

20-38 ARKANSAS V. GRESHAM

DECISION BELOW: 950 F.3d 93

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

QUESTION PRESENTED:

The Social Security Act authorizes the Secretary of Health and Human Services to approve "any experimental, pilot, or demonstration project which, in the judgment of the Secretary, is likely to assist in promoting the objectives" of a host of state-administered welfare programs including Medicaid. Here, Arkansas sought approval to test the hypothesis that conditioning Medicaid expansion benefits on work, education, or volunteering would lead to healthier outcomes for its beneficiaries. The Secretary agreed, predicting that Arkansas's proposal would likely improve beneficiary health and promote independence from governmental support.

On review, the United States Court of Appeals for the D.C. Circuit held that approval unlawful. It did not hold that the Secretary's prediction of health benefits was unreasonable, or even that the Secretary failed to weigh those benefits against the project's potential costs. Rather, it held the Secretary could not even consider them because, in its view, the objective of Medicaid is expanding the ranks of those on Medicaid and beneficiary health is beyond the Secretary's remit.

The question presented is:

Whether the Secretary's approval of the Arkansas Works Amendment was lawful.

Consolidated with 20-37 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