

United States Senate  
WASHINGTON, DC 20510

COMMITTEES:  
APPROPRIATIONS  
FOREIGN RELATIONS  
SELECT COMMITTEE ON INTELLIGENCE  
SMALL BUSINESS AND ENTREPRENEURSHIP  
SPECIAL COMMITTEE ON AGING

February 8, 2018

Mr. Marc Casper  
Chief Executive Office  
Thermo Fisher Scientific  
168 Third Avenue  
Waltham, MA 02451

Dear Mr. Casper:

I write to raise a matter of potential concern regarding your company's business in China's Xinjiang Uyghur Autonomous Region where grave human rights violations are being perpetrated by the Chinese government.

In December 2017, Human Rights Watch, a non-governmental organization, released *China: Minority Region Collects DNA from Millions, Private Information Gathered by Police, Under Guise of Public Health Program*, a report detailing how Chinese authorities in the Xinjiang Uyghur Autonomous Region are collecting DNA samples, fingerprints, iris scans and blood types of all residents in the region between the ages of 12 and 65. The Chinese government's mandatory data-banking of the entire population's biodata, including DNA, has understandably raised alarm bells among rights advocates given that China lacks the kinds of legal safeguards that other countries implement to manage their DNA databases.

These concerns are even more acute when placed in the context of the already repressive policies that exist in China, and specifically in ethnic minority regions like Xinjiang. As Radio Free Asia reported on January 22, 2018, "Around 120,000 ethnic Uyghurs are currently being held in political re-education camps in Kashgar (in Chinese, Kashi) prefecture of northwest China's Xinjiang region alone, according to a security official with knowledge of the detention system." The article continued, "Sources say that authorities often convert government buildings and schools into makeshift re-education camps to deal with overcrowding, and routinely shift detainees between locations—that include prisons—without informing their family members."

Human Rights Watch's December 2017 report also found that Thermo Fisher Scientific had supplied Xinjiang police with at least some of their DNA sequencers. Human Rights Watch subsequently wrote your company in June and again in August 2017 to inform you "that Chinese authorities are collecting DNA from individual not suspected of crimes in Xinjiang as well as across China," and to seek your comments on a range of issues, including your human rights policies and any discussions that you may have had with Chinese authorities about the intended use of the DNA sequencing equipment. While they noted with appreciation your initial and only response to their inquiries, because serious questions remain about the potential misuse of your products, Human Rights Watch subsequently called on Thermo Fisher to "immediately

investigate misuse of their products and suspend future sales or service in China pending such an investigation.”

As Vice Chair of the U.S.-China Business Council, you are no doubt aware of the complexities of doing business in a one-party, authoritarian state and the pressing need to balance your company’s fiduciary responsibility to your shareholders against very real, ethical questions about how such a state uses your products.

A recent article in the Chinese state-run *Global Times* said, “Thermo Fisher Scientific Inc., an American company supplying technological support for Chinese police in DNA collection, stressed that it ‘can adequately protect personal privacy while appropriately balancing the public safety and national security needs of government.’” Such assurances from a government-mouthpiece raise more questions than answers, however.

I am therefore hopeful you can provide answers to the following questions:

- Can you provide details of your relationship with the Xinjiang Public Security Bureau and the Chinese Ministry of Public Security, and relevant discussions you may have had regarding the intended use of Thermo Fisher Scientific’s equipment?
- Since the sale of your DNA sequencing equipment to these entities, have you pursued any actions to ensure that such equipment is not misused?
- Your response to Human Rights Watch indicated that you expect your “customers to act in according with appropriate regulations and industry-standard best practices.” Can you elaborate about the best practices referenced?

Thank you in advance for your consideration of these questions. I look forward to your response.

Sincerely

A handwritten signature in blue ink, appearing to read 'M. Rubio', with a stylized flourish at the end.

Marco Rubio  
U.S. Senator