

18-1023 MAINE COMMUNITY HEALTH OPTIONS V. UNITED STATES

DECISION BELOW: 729 Fed.Appx. 939

LOWER COURT CASE NUMBER: 2017-2395

QUESTION PRESENTED:

1. Given the "cardinal rule" disfavoring implied repeals-which applies with "especial force" to appropriations acts and requires that repeal not be found unless the later enactment is "irreconcilable" with the former-can an appropriations rider whose text bars the agency's use of certain funds to pay a statutory obligation, but does not repeal or amend the statutory obligation, and is thus not inconsistent with it, nonetheless be held to impliedly repeal the obligation by elevating the perceived "intent" of the rider (drawn from unilluminating legislative history) above its text, and the text of the underlying statute?

2. Where the federal government has an unambiguous statutory payment obligation, under a program involving reciprocal commitments by the government and a private company participating in the program, does the presumption against retroactivity apply to the interpretation of an appropriations rider that is claimed to have impliedly repealed the government's obligation?

CONSOLIDATED WITH 18-1028 AND 18-1038, AND A TOTAL OF ONE HOUR IS ALLOTTED FOR ORAL ARGUMENT.

CERT. GRANTED 6/24/2019