

20-37 BECERRA V. GRESHAM

DECISION BELOW: 950 F.3d 93

LOWER COURT CASE NUMBER: 19-5094, 19-5096

QUESTION PRESENTED:

The Social Security Act, 42 U.S.C. 301 *et seq.*, authorizes the Secretary of Health and Human Services to approve "any experimental, pilot, or demonstration project" proposed by a State that, "in the judgment of the Secretary, is likely to assist in promoting the objectives" of the Medicaid program. 42 U.S.C. 1316(a). Exercising that authority, the Secretary approved demonstration projects in Arkansas and New Hampshire designed to test whether certain requirements promote those objectives by requiring certain working-age, nondisabled adults to engage in work or skill-building activities (such as job-skills training or general education) as a condition of continued eligibility for Medicaid benefits. The Secretary determined that such requirements may help beneficiaries transition to employer sponsored or federally subsidized commercial coverage and may lead to improved beneficiary health, which in turn may help States conserve resources that can be redirected to providing other coverage. The court of appeals held the Secretary's approvals unlawful. It concluded that "the principal objective of Medicaid is providing health care coverage," and that the Secretary had failed adequately to consider whether the projects would further that objective. *App., infra*, 9a-10a; see *id.* At 12a-21a. The question presented is as follows:

Whether the court of appeals erred in concluding that the Secretary may not authorize demonstration projects to test requirements that are designed to promote the provision of health-care coverage by means of facilitating the transition of Medicaid beneficiaries to commercial coverage and improving their health.

Consolidated with 20-38 and a total of one hour is allotted for oral argument
ORDER OF APRIL 5, 2021:

UPON CONSIDERATION OF THE MOTION OF PETITIONERS TO VACATE THE JUDGMENTS OF THE COURT OF APPEALS AND REMAND, TO REMOVE THE CASES FROM THE MARCH 2021 ARGUMENT CALENDAR, AND TO HOLD FURTHER BRIEFING IN ABEYANCE, THESE CASES ARE HELD IN ABEYANCE PENDING FURTHER ORDER OF THE COURT.

CERT. GRANTED 12/4/2020