billion (Tribes: \$309 million).

Maternal, Infant, and Early Childhood Home Visiting (MIECHV)

- Background: The MIECHV program supports voluntary, evidence-based home visiting services during pregnancy and to parents with young children up to kindergarten entry living in at-risk communities.
- Impact on Tribes: The program includes a 3% set aside for tribal communities, which reserves approximately \$12 million per year for tribes. The purpose of the program is to develop and strengthen tribal capacity to support and promote the health and well-being of AI/AN families through home visits; to expand the evidence base around home visiting in tribal communities; and to support cooperation and linkages between programs that serve native children and their families.¹⁶ Only 23 of the 574 federally recognized tribes received grants, as a result of insufficient funding. Due to this lack of funding and in contrast to the grants for the states, grants for tribal communities are awarded on a competitive basis. Tribal grantees provided over 142,500 home visits from FY 2012 to FY 2021 and served more than 3,500 parents and children in FY 2021.
- Funding Method: States-Formula; Tribes-Competitive.
- Character of Funding: Mandatory.
- Most Recent Appropriation: \$377 million (tribes: \$12 million)

15 U.S. Department of Health & Human Services. Fiscal Year 2023, Administration for Children and Families, Justification of Estimates for Appropriations Committees. Available at: <https://www.acf.hhs.gov/sites/default/files/documents/olab/fy-2023-congressional-justification.pdf>.

16 U.S. Department of Health & Human Services. Fiscal Year 2023, Health Resources and Services Administration, Justification of Estimates for Appropriations Committees. Available at: <https://www.hrsa.gov/sites/default/files/hrsa/about/budget/budget-justification-fy2023.pdf>.

Preschool Development Grant (PDG)

- Background: PDG are competitive awards to states to strengthen state and local efforts to build, develop, and expand high-quality preschool programs so more children from low- and moderate-income families enter kindergarten ready to succeed in school. The program is administered by HHS; a predecessor grant program was administered by the Department of Education.¹⁷ Tribes and tribal organizations are *not* eligible to compete for these grants.¹⁸
- Funding Method: Competitive.
- Character of Funding: Discretionary.
- Most Recent Appropriation: \$275 million (\$0 for tribes)

Temporary Assistance for Needy Families (TANF)

- Background: TANF is designed to help low-income families achieve independence and economic self-sufficiency. Funding is provided primarily through State Family Assistance Grants and are based on spending levels from the mid-1990s. States may transfer up to a total of 30% of their TANF grant to CCDBG. In FY 2020, states transferred \$1.4 billion in TANF state grants (9% of federal TANF funds) to CCDBG. An additional 8% of TANF funds, or \$1.4 billion, was spent directly on child care. TANF funds transferred to CCDBG are subject to the requirements under that federal law.
- Impact on Tribes: Tribes are eligible to operate their own TANF programs, and those that choose to do so receive their own grants, which totaled almost \$208 M in FY 2021. Seventy-five tribal TANF grantees have been approved and operate tribal TANF programs serving 285 federally recognized tribes and Alaska Native villages.¹⁹ There are no data indicating what amount of Tribal TANF funds are spent on child care; nor is there information on whether Tribal TANF funds can be transferred to tribal CCDF programs.
- Funding Method: Formula.
- Character of Funding: Mandatory.
- Most Recent Appropriation: \$17.35 billion (tribes: \$208 million).

17 U.S. Department of Education. Preschool Development Grants, Awards. Available at: <https://www2.ed.gov/programs/preschooldevelopmentgrants/awards.html>.

18 Every Student Succeeds Act, § 9212.

19 U.S. Department of Health & Human Services. Tribal TANF. Available at: <https://www.acf.hhs.gov/ofa/programs/tribal/tribal-tanf>.

DEPARTMENT OF AGRICULTURE

Child and Adult Care Food Program (CACFP)

- Background: CACFP is administered by the Food and Nutrition Service at the Department of Agriculture. The purpose of CACFP is to improve access to nutritious meals and snacks in child care programs for participating children by setting requirements for the kind and amount of food to be served; providing reimbursement to programs and providers for meals and snacks that meet requirements; and requiring periodic staff training and monitoring in participating programs. To participate, child care centers must be either public or private non-profit or for-profit centers in which at least 25% of their enrollment or licensed capacity receive Title XX funds or are eligible for free- or reduced-price school meals. All participating center and family child care settings must be licensed. In FY 2021, CACFP provided reimbursement for meals and snacks for 4.5 million children—4 million of whom were in child care centers and approximately 500,000 who were in family child care homes.²⁰
- Impact on Tribes: There is no direct funding available to tribes through CACFP, unlike other federal programs that support the healthy growth and development of young children.²¹ Current law allows the USDA to provide funding only to the states to administer CACFP, which is distributed by the State Educational Agency in most states. Instead, tribes must serve as a sponsoring organization for family child care homes and centers on their lands and must work with the state agency administering CACFP in their state to sponsor tribal child care centers or homes. If tribal lands cross state lines, the tribe must enter into agreements with the CACFP agency in each state. In the case of tribal Head Start grantees, the grantee or the tribe receives CACFP funding from the state and each tribe decides how they will manage the food program for Head Start and other child care programs. Recent data on tribal participation in CACFP is unavailable.
- Funding Method: Reimbursement.
- Character of Funding: Mandatory.
- Most Recent Appropriation: \$3.8 billion.

20 U.S. Department of Agriculture. 2023 USDA Explanatory Notes – Food and Nutrition Service. Available at: <https://www.usda.gov/sites/default/files/documents/35-2023-FNS.pdf>.

21 U.S. Department of Agriculture. Questions and Answers on Tribal Participation in the Child and Adult Care Food Program. Available at: https://fns-prod.azureedge.us/sites/default/files/cacfp/CACFP18_SFSP14-2012os.pdf#page=4.

DEPARTMENT OF EDUCATION

Child Care Access Means Parents in Schools (CCAMPIS)

- Background: The CCAMPIS program is designed to support the participation of parents from low-income backgrounds in postsecondary education through the provision of campus-based child care services. The program makes competitive grants of up to four years in duration to institutions of higher education, with a priority for child care programs that leverage significant local or institutional resources and utilize a sliding fee scale.
- Impact on Tribes: No tribal colleges or universities received a CCAMPIS grant in 2021, 2020, or 2019.²²
- Funding Method: Competitive.
- Character of Funding: Discretionary.
- Most Recent Appropriation: \$51.42 million (TCUs: \$0).

IDEA Part B, Preschool (Section 619)

- Background: The Preschool Grants program provides formula grants to states, Washington, DC, and Puerto Rico for the provision of special education and related services for children with disabilities ages three through five that have an approved application under Part B of IDEA.
- Impact on Tribes: This grant program does not include tribes.
- Funding Method: Formula.
- Character of Funding: Discretionary.
- Most Recent Appropriation: \$397 million (Tribes: N/A).

IDEA Part C

- Background: The Grants for Infants and Families program (Part C) awards formula grants to the 50 states, Washington, DC, Puerto Rico, the Department of the Interior, and outlying areas to assist in implementing statewide systems of coordinated, comprehensive, multidisciplinary, interagency programs ensuring appropriate early intervention services are made available to all eligible birth-through-two-year-olds with disabilities and their families, including American Indian children and families who reside on reservations geographically located within a state.

²² Based on independent review of funded projects listed by the U.S. Department of Education. <https://www2.ed.gov/programs/campisp/awards.html>.

- Impact on Tribes: The Department of the Interior’s BIE receives 1.25% of the aggregate of the amount available to all states. The Interior Department must pass through all of the funds it receives to American Indian tribes, tribal organizations, or consortia for the coordination of early intervention services on reservations with BIE schools. However, only 64 reservations have BIE-operated elementary and secondary schools,²³ excluding those living on the remaining 80% of reservations. Tribes and tribal organizations can use the funds they receive to provide help to States in identifying American Indian infants and toddlers with disabilities, parent training, and early intervention services.
- Funding Method: Formula.
- Most Recent Appropriation: \$469 million (Tribes: \$5.9 million)

ESSA - Title VI (Indian, Native Hawaiian, and Alaska Native Education)

- Background: These programs provide support for the education of AI/AN students, including preschool children. The activities include direct assistance to school districts and BIE schools for the education of American Indian children; special programs, including data collection and technical assistance; and other national activities.
- Impact on Tribes: The direct assistance grants—also called the Indian Education to Local Educational Agencies program—makes formula allocations only to school districts, BIE schools, or other eligible entities which have at least 10 AI/AN students or 25% AI/AN youth enrollment. Districts in California, Alaska, Oklahoma—and those located on or near reservations—are exempt from this minimum enrollment requirement. At \$105 million, this program is the Education Department’s largest funding vehicle to support local efforts to address the unique academic and cultural needs of AI/AN children in public schools. Among the 453,246 students eligible for direct assistance, the average payment per student is \$232.²⁴ Under the special programs grants between 2015 and 2019, the Education Department funded demonstration projects to support innovations in the area of early childhood. Information on these programs’ impact on early childhood development is unavailable.
- Funding Method: Competitive.
- Character of Funding: Discretionary.

23 U.S. Department of the Interior. Tribally Controlled Schools. Available at: <https://www.bie.edu/topic-page/tribally-controlled-schools>.

24 U.S. Department of Education. Congressional Budget Justification 2023 – Indian Education. Available at: <https://www2.ed.gov/about/overview/budget/budget23/justifications/e-indianed.pdf>.

- Most Recent Appropriation:
 - Direct Assistance: \$105 million.
 - Special Programs: \$67 million.
 - National Activities: \$7.9 million.

Promise Neighborhoods

- Background: The Promise Neighborhoods program provides competitive grants to support distressed communities in improving educational opportunities and academic and developmental outcomes for children, youth, and their families from birth through college. Eligible organizations are institutions of higher education, American Indian tribes or tribal organizations, and one or more non-profit organizations in partnership with a high-need school district and one other eligible entity.
- Impact on Tribes: Since FY 2010, the Education Department has awarded grants to 73 communities, including six tribal communities.²⁵ Tribal communities receive an absolute competitive priority during the application process.²⁶
- Funding Method: Competitive.
- Character of Funding: Discretionary.
- Most Recent Appropriation: \$81 million.

Comprehensive Literacy Development Grants

- Background: The Comprehensive Literacy State Development Grants program provides competitive grants to state educational agencies to develop or enhance comprehensive literacy instruction and to make subgrants to eligible entities to support efforts to improve literacy instruction in high-need schools and early childhood programs. Of the amount appropriated in any given fiscal year, the Education Department must reserve half of 1% for the Department of the Interior to carry out comprehensive literacy programs in schools operated or funded by the BIE.
- Impact on Tribes: Program impact information is unavailable.
- Funding Method: Competitive.
- Character of Funding: Discretionary.
- Most Recent Appropriation: \$192 million (\$960,000 for tribes).

25 U.S. Department of Education. Promise Neighborhoods – Awards. Available at: <https://www2.ed.gov/programs/promiseneighborhoods/awards.html>.

26 Regulations.gov. Applications for New Awards; Promise Neighborhoods (PN) program. Available at: <https://www.federalregister.gov/documents/2022/06/29/2022-13916/applications-for-new-awards-promise-neighborhoods-pn-program>.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Education: Family and Child Education

- Background: The BIE is charged with providing quality educational opportunities from early childhood through adulthood in accordance with the federal trust responsibility.
- Impact on tribes: The BIE funds and operates a total of 183 elementary, secondary, and residential schools across 23 states and 64 reservations. BIE-funded schools serve approximately 8% of AI/AN students.²⁷ Its Family and Child Education (FACE) program is focused on providing family literacy to promote early childhood development and parental involvement in Indian Communities. FACE Currently has programs in 49 BIE schools.²⁸ Since its launch in 1990, FACE has served 52,373 participants, including 27,972 children. In FY 2019—the year with the most recently available data—FACE served 2,199 children and 2,157 adults, with average funding of \$4,414 per child/adult.²⁹
- Funding Method: Competitive.
- Character of Funding: Discretionary.
- Most Recent Appropriation: \$21 million.

27 National Indian Education Association. Bureau of Indian Education. Available at: <https://www.niea.org/bureau-of-indian-education>.

28 U.S. Department of the Interior. Programs for Early Childhood. Available at: <https://www.bie.edu/topic-page/early-childhood-education>.

29 U.S. Department of the Interior. BIE FACE Program 2019 Report. Available at: https://www.bie.edu/sites/default/files/inline-files/FACE%20Eval%20Exec%20Summary%202019%20%282%29_0.pdf.

| Federal Funding Across Early Learning Programs for Tribes ³⁰ | | | |
|---|--|---|---|
| | FY 2020 | FY 2021 | FY 2022 CR |
| HHS | | | |
| CCDF ³¹ | CCDBG States: \$5.35 Billion CCDBG Tribes: \$335 Million CCE States: \$1.78 Billion CCE Match: \$1.68 Billion CCE Tribes: \$58.3 Million | CCDBG States: \$5.40 Billion CCDBG Tribes: \$340 Million CCE States: \$1.78 Billion CCE Match: \$2.16 Billion CCE Tribes: \$100 Million | CCDBG States: \$5.42 Billion CCDBG Tribes: \$354 Million CCE States: \$1.78 Billion CCE Match: \$2.16 Billion CCE Tribes: \$100 Million |
| Head Start ³² | Grantees: \$9.06 Billion Tribes: \$313 Million | Grantees: \$9.33 Billion Tribes: \$309 Million | Grantees: \$9.24 Billion Tribes: \$309 Million |
| ESSA - PDG ³³ | States: \$275 Million Tribes: \$0 | States: \$275 Million Tribes: \$0 | States: \$275 Million Tribes: \$0 |
| CAPTA – Community Based Grants ³⁴ | States: \$52.53 Million Tribes: \$392 K | States: \$57.53 Million Tribes: \$606 K | States: \$57.41 Million Tribes: \$606 K |
| TANF ³⁵ | States: \$17.35 Billion Tribes: \$208 Million | States: \$16.23 Billion Tribes: \$207.98 Million | States: \$16.23 Billion Tribes: \$207.98 Million |
| MIECHV ³⁶ | States: \$341 Million Tribes: \$12 Million | States: \$341 Million Tribes: \$12 Million | States: \$341 Million Tribes: \$12 Million |
| USDA | | | |
| CACFP ³⁷ | States: \$2.67 Billion | States: \$4.0 Billion | States: \$4.35 Billion |
| ED | | | |
| IDEA Part B, Preschool (619) ³⁸ | States: \$394.12 Million Tribes: \$0 | States: \$397.62 Million Tribes: \$0 | States: \$397.62 Million Tribes: \$0 |
| IDEA Part B (age 5-21) ³⁹ | States: \$12.61 Billion Tribes: \$99 M | States: \$12.78 Billion Tribes: \$100 M | States: \$12.78 Billion Tribes: \$100 M |
| IDEA Part C (infants and toddlers) ⁴⁰ | States: \$464.92 Million Tribes: \$5.9 Million | States: \$469 Million Tribes: \$5.9 Million | States: \$469 Million Tribes: \$5.9 Million |
| ESSA – Indian Education ⁴¹ | \$180.23 Million | \$181.2 Million | \$181.2 Million |

30 Unless otherwise noted, estimates are drawn from the Congressional Budget Justifications for Fiscal Years 2023 and 2022 supplied by the U.S. Departments of Education, Health & Human Services, Agriculture, and Interior.

31 U.S. Department of Health & Human Services. Fiscal Year 2023, Administration for Children and Families, Justification of Estimates for Appropriations Committees. Available at: <https://www.acf.hhs.gov/sites/default/files/documents/olab/fy-2023-congressional-justification.pdf>. U.S. Department of Health and Human Services. Fiscal Year 2022, Administration for Children and Families, Justification of Estimates for Appropriations Committees. Available at: https://www.acf.hhs.gov/sites/default/files/documents/olab/fy_2022_congressional_justification.pdf.

32 Ibid.

33 Ibid.

34 Ibid.

35 Ibid.

36 U.S. Department of Health & Human Services. Fiscal Year 2023, Health Resources and Services Administration. Available at: <https://www.hrsa.gov/sites/default/files/hrsa/about/budget/budget-justification-fy2023.pdf>. U.S. Department of Health & Human Services. Fiscal Year 2022, Health Resources and Services Administration. Available at: <https://www.hrsa.gov/sites/default/files/hrsa/about/budget/budget-justification-fy20220.pdf>.

37 U.S. Department of Agriculture. 2023 USDA Explanatory Notes – Food and Nutrition Service. Available at: <https://www.usda.gov/sites/default/files/documents/35-2023-FNS.pdf>.

38 U.S. Department of Education. Special Education: Fiscal Year 2023 Congressional Budget Justification. Available at: <https://www2.ed.gov/about/overview/budget/budget23/justifications/h-special-ed.pdf>. U.S. Department of Education. Special Education: Fiscal Year 2022 Congressional Budget Justification. Available at: <https://www2.ed.gov/about/overview/budget/budget22/justifications/i-special-ed.pdf>.

39 Ibid.

40 Ibid.

41 U.S. Department of Education. Indian Education: Fiscal Year 2023 Congressional Budget Justification. Available at: <https://www2.ed.gov/about/overview/budget/budget23/justifications/e-indian-ed.pdf>.

| Federal Funding Across Early Learning Programs for Tribes ³⁰ | | | |
|---|--|--|--|
| HEA - CCAMPIS ⁴² | IHEs: \$53 Million TCUs: \$0 | IHEs: \$55 Million TCUs: \$0 | IHEs: \$55 Million TCUs: \$0 |
| ESSA - Promise Neighborhoods ⁴³ | Grantees: \$80 Million | Grantees: \$81 Million | Grantees: \$81 Million |
| ESSA - Comprehensive Literacy Development Grants ⁴⁴ | States: \$187 Million Tribes: \$950 K | States: \$187 Million Tribes: \$960 K | States: \$187 Million Tribes: \$960 K |
| BIE | | | |
| Family and Child Education ⁴⁵ | \$18.8 Million | \$18.8 Million | \$21 Million |

42 U.S. Department of Education. Higher Education: Fiscal Year 2023 Congressional Budget Justification. Available at: <https://www2.ed.gov/about/overview/budget/budget23/justifications/r-highered.pdf>.

43 U.S. Department of Education. Safe Schools and Citizenship Education: Fiscal Year 2023 Congressional Budget Justification. Available at: <https://www2.ed.gov/about/overview/budget/budget23/justifications/d-ssce.pdf>.

44 U.S. Department of Education. Education for the Disadvantaged: Fiscal Year FY2023, Congressional Budget Justification. Available at: <https://www2.ed.gov/about/overview/budget/budget23/justifications/a-ed.pdf>. U.S. Department of Education. Education for the Disadvantaged: Fiscal Year FY2022 Congressional Budget Justification. Available at: <https://www2.ed.gov/about/overview/budget/budget22/justifications/a-ed.pdf>.

45 U.S. Department of the Interior. Budget Justifications and Performance Information Fiscal Year 2023. Bureau of Indian Education. Available at: <https://doi.gov/sites/doi.gov/files/fy2023-bie-greenbook.pdf>.

I. Impact of Federal Relief Packages

The different relief packages passed by Congress during the worst times of the COVID-19 pandemic provided significant funding for tribal programs. For example, BIE received \$1.42 billion from the three major relief packages passed by Congress in 2020 and 2021—in addition to the roughly \$970 million BIE typically receives to operate its programs in a given fiscal year. Tribes received in excess of \$1.5 billion for child care across the three major relief packages—more than triple the amount of discretionary and mandatory funds tribes typically receive in a fiscal year. Significantly, tribes secured permanent funding increases for CCES—representing a near doubling of what tribes typically receive in that program. Below is a summary of the three major relief packages and funding impact on tribes.

- Coronavirus Aid Relief, and Economic Security (CARES) Act
 - BIE: \$69 million was provided to BIE from a larger allotment directed toward the BIA, with \$23 million dedicated to tribally controlled colleges and universities and the remaining \$46 million to support the operational needs of Bureau-operated and tribally controlled schools.⁴⁶ Funds aimed to address the costs of closing schools, providing transportation, and enhancing online learning by building hardware capacity and Wi-Fi connectivity. There is no information to indicate if this funding was directed toward preschool activities at BIE schools. Separately, nearly \$154 million was reserved for BIE-operated schools out of the Education Department’s education stabilization fund.⁴⁷ The Education Department signed an agreement with BIE on June 12, 2020, and initiated a transfer of funds to the Interior on June 15, 2020. The BIE allotment was disbursed with 70% to BIE elementary and secondary schools; 20% to tribal colleges and universities; and the remaining 10% for emergency purposes as determined by BIE.⁴⁸ CARES Act funds were available until September 30, 2021.⁴⁹

46 U.S. Department of the Interior. Information Sheet. CARES Act Operation of Indian Programs and Indian Education Programs. Available at: https://www.bia.gov/sites/default/files/dup/assets/as-ia/opa/pdf/FINAL-IA_CARES%20ACT_ProgramOperations_InfoSheet4.15.2020_508.pdf.

47 U.S. Department of Education. Bureau of Indian Education. Available at: <https://oese.ed.gov/offices/education-stabilization-fund/bureau-of-indian-education/>.

48 Congressional Research Service. Education Stabilization Fund Programs Funded by the CARES Act, CRRSAA, and ARPA: Background and Analysis Available at: <https://crsreports.congress.gov/product/pdf/R/R47027>.

49 Ibid.

- Child Care: The CARES Act provided \$3.5 billion toward the CCDBG program,⁵⁰ of which \$96.25 million was reserved for tribes.⁵¹ The funds must be used for activities authorized under CCDBG that prevent, prepare for, and respond to the COVID-19 pandemic such as: issuing continued payments and assistance to providers in case of decreased enrollment; cleaning and sanitation and other activities to maintain or resume operations; providing child care to health care and other front line workers; and other allowable uses under CCDF. CARES Act funds for child care must be obligated by September 30, 2022.⁵²
- Head Start: \$750 million was dedicated to the Head Start program through the CARES Act, with \$500 million available for programs to operate supplemental summer programs and about \$250 million available for one-time activities in response to COVID-19, such as mental health services.⁵³ The funding was distributed as one-time funding by formula based on each grantee's funded enrollment in 2020. There is no available data on the amount that tribal Head Start programs received.
- Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act
 - BIE: \$409 million was reserved for BIE-operated schools out of the Education Department's education stabilization fund.⁵⁴ The Secretary was required to transfer funds within 30 days of the enactment of CRRSA. Further, 60% of funds were targeted toward BIE elementary and secondary schools, with the remainder directed to Tribal Colleges and Universities. There is no information to indicate whether this funding was directed toward preschool activities at BIE schools.

50 The amounts that each tribe received through the CARES Act for CCDF can be found here: <https://www.acf.hhs.gov/occ/data/gy-2020-ccdf-tribal-allocations>.

51 The Department of Health and Human Services. Pre-Final GY 2020 CCDF Tribal Allocations (Including Redistributed Funds). Available at: <https://www.acf.hhs.gov/occ/data/pre-final-gy-2020-ccdf-tribal-allocations-including-redistributed-funds>.

52 U.S. Department of Health and Human Services. Supplemental Funds Under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Available at: <https://www.acf.hhs.gov/sites/default/files/documents//CARES%20Act%20Terms%20and%20Conditions.pdf>.

53 U.S. Department of Health and Human Services. CARES Act Funding to Support Head Start Children, Families, and Programs. Available at: <https://eclkc.ohs.acf.hhs.gov/sites/default/files/video/attachments/cares-funding-webcast-slides.pdf>.

54 Congressional Research Services. Education Stabilization Fund Programs Funded by the CARES Act, CRRSAA, and ARPA: Background and Analysis Available at: <https://crsreports.congress.gov/product/pdf/R/R47027>.

- Child Care: A total of 265 of the 574 federally recognized tribes received \$275 million through CRRSA for Child Care.⁵⁵ Tribes have until September 30, 2022 to obligate—or legally commit—the funds and have until that time to revise how they plan to spend their allocations.⁵⁶ Funds were used primarily to provide free or reduced-price tuition for frontline and essential workers, followed by copay relief for other parents.⁵⁷ CRRSA Act funds must be obligated by September 30, 2022.⁵⁸
- Head Start: Congress appropriated \$250 million in one-time funding for Head Start as a part of CRRSA. As with the CARES Act funding, it was distributed by formula based on grantee’s funded enrollment. There is no available data on the amount that tribal Head Start programs received.
- The American Rescue Plan Act (ARPA)
 - BIE: BIE received a direct appropriation of \$850 million. Funds were to be allocated within 45 days. BIE allocated \$535 million to BIE elementary and secondary schools, \$230 million to Tribal Colleges and Universities, and \$85 million to BIE-managed information technology and facilities projects.⁵⁹ ARPA funds made available for BIE are available until expended.⁶⁰ There is no information to indicate whether this funding was directed toward preschool activities at BIE schools.
 - CAPTA Community-Based Grants: Through September 30, 2023, ARPA provided \$250 million to remain available for this program—of which \$2.2 million would be provided to tribal organizations and migrant programs to improve family support and child abuse prevention efforts with tribal and migrant populations.⁶¹

55 U.S. Department of Health & Human Services. Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) of 2021 Allocations for Tribes. Available at: <https://www.acf.hhs.gov/occ/data/crrsa-2021-allocations-tribes>.

56 U.S. Department of Health & Human Services. Report to Congress on CRRSA Act Funding for Child Care. Available at: https://www.acf.hhs.gov/sites/default/files/documents/occ/Report_to_Congress_on_CRRSA_Act_Funding_for_Child_Care.pdf.

57 Bipartisan Policy Center. Tribal Use of Supplemental CCDBG Funds from CRRSA. Available at: <https://bipartisanpolicy.org/blog/tribal-use-of-supplemental-ccdbg-funds-from-the-crrsa/>.

58 U.S. Department of Health & Human Services. Supplemental Funds Under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act). Available at: <https://www.acf.hhs.gov/sites/default/files/documents/CARES%20Act%20Terms%20and%20Conditions.pdf>.

59 Congressional Research Service. Education Stabilization Fund Programs Funded by the CARES Act, CRRSA, and ARPA: Background and Analysis. Available at: <https://crsreports.congress.gov/product/pdf/R/R47027>.

60 Ibid.

61 <https://www.acf.hhs.gov/sites/default/files/documents/olab/fy-2023-congressional-justification.pdf> at 164.

- Child Care: ARPA provided nearly \$1.2 billion to tribes to stabilize the child care sector and to provide relief to providers, families, and children.⁶² Additionally, \$719 million was distributed in stabilization grant funding, along with \$450 million in CCDF supplemental funding for tribes. Of the funds received for stabilization, tribes are allowed to use up to 20% for administrative expenses, supplies, or technical assistance.⁶³ The remainder of stabilization funds were to be used to address the financial burdens faced by providers during and after the pandemic.⁶⁴ Stabilization funds must be obligated by tribes no later than September 30, 2022. CCDF Supplemental funds are more flexible than those provided for stabilization and can be used for any activity allowable under current CCDF regulations, including activities that are unrelated to the COVID-19 pandemic. CCDF Supplemental funds must be obligated no later than September 30, 2023. Apart from the supplemental appropriations for CCDF and stabilization funding, ARPA nearly doubled mandatory child care funding dedicated to tribes moving forward. The Act appropriated \$100 million annually to tribes in mandatory funding.⁶⁵ Previously, tribes received 1% to 2% of the overall mandatory appropriation, resulting in \$58 million annually.⁶⁶ Because the ARPA increase was authorized through a statutory amendment to the Social Security Act—not subject to annual appropriations—the increase is permanent and will be maintained in future years.⁶⁷
- Head Start: ARPA provided \$1 billion for Head Start programs. As with the other relief measures, funding was distributed to Head Start programs in the summer of 2021 based on programs' funded enrollment. There is no available data on the amount that tribal Head Start programs received.

62 The White House. Fact Sheet: Biden-Harris Administration Announces American Rescue Plan Funding to Rescue Child Care Industry So the Economy Can Recover. Available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/15/fact-sheet-biden-harris-administration-announces-american-rescue-plan-funding-to-rescue-the-child-care-industry-so-the-economy-can-recover/>.

63 U.S. Department of Health and Human Services. Overview of ARP Act Child Care Stabilization Guidance. Available at: https://www.acf.hhs.gov/sites/default/files/documents/occ/Overview_of_ARP_Act_Child_Care_Stabilization_Guidance.pdf.

64 U.S. Department of Health and Human Services. Additional Information on the American Rescue Plan Act for Tribal Lead Agencies. Available at: https://childcareta.acf.hhs.gov/sites/default/files/public/final_tcba_arp_act_additional_information_brief.pdf.

65 U.S. Department of Health & Human Services. Fiscal Year 2023, Administration for Children and Families, Justification of Estimates for Appropriations Committees. Available at: <https://www.acf.hhs.gov/sites/default/files/documents/olab/fy-2023-congressional-justification.pdf>.

66 Congressional Research Service. The Child Care and Development Fund (CCDF) in FY2021 Reconciliation Proposals. Available at: [https://www.democrats.senate.gov/imo/media/doc/CCDF%20in%20FY2021%20Reconciliation%20\(2-17-21\).pdf](https://www.democrats.senate.gov/imo/media/doc/CCDF%20in%20FY2021%20Reconciliation%20(2-17-21).pdf); U.S. Department of Health & Human Services. Fiscal Year 2022, Administration for Children and Families, Justification of Estimates for Appropriations Committees. Available at: https://www.acf.hhs.gov/sites/default/files/documents/olab/fy_2022_congressional_justification.pdf.

67 U.S. Department of Health & Human Services. Administration on Children and Families. Office of Child Care. Informational Memorandum: ARP Act Increased Mandatory and Matching Funds. Available at: <https://www.acf.hhs.gov/occ/policy-guidance/arp-act-increased-mandatory-and-matching-funds>.

- IDEA Part B Preschool: ARPA awarded \$200 million specifically for IDEA Part B preschool grants.⁶⁸ As tribes are not eligible for these funds, they did not receive any awards.
- IDEA Part C: ARPA awarded \$250 million for IDEA Part C, \$2.6 million of which was reserved for the Department of the Interior to pass through funds to Indian tribes, tribal organizations, or consortia for the coordination of early intervention services on the 64 reservations with BIE schools.
- MIECHV: ARPA appropriated \$150 million to enable MIECHV recipients to address the needs of expectant parents and families with young children during the pandemic.

II. Recommendations

The recommendations included in BPC’s 2022 report, [*Righting a Wrong: Advancing Equity in Child Care Funding for American Indian and Alaska Native Families*](#), should be adopted.⁶⁹ Additionally, below are a few additional recommendations:

DEPARTMENT OF HEALTH & HUMAN SERVICES

Post Tribal Plans

- ACF should publicly post approved CCDF plans for tribes receiving funding under the program. Making the plans broadly available would allow researchers, policymakers, and other interested stakeholders the opportunity to determine trends, if any, across tribal programs and gain a clearer understanding of grantee operations. ACF have historically posted approved CCDF plans for the states; they should do the same for tribes.

⁶⁸ U.S. Department of Education. American Rescue Plan Act of 2021 and the Individuals with Disabilities Education Act. Available at: <https://sites.ed.gov/idea/files/arp-idea-fact-sheet.pdf>.

⁶⁹ https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2022/04/BPC-Tribal-Report_RV5.pdf.

Asses the Impact of Relief

- ACF should conduct an analysis of the impact of CARES Act, CRRSA, and ARPA funding on tribes, including detailed information on the amount of funding tribes received, how many children benefited from the relief, and the number of providers who benefited from relief. Further, ACF should identify any promising practices initiated by the tribes as a result of the influx of funding from the relief packages, as well as the permanent increase provided through CCES.

Provide Comprehensive Data on Programs Impacting Young AI/AN Children

- Gathering data about programmatic impact on AI/AN children is difficult in the best of circumstances and sometimes impossible. ACF must make greater efforts to provide information on programmatic impact on AI/AN children similar to the manner in which it provides comprehensive data on child care in the states through its annual CCDF data tables. ACF should assemble data, at minimum, regarding the impact of MIECHV, Head Start, Child Care, and CAPTA and regularly update this information. Further, it should be broadly disseminated to the general public.

CONGRESS

Conduct a Comprehensive Programmatic Review

- The relevant committees of jurisdiction in the Senate and House of Representatives should conduct hearings on the efficacy of federal programs that impact early care and education on tribal lands, and they should develop a series of recommendations to comprehensively address the gaps that exist across agencies and funding streams. This would, at minimum, involve committees responsible for AI/AN affairs, appropriations, finance, health, education, nutrition, and child abuse prevention to build a legislative record drawn from the recommendations of impacted communities.

Appendix:

BPC's Report Recommendations from *Righting a Wrong*

| | Description |
|--------------------------|---|
| Congress: | <ol style="list-style-type: none"> 1. Establish a data-driven method based on the actual number of AI/AN children for determining funding levels set aside for tribes rather than a flat percentage. This will ensure tribes receive sufficient funding to effectively provide services. 2. Add language in CCDBG that would authorize tribes to access FBI fingerprinting. 3. Provide funding and technical assistance to support the implementation of early childhood mental health consultants in tribal child care and Head Start programs. This should include extensive coordination with the Substance Abuse and Mental Health Services Administration (SAMHSA). 4. Conduct oversight hearings on tribal child care and specifically examine the extent to which HHS and the BIA coordinate oversight of the use of CCDBG funds to support child care services and quality improvement. |
| Federal Agencies: | <ol style="list-style-type: none"> 5. The Census Bureau and Department of Commerce should work with tribes and other federal agencies to ensure more accurate data on this population. At a minimum, this should include HHS, ED, Department of Agriculture, DOL, and BIA. 6. HHS should streamline the Tribal CCDF Plan to reduce duplication and ensure that child count data are submitted at the same time in one document. HHS should ensure that Tribal Plans, including child count data, and other basic demographic information are publicly available so Congress and other policymakers can effectively set funding levels based on the actual number of AI/AN children. 7. The HHS Interagency Task Force on Child Safety (ITFCS) on the implementation of criminal background checks should address how tribes access interstate checks and NCIC/NSOR compliance, and the impacts on a Tribal Lead Agency's ability to comply with the regulatory requirements. 8. The BIA should make the 477 Tribal Plans publicly available in an easily accessible, online database to promote greater understanding of the program and allow tribes and policymakers access to the data needed to make necessary improvements. 9. HHS should include an open-ended narrative section in the Tribal Plans asking tribes to explain how their quality goals, provider trainings, and curricula are culturally relevant for AI/AN children in their programs. HHS should require tribes to report on progress on these goals from one cycle to the next. 10. HHS should require all tribes to define underserved groups and how they are prioritizing services to them, particularly children with special needs and children experiencing homelessness. Additionally, HHS should collect comprehensive data on cases of child abuse and neglect in tribal communities so it may better understand, coordinate with, and support tribes and inform specific policy recommendations empowering the community to effectively address instances of abuse and neglect as they arise. HHS should require tribes to describe specific efforts taken to prevent suspensions and expulsions in tribal child care centers and how they will reduce instances of harsh discipline. |
| Tribes: | <ol style="list-style-type: none"> 11. Tribes should coordinate CCDF-funded and Head Start programs to reduce duplication; ensure better alignment of program standards and policies, needs assessments and data collection, and monitoring efforts; and ensure more culturally relevant services for children and families. |
| States: | <ol style="list-style-type: none"> 12. States with large AI/AN populations should recruit early childhood staff who have a cultural understanding of AI/AN communities. |



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