

THE WHITE HOUSE

WASHINGTON

February 22, 1994

The Honorable Robert P. Casey
Governor of Pennsylvania
Harrisburg, Pennsylvania 17120

Dear Bob:

Thank you for your letter regarding the recent revisions to the Hyde Amendment. I understand your concerns about the potential impact of the revisions on the states.

The Department of Health and Human Services' move to implement this policy nationwide was not discretionary. The text and legislative history of the revised Hyde Amendment leave little room for doubt that Congress intended the mandatory language of the Medicaid statute dealing with medically necessary procedures to apply to the full range of cases cited in the revised amendment. And as you know, the Supremacy Clause of the Constitution provides that when state laws or constitutions conflict with a federal statute, the federal statute must prevail.

I want you to know that my Administration fully understands the fiscal burdens that states are facing. However, the changes to the Hyde Amendment will have almost no impact on state budgets. HCFA estimates that coverage will be expanded nationally to about 1,000 women who have been victimized by the tragedy of rape or incest.

The Department of Health and Human Services has made considerable strides in working with states and has allowed state flexibility where the law has permitted. I am confident that the department will continue to work to assist states in complying with the Hyde Amendment.

Sincerely,

