

“Supplement, Not Supplant” Provisions in Relief Bills

| | The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136 | The Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), P.L. 116-260 | The American Rescue Plan (ARP), P.L. 117-2 | Summary of Language |
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| <i>Child Care and Development Block Grant (CCDBG)</i> | For an additional amount for “Payments to States for the Child Care and Development Block Grant”, \$3,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for federal administrative expenses, which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in sections 658E(c)(3)(D)–(E) or 658G of the Child Care and Development Block Grant Act. ¹ | For carrying out the Child Care and Development Block Grant Act of 1990 (“CCDBG Act”), \$5,911,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families. ² | SUPPLEMENT NOT SUPPLANT.— Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services for eligible individuals. ³ | Supplement, not supplant |
| | For an additional amount for “Payments to States for the Child Care and Development Block Grant”, \$10,000,000,000 to prevent, prepare for, and respond to coronavirus, domestically or internationally which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in sections 658E(c)(3)(D)– (E), or 658G of the Child Care and Development Block Grant Act (“CCDBG Act”). ⁴ | | | |
| <i>Child Care Stabilization Fund</i> | N/a ⁵ | N/a | (f) SUPPLEMENT NOT SUPPLANT.— Amounts made available to carry out this section shall be used to supplement and not supplant | Supplement, not supplant |

¹ Page 277 in [CARES PDF](#).

² Page 401 of [CRRSAA PDF](#).

³ Page 28 of [ARP PDF](#).

⁴ Page 733 of [CRRSAA PDF](#).

⁵ The Child Care Stabilization Fund was created in the ARP.

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| | | | other Federal, State, and local public funds expended to provide child care services for eligible individuals. ⁶ | |
| <i>Medicaid</i> | N/a ⁷ | N/a ⁸ | SUPPLEMENT, NOT SUPPLANT.—The State shall use the Federal funds attributable to the increase under subsection (a) to supplement, and not supplant, the level of State funds expended for home and community-based services for eligible individuals through programs in effect as of April 1, 2021. ⁹ | Supplement, not supplant |
| <i>Food and Nutrition Service programs</i> | N/a ¹⁰ | N/a ¹¹ | N/a ¹² | |
| <i>Education Stabilization Fund (K-12)</i> | MAINTENANCE OF EFFORT SEC. 18008. (a) A State’s application for funds to carry out sections 18002 or 18003 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition | MAINTENANCE OF EFFORT SEC. 317. (a) At the time of award of funds to carry out sections 312 or 313 of this title, a State shall provide assurances that such State will maintain support for elementary and secondary education, and for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid | (a) STATE MAINTENANCE OF EFFORT.— (1) IN GENERAL.—As a condition of receiving funds under section 2001, a State shall maintain support for elementary and secondary education, and for higher education (which shall include State funding to institutions of higher education and State need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students), in each of fiscal years 2022 and 2023 at least at the | Maintenance of effort provision |

⁶ Page 31 of [ARP PDF](#).

⁷ I didn’t find any relevant language in Medicaid/public health provisions, which are p. 149-154 in [CARES PDF](#).

⁸ I didn’t find any relevant language in the Grants to States for Medicaid provisions, which are on p. 398 in [CRRSAA PDF](#).

⁹ For Medicaid Home and Community-Based Services (unsure if relevant, but included just in case), on p. 213 of [ARP PDF](#).

¹⁰ I didn’t find any relevant language in Food and Nutrition Service provisions, which are p. 227-228 in [CARES PDF](#).

¹¹ I didn’t find any relevant language in Nutrition provisions, which are on p. 911-922 in [CRRSAA PDF](#).

¹² I didn’t find any relevant language in Nutrition provisions, which are on p. 12-16 of [ARP PDF](#).

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| | and fees paid by students) in fiscal years 2020 and 2021 at least at the levels of such support that is the average of such State’s support for elementary and secondary education and for higher education provided in the 3 fiscal years preceding the date of enactment of this Act. (b) The secretary may waive the requirement in subsection (a) for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources. ¹³ | by students) in fiscal year 2022 at least at the proportional levels of such State’s support for elementary and secondary education and for higher education relative to such State’s overall spending, averaged over fiscal years 2017, 2018, and 2019. (b) The Secretary may waive the requirement in subsection (a) for the purpose of relieving fiscal burdens on States that have experienced a precipitous decline in financial resources. ¹⁴ | proportional levels of such State’s support for elementary and secondary education and for higher education relative to such State’s overall spending, averaged over fiscal years 2017, 2018, and 2019. (2) WAIVER.—For the purpose of relieving fiscal burdens incurred by States in preventing, preparing for, and responding to the coronavirus, the Secretary of Education may waive any maintenance of effort requirements associated with the Education Stabilization Fund. ¹⁵ | |
| <i>Education Stabilization Fund (K-12)</i> | N/a ¹⁶ | N/a | b) STATE MAINTENANCE OF EQUITY.— (1) HIGH-NEED LOCAL EDUCATIONAL AGENCIES.—As a condition of receiving funds under section 2001, a State educational agency shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a per-pupil basis) for any high-need local educational agency in the State by an amount that exceeds the overall per-pupil reduction in State funds, if any, across all local educational agencies in such State in such fiscal year. (2) HIGHEST POVERTY LOCAL EDUCATIONAL AGENCIES.— Notwithstanding paragraph (1), as a condition of receiving funds under section 2001, a State educational agency shall not, in fiscal year 2022 or 2023, reduce State funding (as calculated on a | Maintenance of equity provision |

¹³ Page 289 in [CARES PDF](#).

¹⁴ Page 755-756 in [CRRSAA PDF](#).

¹⁵ Page 21-22 in [ARP PDF](#).

¹⁶ The Maintenance of Equity (MOEq) provisions were first included in the ARP.

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| | | <p>per-pupil basis) for any highest poverty local educational agency below the level of funding (as calculated on a perpupil basis) provided to each such local educational agency in fiscal year 2019.</p> <p>(c) LOCAL EDUCATIONAL AGENCY MAINTENANCE OF EQUITY FOR HIGH-POVERTY SCHOOLS. — (1) IN GENERAL. — As a condition of receiving funds under section 2001, a local educational agency shall not, in fiscal year 2022 or 2023—</p> <p>(A) reduce per-pupil funding (from combined State and local funding) for any high-poverty school served by such local educational agency by an amount that exceeds— (i) the total reduction in local educational agency funding (from combined State and local funding) for all schools served by the local educational agency in such fiscal year (if any); divided by (ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year; or</p> <p>(B) reduce per-pupil, full-time equivalent staff in any high-poverty school by an amount that exceeds— (i) the total reduction in full-time equivalent staff in all schools served by such local educational agency in such fiscal year (if any); divided by (ii) the number of children enrolled in all schools served by the local educational agency in such fiscal year.</p> <p>(2) EXCEPTION. —Paragraph (1) shall not apply to a local educational agency in fiscal year 2022 or 2023 that meets at least 1 of the following criteria in such fiscal year: (A) Such local educational</p> | |
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| | | | agency has a total enrollment of less than 1,000 students. (B) Such local educational agency operates a single school. (C) Such local educational agency serves all students within each grade span with a single school. (D) Such local educational agency demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in the financial resources of such agency, as determined by the Secretary of Education. ¹⁷ | |
| <i>Coronavirus Relief Fund (State and Local Funds)</i> | USE OF FUNDS.—A State, Tribal government, and unit of local government shall use the funds provided under a payment made under this section to cover only those costs of the State, Tribal government, or unit of local government that— “(1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19); “(2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and “(3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. ¹⁸ | N/a ¹⁹ | N/a | Ensures states don’t use relief funds to pay for programs/services that were already budgeted for (before states/localities received relief funds). |
| <i>Coronavirus State and Local Fiscal</i> | N/a | N/a | (2) FURTHER RESTRICTION ON USE OF FUNDS.— (A) IN GENERAL.—A State or territory shall not use the funds | Bars the use of recovery funds to offset tax cuts. |

¹⁷ Page 22 in [ARP PDF](#).

¹⁸ Page 223 in [CARES PDF](#).

¹⁹ No additional state/local funds were included in the CRRSAA, but the bill did extend the date that funds needed to be spent by on p. 964 of [CRRSAA PDF](#).

*Recovery
Funds (State
and Local
Funds)*²⁰

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| | | <p>provided under this section or transferred pursuant to section 603(c)(4) to either directly or indirectly offset a reduction in the net tax revenue of such State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase.²¹</p> | |
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²⁰ The ARP gave more funding for state and local governments but changed the program’s name from Coronavirus Relief Fund to Coronavirus State and Local Fiscal Recovery Funds.

²¹ Page 223 of [ARP PDF](#).