July 20, 2000

The Honorable John Porter
Chairman
Labor, Health & Human Services and Education
 Appropriations Subcommittee
U.S. House of Representatives
Washington, DC 20515

Dear Representative Porter:

As you may know, during the consideration of the Labor Health & Human Services Appropriations bill on the House floor we opposed a proposed amendment by Congressman Coburn on fetal tissue research. During Senate consideration of the Labor/HHS bill, Senator Robert Smith (R-NH) was able to include an amendment on this issue that we opposed as well (a copy of a letter regarding the Smith amendment is attached). We are deeply grateful to you for helping to avert consideration of the Coburn amendment. While the Smith amendment was re-crafted to call for a GAO study of the issue, we still feel it would have a chilling effect on several very important and potentially life-saving areas of biomedical research.

More importantly, we oppose the Smith amendment because of the number and specificity of the inquiries it makes of the General Accounting Office. We fear, based on the detailed nature of the questions, that they may have been devised purposefully to be unanswerable so as to prolong this debate. We are further concerned that this apparent "nuisance strategy" will effectively produce a barrier to medical research.

As an alternative, we urge that you either remove the language or return to the original intent of the amendment that simply calls for a GAO study - rather than directing the GAO as to what inquiries it should make.

Lawfully acquired fetal tissue continues to be vital in the search for potential therapies for Parkinson's disease, sudden infant death syndrome and many other
devastating diseases. Because of this need, Congress has already made legal the use of federal funds for this potentially life-saving research, with strict ethical oversight and the clear prohibition of profiting from the sale of fetal tissue. Indeed, at a hearing of the House Commerce Committee on March 9, Members from both sides of the aisle expressed a strong commitment to federal support of fetal tissue research and found no evidence of wrongdoing.

Fetal tissue is vital to the advancement of critical biomedical research. Please do not include Senator Smith's proposed language in the final Labor/HHS Appropriations bill.

Thank you for your assistance with this important issue.

Sincerely,

Paul Berg, Ph.D.
Cahill Professor of Cancer Research and Biochemistry
Director of The Beckman Center
Stanford University School of Medicine
Nobel Laureate in Chemistry, 1980
Chair, ASCB Public Policy Committee

Lawrence S. B. Goldstein, Ph.D.
University of California, San Diego School of Medicine
Investigator, Howard Hughes Medical Institute
Member ASCB Public Policy Committee

Enclosure