



ONE HUNDRED EIGHTEENTH CONGRESS
REPRESENTATIVE CHRISTOPHER H. SMITH, CHAIR
SENATOR JEFF MERKLEY, COCHAIR

September 28, 2023

Commissioner Adam Silver
National Basketball Association Headquarters
645 5th Avenue
New York, NY 10022

Dear Commissioner Silver:

As National Basketball Association (NBA)'s teams are set to begin the 2023-204 season, we write to you seeking answers about the NBA's business operations relating to the People's Republic of China (PRC). Before the season begins, we ask that you meet with Chinese dissidents, Uyghurs, Tibetans, Hong Kongers, and others impacted by the PRC's repression to learn about the sad reality of genocide and understand the transnational repression they experience in the United States at the direction of PRC agents. We also ask that the NBA prohibit the use or sale of NBA-branded gear and garments, or NBA game-day shoes made with forced labor or made by sportswear companies that endorse the use of materials from the Xinjiang Uyghur Autonomous Region (XUAR).

According to the NBA Guiding Principles, equality, respect, and freedom of expression are paramount to the Association. Members of the NBA family, with the support of the NBA, often exercise their freedom of speech to express their individual views on political and social issues across the globe. However, as well-documented, on several occasions NBA executives and players have not received the same support or respect from the NBA when they expressed their views relating to China. Although the NBA prides itself on exporting American values to the PRC, the muzzling of those who criticize the PRC's egregious human rights abuses shows that instead, the NBA puts itself at risk of enabling the PRC's export of censorship to the United States.

We are also concerned that Chinese sportswear companies ANTA, Li-Ning, and Peak — companies with contracts with a growing number of NBA players — publicly embrace the use of supply chains linked to forced labor that helps fund the genocide committed in the XUAR. Our Commission has urged U.S. Customs and Border Protection to stop all imports from these companies to protect American consumers and we seek from you a clear statement prohibiting the use or sale of NBA-branded gear and garments or NBA game-day shoes produced by these companies.

It is past time for the NBA to stand as a leader in the fight against forced labor, given the nexus between the NBA's brand and the sale of basketball shoes and gear. We respectfully request that you respond to our questions below, as we are compiling information for future reports and a congressional hearing where we may request your testimony:

- Does your company have an official policy of following the guidelines as described in the UN Guiding Principles on Business and Human Rights? If so, how does the NBA uphold them in various global markets—including in authoritarian contexts, such as in the PRC?
- Will NBA leadership meet with individuals and communities impacted by the PRC’s repression?
- Will the NBA publicly support or continue to silence members of the NBA family for their criticism of the PRC?
- Can you provide examples of how the NBA’s activities in the Chinese market have helped uphold or improve human rights?
- Can the NBA share the key performance indicators (KPIs) it uses to show the specific benefits of the Association’s people-to-people exchanges with the PRC? Specifically, how does the NBA measure the influence it has exporting U.S. values to China?
- Do the NBA’s regional offices in Beijing and Shanghai have Chinese Communist Party officials operating in them? If so, are these officials in leadership positions in the NBA?
- What is the NBA’s relationship with the Chinese Basketball Association, an organization governed by the Chinese Communist Party’s State General Administration of Sports?
- When NBA players, coaches, and owners partake in cultural exchanges in the PRC, do they receive explicit instructions from the Chinese government on what is permitted to be discussed? Are there any other restrictions on freedoms that members of the NBA family face when traveling to the PRC?
- Does the NBA have an existing policy on forced labor and, if so, how is it enforced? Will you make a statement with the goal of ensuring that all products associated with the NBA and its players are free of forced labor by the beginning of the upcoming season? If not, why not?
- Does the NBA engage with PRC entities, or receive special financial incentives or packages from them? If so, can you share how these interactions factor into the NBA’s business decisions?

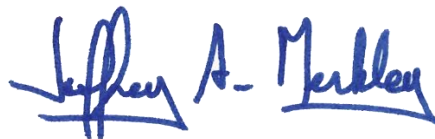
We believe the NBA can lead by example and pave the way for more American businesses to stand with basic morality and human dignity. We stand ready to offer you whatever guidance and support that we can from the U.S. Congress to address these issues.

Thank you for your consideration. We look forward to your response.

Sincerely,



Representative Chris Smith
Chair



Senator Jeffrey A. Merkley
Cochair