

United States Senate
WASHINGTON, DC 20510

February 12, 1999

The Honorable Donna E. Shalala
The Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

SPECIAL

Dear Secretary Shalala:

We are deeply concerned with what appears to be a unilateral attempt on your part to effectively undermine congressional intent, by circumventing the current federal funding ban on embryo research.

Of particular concern to us is testimony Dr. Varmus gave on January 26, 1999, during a hearing before the Appropriations Subcommittee on Labor, Health and Human Services and Education. During Dr. Varmus' testimony he stated, "Dr. Thomson and his co-workers derived pluripotent stem cells from the blastocyst stage of an early embryo — the embryos used were donated by couples who were receiving infertility treatment; this derivation of stem cells from the embryo does fall under the ban on Federal funding." The contention being made is that once the stem cells are derived, federal funding of research which directly relies on such destruction is acceptable. We disagree.

Also of concern to us is Dr. Varmus' response to a statement by some researchers that human pluripotent stem cells may come together in culture to begin developing as an embryo. If this does occur, then NIH would be directly violating the congressionally imposed ban by funding embryonic stem cell research. Dr. Varmus stated that he was unsure if it does occur, and that it would be "grossly unethical" to try to find out because that would involve implantation. If the director of the National Institutes of Health is unsure, then the proper course of action would be to take no action. Better to err on the side of preserving congressional intent than destroying it.

Congress never intended for the National Institutes of Health to give incentives for the killing of human embryos for the purpose of stem cell research. We are very interested in any further insight you might provide on this issue and look forward to hearing from you soon.

Sincerely,

Sam Brownback Don Nickles

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