June 27, 2005

The Honorable Michael B. Enzi
Chair, Committee on Health, Education, Labor, and Pensions
430 Dirksen Office Building
United States Senate
Washington, D.C. 20510-6300

The Honorable Edward M. Kennedy
Ranking Member
Committee on Health, Education, Labor, and Pensions
430 Dirksen Office Building
United States Senate
Washington, D.C. 20510-6300

Dear Mr. Chairman and Ranking Member:

We understand that the Senate Health, Education, Labor and Pensions Committee will soon consider S.681, legislation to establish a National Cord Blood Stem Cell Bank Network to facilitate treatment and research using such cells. I am writing on behalf of the American Bar Association to express our support for federal funding of research in this promising area and to urge the Committee to act favorably on your bill and related measures which support expansion of stem cell research.

Many thousands in the United States and millions around the world suffer and die from diseases that may be ameliorated or even cured by new therapies derived from therapeutic stem-cell research. Yet opposition to federal support for this research has hampered efforts to achieve its promise domestically, while foreign research efforts continue gaining strength. We believe that ethical concerns can be satisfactorily addressed while the scientific promise is pursued.

The ABA opposes governmental actions, including laws and Executive Branch policies, that would prohibit scientific research conducted for therapeutic purposes, including research involving cell-nuclear transfer that is not intended to replicate a human being, provided that the research is conducted in conformity with accepted research, ethical and legal safeguards. We believe that there are three current proposals in the Senate that, taken together, would advance or take needed steps toward an appropriate federal role regarding stem cell research.
S.471, the Stem Cell Research Enhancement Act of 2005, introduced by Senators Arlen Specter and Tom Harkin, would provide federal support or stem cell research under scientific guidelines using embryos that would otherwise be discarded. The House of Representatives recently passed H.R.810, its counterpart to S.471, with a strong bipartisan vote. On May 25 the ABA wrote letters to all members of the House of Representatives in support of H.R.810.

S.681, the Cord Blood Stem Cell Act of 2005, would support the use of umbilical stem cells for treatment and research. These stem cells would otherwise be disposed of by hospitals as medical waste, as in the case of S.471 regarding spare embryos. Introduced by Senator Hatch, S.681 would authorize the establishment of a national cord blood stem cell bank network to facilitate treatment and research using blood stem cells. The House of Representatives passed H.R.2520, legislation similar to S.471, on May 24, 2005, by a 431-1 vote.

S.876, the Human Cloning Ban and Stem Cell Research Act of 2005, introduced in the Senate by Senators Specter and Harkin, would prohibit human cloning while supporting research involving cell nuclear transfer for research purposes under appropriate scientific and ethical standards. The use of nuclear transplantation to produce stem cells for research purposes would allow scientists to understand the fundamentals of human disease in a way never before possible and could lead to markedly improved treatments for a variety of diseases that affect millions of Americans.

From a legal perspective, there is another, vitally important concern at stake: freedom of scientific inquiry, a cherished principle of American law. Governmental action that would severely restrict the ability of scientists to investigate potential avenues of medical advancement offered by therapeutic cloning poses a direct and serious threat to freedom of scientific inquiry, and thereby to the possible development of means of saving life.

The law is at a crossroads in dealing with the complex challenge. The course chosen by Congress regarding this field of research either will help to protect or will diminish freedom of scientific inquiry in the future. We urge the Committee to act favorably on these several Senate bills at the earliest opportunity.

Sincerely,

Robert D. Evans

cc: Members of the Committee