



*Congress of the United States
House of Representatives
Washington, D. C. 20515*

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Eighteenth District
California*

December 13, 2022

Dr. David J. Skorton,
President and CEO
Association of Academic Medical Colleges
655 K Street, N.W., Suite 100
Washington, D.C. 20001

Dear Dr. Skorton,

I'm writing regarding concerns with the use of genomic sequencing machines and services from Chinese companies with ties to the People's Republic of China (PRC) by members of your association. The use of genomic sequencing machines manufactured by companies such as BGI or its affiliates, including MGI Americas, presents grave privacy, economic security, and national security concerns. As a leading voice for the integrity of medical research, the Association of American Medical Colleges (AAMC) has an important role to play in ensuring that personal genomic data is protected. I urge you to encourage members of the AAMC to rethink their third-party service contractual relationships with Chinese companies that have ties to the PRC and to refrain from using their genomic sequencing machines.

BGI is a China-based global leader in sequencing and life sciences research with strong links to the PRC¹, which has recently been flagged by multiple U.S. government agencies because of national security, economic security, and privacy concerns.² The Department of Defense added BGI to its list of Chinese military companies operating in the U.S.³ The Department of Commerce placed two BGI affiliates on the Bureau of Industry and Security's Entity List⁴ and the National Counterintelligence and Security Center stated that the PRC's collection of healthcare data from America poses "serious risks, not only to the privacy of Americans, but also to the economic and national security of the U.S."⁵ The National Security Commission on AI (NSCAI) further stated that "BGI may be serving, wittingly or unwittingly, as a global collection mechanism for Chinese government gene databases, providing China with greater raw numbers and diversity of human genome samples as well as access to sensitive personal information about key individuals around the world."⁶ An investigation by *Reuters* found that BGI is "selling prenatal tests around the world developed [the test kits] in collaboration with

the [Chinese] military and is using them to collect genetic data from millions of women for sweeping research on the traits of populations.¹⁷

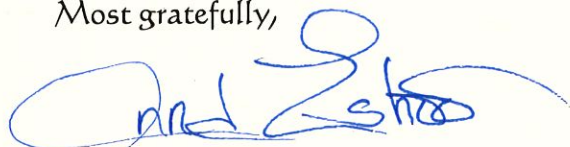
The PRC views the bulk collection of healthcare and genomic data as a strategic commodity to be collected and used for its economic and national security priorities. U.S. healthcare and genomic data may be particularly attractive and valuable to the PRC because of the ethnic diversity of the U.S. population. The PRC has tried to collect U.S. health data by investing in U.S. firms that handle sensitive healthcare and genomic and personal data, partnering with hospitals, universities, and other research organizations in the U.S., and engaging in illicit attacks on American institutions, such as theft of research and cyberattacks. The PRC's national security law requires Chinese companies to share the data they have collected with the PRC government.

The National Consumers League (NCL) recently announced that it is launching a national campaign to warn consumers, healthcare providers, and lawmakers of the threat posed by the PRC's collection of U.S. healthcare and genomic information.⁸ NCL recommends rejecting the use of MGI America's sequencing technology for patients and taking steps to inform colleagues of the serious threat BGI and its affiliates pose to patients' personal genomic data and U.S. national security.

More broadly, your members may want to conduct additional due diligence checks when considering third-party sequencing contracts with companies such as BGI, MGI Americas or U.S. companies acquired or otherwise affiliated with companies such as BGI, including reference labs conducting PCR testing for Covid-19. These commonsense steps will ensure American's data is protected and not being used to compromise U.S. national and economic security.

Medical schools and teaching hospitals make advances and innovations every day that improve the quality of life for millions of Americans. It's important for those discoveries to continue to flourish while at the same time protecting the security and privacy of the American public. The simple steps I've outlined above can protect Americans' privacy and prevent wholesale collection of Americans' healthcare and genomic data by the PRC.

Most gratefully,



Anna C. Eshoo
Member of Congress

¹ See, e.g., National Security Commission on Artificial Intelligence, "Final Report", <https://www.nscai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf> at 57, note 39 [hereinafter *Report*].

² Gryphon Scientific et al., “China’s Biotechnology Development: The Role of US and Other Foreign Engagement.” In *A report prepared for the U.S.-China Economic and Security Review Commission*, February 14, 2019, <https://www.uscc.gov/sites/default/files/Research/US-China%20Biotech%20Report.pdf> at 25.

³ “DOD Releases List of People’s Republic of China (PRC) Military Companies in Accordance with Section 1260H of the National Defense Authorization Act for Fiscal Year 2021”, October 5, 2022, <https://media.defense.gov/2022/Oct/05/2003091659/-1/-1/0/1260H%20COMPANIES.PDF>.

⁴ “Commerce Department Adds Eleven Chinese Entities Implicated in Human Rights Abuses in Xinjiang to the Entity List”, July 20, 2022, <https://2017-2021.commerce.gov/news/press-releases/2020/07/commerce-department-adds-eleven-chinese-entities-implicated-human.html>.

⁵ The National Counterintelligence and Security Center, “China’s Collection of Genomic and Other Healthcare Data From America: Risks to Privacy and U.S. Economic and National Security”, February 2021, https://www.dni.gov/files/NCSC/documents/SafeguardingOurFuture/NCSC_China_Genomics_Fact_Sheet_2021revision20210203.pdf.

⁶ Future, *supra* note 1 at 52.

⁷ Kirsty Needham and Clare Baldwin, “China’s gene giant harvest data from millions of women,” *Reuters*, July 7, 2021, <https://www.reuters.com/investigates/special-report/health-china-bgi-dna/>.

⁸ National Consumers League, “Protect My Patient Data,” <https://protectmypatientdata.com/>.