



Feedback on the Native Children's Commission Implementation Act of 2025

Submitted to the Senate Committee on Indian Affairs

September 12, 2025

INTRODUCTION

On behalf of the National Indian Child Care Association (NICCA), we appreciate the Committee's continued work to improve programs and policies affecting Native children, families, and Tribal communities. NICCA supports many core provisions of the Native Children's Commission Implementation Act of 2025 and offers the following recommendations to strengthen the bill and further advance Tribal sovereignty and self-determination in child care and early childhood services.

NICCA strongly supports: (1) the bill's data infrastructure and Indigenous data sovereignty provisions; (2) Tribal child care investments and consultation; (3) Tribal nutrition pilots; and (4) improvements to 102-477 flexibility. We recommend targeted edits to (a) make existing federal data accessible now, (b) authorize Tribal governments as direct CACFP sponsoring organizations (beyond a limited pilot), and (c) fund the CCDBG Tribal set-aside without reducing State awards while commissioning a Tribal "true cost of care" analysis.

TITLE III – IMPROVING RESEARCH AND DATA

NICCA supports Title III's establishment of an Office on Native Children within the Department of the Interior and the creation of a National Clearinghouse on Native Children to coordinate interagency activities, compile federal data on Native children, and strengthen Tribal capacity, including through technical assistance on data-sharing agreements. NICCA also supports the proposed Interagency Committee on Indigenous Data Sovereignty and Traditional Ecological Practices to guide the development of federal data standards, foster responsible data-sharing practices, and advance Indigenous methodologies. These provisions are consistent with NICCA's policy positions on Tribal data sovereignty and strengths-based approaches to Native child development.

Addressing immediate data needs with currently available data

While these new structures are essential, Congress should also ensure that existing data—already collected by federal agencies—is accessible in the near term. The Office of Child Care (OCC) currently collects Tribal CCDF plans and child counts every three years and receives the ACF-700 report annually. The Bureau of Indian Affairs (BIA) collects Pub. L. 102-477 plans and annual reports. These datasets exist today, but they are not accessible to Tribes or Tribal-serving organizations, even though they are indispensable for planning, advocacy, and demonstrating community needs.



Recommendation: The bill should include explicit language directing relevant federal agencies to make existing child care and workforce data promptly available to Tribes and bona fide Tribal organizations (such as NICCA), with appropriate privacy protections. Access should not be delayed until the Clearinghouse is operational.

Establishing mechanisms for near-term data transparency

The Interagency Committee on Indigenous Data Sovereignty (Sec. 302) should be directed to prioritize immediate mechanisms for data transparency, even as it develops long-term standards and protocols. Early deliverables should include identifying priority datasets, establishing data-sharing agreements, and providing guidance on secure access for Tribes and Native organizations.

Expanding Clearinghouse responsibilities

The Clearinghouse's responsibilities should extend beyond compilation to include dissemination and accessibility. Specifically, the Clearinghouse should:

- Disseminate compiled data to Tribes, Native organizations, and, where appropriate, the general public.
- Publish data inventories, metadata, and data dictionaries to promote usability and transparency.
- Ensure strong protections for personally identifiable information (PII).
- Provide technical assistance to Tribes and Tribal organizations to strengthen their ability to interpret, use, and report data.

Establishing timelines for interagency coordination

To ensure timely implementation, Congress should require the Secretary of the Interior and the Secretary of Health and Human Services to execute interagency data-sharing memoranda of understanding (MOUs) with all relevant agencies within a specified number of days of enactment. These MOUs should specify which datasets will be shared, how they will be accessed, and what privacy and security protocols will govern their use.

TITLE VI – IMPROVING NUTRITION PROGRAMS FOR NATIVE CHILDREN, YOUTH, AND FAMILIES

NICCA supports the **Tribal child nutrition pilots** (including CACFP) and the reimbursement structure that recognizes Tribes as **State-like administrators** for pilot sites. We also support the coordinated nutrition–health assessment and the integration of traditional foods. These provisions align with NICCA's policy agenda calling for **culturally flexible food programs** and **direct Tribal access to CACFP as sponsoring organizations**.

Establishing permanent direct sponsorship authority

Currently, Tribal governments cannot serve directly as sponsoring agencies under the **Child and Adult Care Food Program (CACFP)**. This limitation undermines Tribal sovereignty, creates unnecessary reliance on State intermediaries, and reduces access to culturally relevant nutrition services for Native children.

The Act should include explicit statutory language authorizing federally recognized Indian Tribes and Tribal organizations to serve directly—without intermediaries—as sponsoring agencies for CACFP, consistent with Tribal sovereignty.



National Indian Child Care Association

Establishing Tribal authority to contract directly with USDA

Beyond establishing eligibility, the Act should make clear that Tribal governments are authorized to work **directly with the U.S. Department of Agriculture (USDA)**. In States where the State agency is the default CACFP administrator, the Secretary of Agriculture should be directed to contract directly with a Tribal government or Tribal organization, with reimbursement and administrative funds provided **as if the Tribal sponsor were a State**. This “state-like” authority reflects the pilot authority already contemplated in the draft bill, but makes it permanent and universal for all Tribes, ensuring true sovereignty in program administration.

Moving beyond a time-limited pilot

The discussion draft establishes **Tribal nutrition pilot projects**, including CACFP, but limits funding to **\$100,000 per year**. While this is an important recognition of Tribal role in child nutrition, the funding ceiling is insufficient to support full program delivery, workforce costs, or culturally responsive services at scale. Congress should move beyond a capped, time-limited pilot and instead provide permanent direct sponsorship authority, paired with appropriate funding and administrative parity with States. Without this shift, Tribal participation will remain fragmented and underfunded.

Including traditional foods in CACFP

The Act should also affirm Tribal authority to procure and serve traditional foods within CACFP, consistent with food safety standards and Tribal preference policies. USDA’s Food and Nutrition Service (FNS) should be directed to issue guidance streamlining procurement for traditional foods and clarifying cost allowability. This would expand healthy, culturally rooted nutrition options for Native children while honoring Tribal food sovereignty.

Expanding technical assistance and capacity-building

To ensure successful implementation, the Act should provide for **expanded outreach, technical assistance, and streamlined reporting requirements** for Tribal CACFP sponsors and the Tribal CACFP pilot. Technical assistance should be designed to strengthen Tribal capacity in finance, procurement, menu planning, and data reporting—critical areas where State-centric CACFP infrastructure has historically disadvantaged Tribal providers.

TITLE IX—IMPROVING THE WORKFORCE FOR FAMILIES

Strengthening 102-477 to maximize Tribal integration—including early childhood

NICCA supports the bill’s provisions to strengthen the **Pub. L. 102-477 Tribal workforce demonstration program**, particularly the clarification that Tribes may consolidate and reallocate integrated funds **without the need for waivers**. This reform will reduce programmatic fragmentation, streamline federal oversight, and strengthen community-driven design and accountability.

To ensure that early childhood services are fully included within this integration framework, we recommend the following refinements.

Clarifying eligibility of early childhood programs

The Act should include language clarifying that **early childhood programs are eligible for consolidation within 477 plans**, subject to statutory allowances and agency concurrence. A non-exhaustive list should be specified to avoid ambiguity, including:



- Child Care and Development Fund (CCDF),
- Head Start and Early Head Start,
- Maternal and child health programs, and
- Nutrition pilots, including CACFP when administered by Tribes.

This clarification would ensure consistency across federal agencies, prevent unnecessary disputes over program eligibility, and enable Tribes to design **comprehensive, holistic systems of care** that integrate workforce, child care, health, and nutrition supports.

Aligning data and establishing minimal reporting requirements

The Act should direct the **National Clearinghouse on Native Children (Sec. 301)** and the **Interagency Committee on Indigenous Data Sovereignty (Sec. 302)** to coordinate with the 477 Program Office to develop **aligned data standards** and shared reporting fields. This alignment would:

- **Reduce duplicative reporting** requirements across agencies,
- Ensure consistency in how outcomes are measured, and
- Establish **minimal but essential quantitative reporting requirements** (e.g., number of children and families served, types of services delivered, and outcomes achieved).

These minimal data points are critical not only for federal oversight but also for supporting **Tribal advocacy and planning**, giving Tribes the tools to demonstrate the impact of consolidated programs while maintaining flexibility to incorporate Indigenous methodologies and community-driven evaluation.

Resolving cross-cutting barriers

Finally, we recommend that the Act explicitly direct a single agency to exercise authority in resolving interagency disputes about program inclusion or data requirements under 477. Without this high-level resolution mechanism, Tribes may continue to face agency-level delays or conflicting directives that undermine the purpose of 477 integration.

Increasing funding and flexibility for CCDBG

NICCA strongly supports the bill's proposal to increase the Tribal set-aside within the **Child Care and Development Block Grant (CCDBG)** from "not less than 2 percent" to "not less than 5 percent." This increase represents a long-overdue investment in Tribal child care programs and will expand the resources available to meet the diverse needs of Native children and families.

Avoiding unintended reductions in State funding

While we support the increase, we urge Congress to ensure that the Tribal set-aside is funded in a manner that does not inadvertently reduce State allocations. States and Tribes alike face acute child care shortages, and Congress should avoid creating competition between jurisdictions. We recommend that appropriators specify that the increased Tribal set-aside be achieved through **overall increases or supplemental add-ons**, not by redistributing existing State allotments. The **Early Childhood Tribal Advisory Committee (Sec. 904)** would be well-positioned to provide guidance on formula adjustments and paths to ensure equitable implementation.

Understanding the true cost of care for Native children

To ensure that Tribal CCDBG funds are adequate and rates are equitable, the Act should direct the Administration for Children and Families (ACF), in consultation with Tribes, NICCA, and researchers, to conduct a **Tribal Cost of Quality/Cost of Care study**. This study should:



- Examine the full cost of providing child care in Tribal communities, including transportation, workforce, facilities, remote delivery, and the integration of language and culture.
- Support Tribal alternatives to market-rate surveys, which rarely reflect the actual cost of care in Tribal settings.
- Provide Tribes with the data necessary to set their own reimbursement rates that reflect **true cost** rather than market gaps.

This aligns with NICCA's long-standing policy positions around equitable funding, holistic systems, and streamlined requirements.

Suggested report language (Sec. 904—Early Childhood Tribal Advisory Committee):

“The Committee shall recommend methodologies and fiscal strategies to (i) fund the Tribal set-aside without reducing State allotments; and (ii) measure and finance the true cost of care for Native children, including culturally and linguistically sustaining services and remote-area delivery.”

Expanding Tribal CCDF plan cycles

Finally, we recommend extending the Tribal CCDF Plan cycle from **3 years to 5 years**. A longer planning cycle would give Tribes greater flexibility to design, implement, and evaluate their programs more effectively. It would also reduce administrative burden and provide stability for Tribal child care programs, which often face challenges in staffing, facilities, and multiyear language and cultural initiatives.

ADDITIONAL RECOMMENDATIONS FOR STRENGTHENING THE BILL

In addition to the specific provisions addressed above, NICCA offers the following recommendations to further strengthen the bill and ensure its effective implementation:

Codify evaluation using Indigenous methodologies

The Act should explicitly require that evaluations and assessments funded under its authority **incorporate Indigenous methodologies and practice-based evidence**. This would reinforce the directive of Sec. 302 (Interagency Committee on Indigenous Data Sovereignty) and ensure that research and evaluation reflect Native worldviews, community strengths, and culturally grounded practices.

Strengthen interagency coordination with a clear child care mandate

The bill establishes several interagency committees and task forces, including the Interagency Committee on Indigenous Data Sovereignty and the Native Children's Environmental Health Protection Task Force. While cross-agency collaboration is essential, these structures must be explicitly tasked with addressing **barriers that impede holistic services for Native children**. We recommend directing the **Early Childhood Tribal Advisory Committee (Sec. 904)** to identify interdepartmental obstacles—such as conflicting program rules, duplicative reporting requirements, or barriers to blended funding—and to propose remedies that support a true “whole-of-government” approach to Native early childhood.



Ensure inclusion of Tribal organizations in advisory bodies

The bill rightly requires Tribal consultation and representation across its advisory structures. We recommend clarifying that **Tribal experts and Tribal organizations, such as NICCA and our sister organizations**, should be formally included as members or designated consultants on all relevant advisory committees. These organizations bring deep expertise, provide technical assistance to hundreds of Tribal programs, and are essential partners in translating policy into practice.

CLOSING

NICCA deeply appreciates the Committee's leadership in advancing policies and investments for Native children and families across child care, data, nutrition, and integrated systems. We are grateful for the opportunity to provide feedback on this vital legislation.

The recommendations outlined above will:

1. **Unlock existing data now** to empower Tribes and Tribal organizations,
2. **Recognize Tribal sovereignty in CACFP** through permanent sponsoring authority,
3. **Increase Tribal child care funding** without penalizing States while aligning reimbursement to the true cost of care, and
4. **Maximize 102-477 integration** to reduce fragmentation and uplift whole-child, culturally grounded care.

By incorporating these recommendations, the Native Children's Commission Implementation Act of 2025 will be significantly strengthened and will foster more equitable, effective, and culturally affirming outcomes for Native children and families.

NICCA stands ready to collaborate further with the Committee to ensure that this legislation fulfills its promise and advances the self-determination and well-being of Tribal communities.

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