

**Congress of the United States**  
**Washington, DC 20515**

September 26, 2008

The Honorable Michael Leavitt  
Secretary of Health and Human Services  
200 Independence Ave, SW  
Washington, DC 20201

Dear Secretary Leavitt,

In June of this year Members of Congress raised concerns about data indicating that the Centers for Medicare and Medicaid Services funded more than double the number of abortions funded in the prior year.

According to the "FY 2009 Moyer Material" submitted on March 2008 in FY2007, 458 abortions were funded, up from 196 in FY2006 and 150 in FY2005. According to the attached document provided by the U.S. Department of Health and Human Services (HHS), the spike is attributable to an increase in abortions paid for under the rape exception. In addition, the increase is entirely concentrated in the state of Illinois. The number of rape abortions has increased from 20 in FY2005 to 84 in FY2006 and 363 in FY2007.

We find this dramatic increase surprising, especially since corollary increases do not appear in any other state. Please provide detailed information regarding this increase. In particular:

- Was the increase in funded abortions concentrated in a particular region of Illinois, a particular medical facility or a particular network of facilities? If so what region, medical facility or network of facilities is associated with the increase?
- What actions have you taken to verify that the abortions paid for were in fact performed on women who became pregnant as a result of rape? Does the evidence suggest that these abortions were lawfully funded?
- If these abortions were not lawfully funded have the funds been recovered? If not, what process is underway to ensure that the funds are recovered?

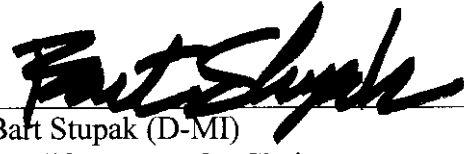
As you know Congress has long held that U.S. taxpayers should not be forced to subsidize abortion except in very limited scenarios, so we are alarmed that the clear intent of the law might have been subverted.

Therefore, we are deeply concerned by the failure to provide a timely response to the inquiry submitted by Reps. Chris Smith (R-NJ) and Bart Stupak (D-MI), and hope for a more prompt response to this letter. Please address our questions no later than October 26, 2008 and include supporting documentation.

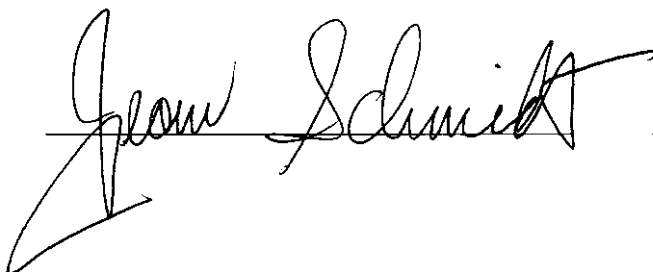
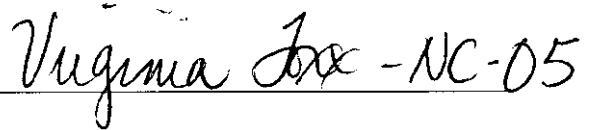
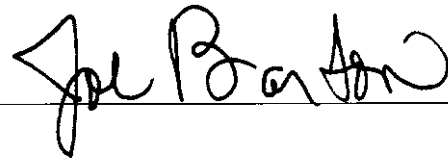
Sincerely,



Chris Smith (R-NJ)  
Pro-life Caucus Co-Chair



Bart Stupak (D-MI)  
Pro-life Caucus Co-Chair



Attachments:

Table: NUMBER OF ABORTIONS BY TYPE FISCAL YEARS 2005 - 2007

(highlighting added)

Smith/Stupak letter dated June 23, 2008

Marilyn Musgrave Lynn & ~~Utah~~

John Bozma

W. Hensarling

Ji Jordan

K. Wittig

Louis Lohmeyer

Clayton Blackburn

Phil Sali

John Shadys

Tim Walcott

John S.

Scott Bonett

Robert B. Adair

1000 T. Artist

Stan Chabot

Doug Lamborn

Ron Paul

Jim Oberstar

Tommy Wilson

Ellen Gellman

Walter B. Jones

Jet Hoekstra

Tommy Sawyer

Mike McIntyre

Gene Taylor

Wally Herger

J. Sh. 32-19

Jose J. J. X. X. X.

Michelle Bachmann Steve Scalise

Randy Marshall Tim Murphy

Rodney Alexander Patrick J. Murphy

M. J. T. McCal ~~John~~

Kent Starks John

Zach Wamp Mary Fallin

Tancredi

Lamar Smith

Virgil Goode

Jim Jesulione

Jeff Fortenberry

Howard Coble

Sam Johnson

Da Riva

Geoff Jarvis

Phil English

Ralph M. Hall

Mark Souder

Jimmy V. Costello

Bill: ~~DD~~

Jerry Moran

Dan Dunbar

Bob Goodlatte

Amos Hunter

Thomas McCreary

Kenny Marchant

John Linder

Dan Dennis

Bob Inglis

Chip Pickering

Phil Dingrey

Tom Feeney

Judy Forke

Mike Dwyer

Robin Hayes