tional Conference of Commissioners on Uniform State Laws should review the hodgepodge of state laws that now exist and produce a series of model statutes that can deal with the basics of embryo and gamete disposition when the parties do not agree or cannot make their wishes known due to death or disability. It should also outline standards for informed consent requirements for gamete and embryo donors and sellers and for surrogate mothers.

Incrementalism is the only way forward in the contentious world of assisted reproductive technologies in the United States. The chance for a federal agency has passed.

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To the Editors: In principle, nothing is wrong with the agency proposed by Furger and Fukuyama to oversee reproductive technology. A federal agency with a mandate to incorporate public consultation would bring a refreshing perspective to some of the thorniest scientific and ethical issues of our time.

In practice, however, could such an agency ever come to exist? Congress would need to create the proposed independent commission/advisory board hybrid. The political process involved in any major congressional act is not for the weak of stomach, and the subject matter here (that is, embryos and the earliest stages of potential life) guarantees intense scrutiny from every corner. Several authors underestimate the contentiousness of these issues and overestimate the ability of a federal agency to resolve such a quagmire of moral and political issues.

Something similar was attempted in the mid-1980s with the Biomedical Ethics Advisory Committee (BEAC). The BEAC was to examine ethical issues in health care and biomedical research and report directly to Congress, addressing topics such as human genetic engineering and fetal research. Viewed with suspicion from all sides of the abortion debates, the BEAC collapsed before it could get off the ground.

Consider, too, the case of the Genetic Information Nondiscrimination Act currently awaiting passage in Congress. Passed unanimously by the Senate twice in the past, resoundingly by the House this year, and endorsed by the president on several occasions, it nevertheless remains on hold in the Senate months after it was expected to pass. Why? One reason is that a handful of lawmakers took issue with whether the bill adequately and explicitly protected embryos and fetuses from genetic discrimination. A careful legal analysis of the issue suggested that (1) it most certainly did and (2) given other laws, the issue was unlikely ever to arise. Still, the objection tied up the bill at virtually every step of consideration, until every nuance of the issue was dealt with. This experience foretells the reception one could expect for legislation creating an agency with the power to explicitly address issues related to embryos and fetuses.

To be sure, some of the battle lines are shifting as some technologies that involve embryos, such as stem cell research, show the potential to lessen suffering. But I doubt these shifts are enough to make it possible for an agency to engage in rule-making in this area. Furger and Fukuyama write that we have "widely shared values." However, our own public opinion work has found that Americans' views on stem cell research, for example, may be highly changeable (*Values in Conflict: Public Attitudes on Embryonic Stem Cell Research*, Genetics and Public Policy Center, 2005).

As several authors point out, what is most needed is information about health outcomes and long-term safety for prospective parents and future children born from new technologies. Patients and providers are hungry for better information about risks and benefits of technologies already available, such as preimplantation genetic diagnosis, and those to come, such as cloning and germline modification. Thus one possible and practical role for government is to encourage and fund research that looks at long-term health impacts of new reproductive technologies. Our research has shown that people do not want the government involved in regulation of these matters (*Reproductive Genetic Testing: What America Thinks*, Genetics and Public Policy Center, 2004.)

Susannah Baruch
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To the Editor: The call for broad public consultation plays an important role in Franco Furger's and Francis Fukuyama's *Beyond Bioethics* and is reiterated in their recent essay. However, there is some lack of clarity about what should happen in cases where policymakers decide *against* the public's views, with implications, particularly, for the more general question of what status consultations should have in the policy-making process.

In *Beyond Bioethics*, Furger and Fukuyama discuss why we should consult the public in the section "Correcting Political and Regulatory Distortions." They have great faith that consultations can balance out "regulatory capture," which may result when interest groups exercise undue influence during the notice-and-comment period. The authors note several criteria to be met by "robust procedures of public consultation," which should ultimately ensure a platform for the voices of "the general public," which "is far more centrist on many controversial issues than either the proscience or pro-life camp."

If developments in the United Kingdom are anything to go by, Furger and Fukuyama may be adding momentum to an increasingly popular element in policy-making. For instance, the Human Fertilisation and Embryology Authority held twelve "deliberative groups," an opinion poll, a formal consultation, and public events when making its most recent decision on chimeric