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July 23, 2015

The Honorable Doug Lamborn
United States House of Representatives
2402 Rayburn House Office Building
Washington, D.C. 20515

Congressman Lamborn:

I am writing in response to your letter dated July 17, 2015, which concerns the allegations against Planned Parenthood Federation of America and Colorado State University's use of fetal cells in federally funded research. I fully understand the concerns that have been expressed by you and others. As you know, Congress has now announced its intent to investigate the practices of those engaged in the acquisition of human tissue for research purposes, and it is our sincere hope that this will lead to greater transparency for all involved. As a research university, we welcome all efforts that allow us access to more information as we navigate the ethical waters associated with several research areas.

Since receiving your letter, I have reviewed the video that was released by the Center for Medical Progress; sought clarification on the points of law you've raised; and discussed the issue further with Colorado state Senator Kevin Lundberg, who provided additional insight. We also convened our Bioethics Advisory Committee to assess the known facts and make a recommendation directly to me regarding University practices going forward. The report of that committee is attached.

With respect to the legal question in your letter, we do not believe that Colorado State University has violated federal or Colorado state law. The Colorado law referenced in your letter, C.R.S. § 25-2-111.5, is directed at physicians and institutions that perform procedures for the induced termination of pregnancy, which Colorado State University does not perform. CSU is also compliant with federal law on this issue. CSU follows all federal regulations and protocols related to the use of human tissue samples, and federal regulators and other officials regularly review CSU's research programs to ensure bioethical and legal compliance.

Colorado State has only one research project that uses human fetal tissue in research, for an NIH-funded investigation into a cure for HIV/AIDS. This research is fully compliant with state and federal law, and this project does not obtain any tissue directly from physicians or institutions that perform procedures for the induced termination of pregnancies, including Planned Parenthood. Any tissue used for research must be obtained legally and in compliance with federal and state regulations, and CSU only obtains tissue from FDA regulated and approved providers. The tissue is obtained in very minute sample sizes for research conducted at the cellular level using cells extracted from these small amounts of liver and thymus tissue; we do not obtain or use full organs or body parts in this research program, although we can understand how someone could mistakenly reach that conclusion based on the wording of the StemExpress invoices in question.

In the past, Colorado State University has obtained donated fetal tissue from StemExpress, which is FDA regulated and approved, although we have not received any tissue samples from StemExpress since 2013. The invoices related to the acquisition of donated fetal tissue from StemExpress in 2013 are attached. We had not been aware of any issues concerning StemExpress until this recent controversy – nor had we seen the company’s promotional flyer that has since been shared with us. The source of tissue for the CSU research since 2013 is ABR. It is our understanding that ABR does not work via a for-profit model for fetal tissues; they only reimburse for costs incurred.

In light of your and other concerns, and while CSU has appropriately followed all state and federal laws in regard to conduct of this research, I am accepting the recommendation of CSU’s Bioethics Advisory Committee to suspend any further acquisition of fetal tissue from StemExpress or other vendors implicated in the Planned Parenthood investigation pending the outcome of the Congressional inquiry.

The committee also recommended that all efforts should be made to seek alternatives to aborted fetal tissue sources, where such alternatives allow key research to continue – a recommendation that we will implement immediately. In addition, we also will request from all tissue providers all available information regarding the source of fetal tissue. With this information, our institution and researchers can continue to assure that when research is conducted, we do so meeting our ethical standards.

As I noted at the beginning of this letter, and as our Bioethics committee states in the attached report, we also want to encourage further federal oversight of fetal tissue providers that would result in greater transparency of their sources. This is an appropriate role for the federal government, and it would be a benefit to CSU and the hundreds of other research universities actively and more fully engaged in this field.

We are unable to address your specific questions related to tissue sources, as these are questions for the providers. We work diligently to ensure we are working with regulated, compliant providers, but we are not regulators and do not have access to the specific information you are seeking.

Colorado State University is a leader in the ethical conduct of research, and we always welcome concerns such as yours as we seek to uphold our academic and research missions. The research in question is medically important and fully compliant with all federal and university regulation, and CSU is proud that this program already has led to significant breakthroughs in the fight against HIV/AIDS. The faculty involved, and the university, care deeply about their ethical obligations and the importance of obtaining tissue only from compliant sources. This is not an issue that any of us takes lightly, and we will be closely following the Congressional investigation.

Thank you for alerting us to your concerns and providing CSU an opportunity to respond.

Sincerely,



Tony Frank
President