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*Chair of the Assembly of the Academic Senate
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February 1, 2019

**JANET NAPOLITANO, PRESIDENT
UNIVERSITY OF CALIFORNIA**

**MICHAEL BROWN, PROVOST AND EXECUTIVE VICE-PRESIDENT
UNIVERSITY OF CALIFORNIA**

Re: Federal Restrictions on Fetal Tissue Research

Dear Janet and Michael,

At its January 23, 2019 meeting, the Academic Council unanimously endorsed the attached letter from the San Francisco Senate Division urging the Academic Senate and UCOP to speak out against new federal-level restrictions on NIH funding for legally-acquired fetal tissue in biomedical research.

UCSF makes four specific recommendations to UCOP for coordinating a response to these threats: 1) organize the University's scientific community into a policy advocacy network; 2) sponsor academic forums on bioethics; 3) commission white papers that defend fetal tissue research; and 4) organize direct action on advocacy for fetal tissue research. It will be the pleasure of the Academic Senate to participate with Academic Affairs and the campuses in bringing these recommendations to fruition.

It has been noted that the recent political realignments in Washington may reduce the immediate urgency of the matter and make it less likely that the next budget appropriation will include the threatened restrictions. However, these short-run political changes in no way eliminate our more general and ongoing concerns about political attacks on science and academic freedom that threaten not only UC researchers but also the nation's prosperity, health, and scientific leadership. These attacks only underscore the need for UC to take a public stand in support of a broad range of research and fundamental principles concerning science and academic freedom.

The Academic Senate looks forward to working with you on this issue. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in brown ink, appearing to read "R. C. May".

Robert C. May, Chair
Academic Council

cc: Academic Council
Senate Directors

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David Teitel, MD, Chair
Sharmila Majumdar, PhD, Vice Chair
Vineeta Singh, MD, Secretary
Jae Woo Lee, MD, Parliamentarian

January 3, 2019

Robert C. May, PhD
Chair, Academic Council
Systemwide Academic Senate
University of California Office of the President
1111 Franklin St., 12th Floor
Oakland, CA 94607-5200

Re: NIH Sponsored Research – Fetal Tissue Research

During the second half of 2018 the federal government increased its attention and apparent opposition to the use of legally acquired fetal tissue in biomedical research. The San Francisco Division of the Academic Senate urges the University of California Office of the President to coordinate a response to the federal government's recent threats to fetal tissue research.

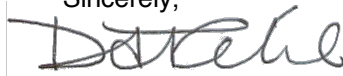
We present the following recommendations:

- UCOP should create a network of scientists who engage in research that may be subject to political opposition. The network should amplify the voices of subject matter experts in the process of developing public policy including but not limited to federal legislation and regulations. We offer the UCSF Program on Reproductive Health and the Environment as an example of a rapid response network that operates at the intersection of science, medicine, policy, and community.
- UCOP should sponsor a forum for academics from the humanities, social sciences, and health sciences to consider key questions of bioethics. UC could expand its support of the UC North Bioethics Collaboratory as a first step.
- UCOP should engage UC researchers who conduct fetal tissue research to develop a white paper defending the use of legally acquired fetal tissue in biomedical research.
- UCOP should organize direct action to engage policymakers and advocate for federal sponsorship of research using fetal tissue. UC Advocacy Network could be the platform for this effort.

We believe these actions will strengthen UC and better prepare it to respond to an uncertain political climate.

Enclosed please find a letter from the UCSF Academic Senate Committee on Research addressing specific concerns about the current threats to fetal tissue research.

Sincerely,



David Teitel, MD, 2017-19 Chair
UCSF Academic Senate

Encl. (1)

December 20, 2018

Professor David Teitel, MD
Chair, UCSF Academic Senate

RE: Federal Research Policy – Fetal Tissue Research

Dear Chair Teitel,

We are writing to express concern about the federal government's recent actions to limit fetal tissue research and its politicization of science.

- On September 24, 2018, HHS terminated a contract with a provider of fetal tissue and began an audit of all acquisitions involving human fetal tissue. In addition, HHS has initiated a comprehensive review of all research involving fetal tissue.¹
- On December 3, 2018, the Department of Health & Human Services (HHS) notified UCSF of its intent to modify a longstanding contract with the National Institutes of Health (NIH).² The contract in question funds a laboratory that conducts research using fetal tissue, and the contract modification would allow only a 90-day extension as opposed to an annual renewal.
- On December 13, 2018, the House Subcommittee on Healthcare, Benefits, and Administrative Rules and House Subcommittee on Government Operations convened a joint hearing to evaluate the ethical considerations of fetal tissue research and explore alternative research methods.³

The University of California (UC) is a world-class research institution that values scientific inquiry. UCSF shares that value as a premier biomedical research university committed to transforming health through scientific discovery. Breakthroughs and innovations that enable treatment of diseases require access to the best available resources for experimentation. Some laboratories investigating critical diseases

¹ Statement from the Department of Health and Human Services. September 24, 2018. <https://www.hhs.gov/about/news/2018/09/24/statement-from-the-department-of-health-and-human-services.html>

² Contract No. HHSN272201400002C. Notification of Intent to Invoke FAR Clause 52.237-3, Continuity of Service (January 1991). December 3, 2018. <https://www.sciencemag.org/sites/default/files/FOIA%20request%20-%20Dec%205%202018%20-%20Complete%20response.pdf>

³ Exploring Alternatives to Fetal Tissue Research. Subcommittee on Healthcare, Benefits, and Administrative Rules and Subcommittee on Government Operations. December 13, 2018. <https://oversight.house.gov/hearing/exploring-alternatives-to-fetal-tissue-research/>

currently use legally procured fetal tissue. However, some policymakers⁴ and interest groups⁵ have called into question the future of fetal tissue research and advocated to limit or ban the use of fetal tissue in research. Limits on fetal tissue research have already caused interruptions to research programs and could permanently alter the capacity of investigators to develop therapies for diseases such as pediatric cancer, HIV, Zika, and eye disease.

This matter reflects a larger problem with the politicization of science. As scientists we value public policy based on scientific consensus. Unfortunately, government policy-makers can be “captured” by special interests that ignore, discount, manipulate, or reject scientific knowledge. The current federal government, influenced by interest-group activists, is politicizing science related to fetal tissue research. During the recent joint subcommittee hearing on fetal tissue research, Congressional Republicans invited the testimony of activists from the Lozier Institute, which is self-described as “an organization dedicated to electing candidates and pursuing policies that will reduce and ultimately end abortion.” The witnesses from the Lozier Institute called into question the necessity of fetal tissue research and asserted that alternative methods can substitute fetal tissue models. Their testimony was challenged by an internationally renowned scientist, and MacArthur Foundation awardee who represented the International Society for Stem Cell Research. The scientist testified that “Fetal tissue is an essential resource for study and developing therapies for cancer, HIV, Zika, tuberculosis, and other devastating diseases.” Currently, the use of fetal tissue to humanize mice models employed in HIV studies, for instance, is the best available method to recapitulate the human immune system and in them create viable vaccines. Also, fetal cells are essential for car-T therapy which is revolutionizing cancer treatment. Peri-natal research using fetal tissues is directly relevant to human health while alternatives are mere extrapolations. “The alternatives mentioned (in the hearing) may be useful at times but cannot fully replace fetal tissue.” A solution to the politicization of science is to ensure representation of the scientific community during public policy debates. In this instance, we should amplify the voices of subject matter experts of biomedical research

As researchers we value clear and consistent expectations in the administration of research. Funding that is typically renewed annually, and expected to be renewed annually, should be terminated on short notice only in instances of good cause. At present, the federal government is considering whether to terminate a sponsored research agreement with a UCSF investigator on the basis that the laboratory uses fetal tissue. A sudden termination of the contract would threaten ongoing investigations. The NIH should renew the contract in question because political opposition to legal fetal tissue research is not a sufficient reason to terminate an existing sponsored research agreement. We urge UCORP to write a letter to UCOP advocating for the continuation of the contract in question.

⁴ “We urge all states and Congress to make it a crime to acquire, transfer, or sell fetal tissues from elective abortions for research, and we call on Congress to enact a ban on any sale of fetal body parts.” Republican Platform 2016. https://prod-cdn-static.gop.com/media/documents/DRAFT_12_FINAL%5B1%5D-ben_1468872234.pdf

⁵ Congress to Hear from Scientific Experts on Ethical Alternatives to Aborted Fetal Tissue Research. Lozier Institute. <https://lozierinstitute.org/congress-to-hear-from-scientific-experts-on-ethical-alternatives-to-aborted-fetal-tissue-research/>

In order to ensure biomedical researchers have access to the best available resources needed for scientific discovery, we urge UCORP to write a letter to UCOP condemning the politization of science and defending the use of fetal tissue research. Furthermore, we urge UCORP to write a letter encouraging UC to engage its biomedical community to identify scientists with expertise in fetal tissue research and create a forum for those researchers to communicate and engage with policymakers.

We anticipate further action from the government that will diminish our capacity to investigate disease and frustrate evidence-based policy making. In order to respond to those threats, the University should take coordinated and proactive measures to protect and preserve existing research programs, and elevate the voices of UC scientists in the realm of public policy.

Thank you for your attention to these concerns.

Sincerely,



Lea T. Grinberg, MD, PhD
Chair, Committee on Research
UCSF Academic Senate
2018-2019

Cc: Sharmila Majumdar, PhD, Chair, UCSF APB
Andrew Baird, PhD, Chair, UCORP
Stuart Gansky, MS, DrPH, UCSF Representative, UCORP
Lindsey Criswell, MD, MPH, DSC, Vice Chancellor for Research, UCSF
Keith Yamamoto, PhD, Vice Chancellor for Science Policy and Strategy, UCSF
Kenneth Laslavic, JD, UCSF Senior Senate Analyst