



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

September 28, 2023

C.J. McCollum, President
National Basketball Players Association
1133 Avenue of the Americas
New York, NY 10036

Dear Mr. McCollum:

As the NBA season is set to begin next month, we are writing to you to raise concerns about the National Basketball Players Association's (NBPA)'s potential complicity in the People's Republic of China (PRC)'s use of forced labor in the Xinjiang Autonomous Uyghur Region (XUAR) and the censorship demanded by the PRC for access to its markets.

Just one day after NBA veteran Enes Kanter Freedom testified before our bipartisan and bicameral Commission that the NBPA pressured him to stop his criticism of the PRC's horrific human rights abuses, we learned that NBA basketball player Kyrie Irving signed a new shoe deal with Chinese sportswear company ANTA—a brand linked to the forced labor of Uyghur, Kazakh, and other predominantly Muslim ethnic minorities in the XUAR. Given Mr. Freedom's testimony and Mr. Irving's shoe deal, we write to ask questions about the NBPA's official positions on the free speech of NBA players and on forced labor likely used in making the gear endorsed and worn by those same players. We ask that you answer the questions we pose in this letter as soon as possible, as we are compiling information for future reports and a congressional hearing where we may request your testimony.

Mr. Freedom shared that although he paid “thousands of dollars to the Players Association every month to protect my rights,” the NBPA pressured him to stop wearing shoes emblazoned with messages about the PRC's human rights abuses—including Uyghur forced labor. Mr. Freedom ultimately lost his NBA career after exercising his freedom of expression. His release—ending a 11-year NBA career—was one of the most high-profile cases showcasing the NBA's acquiescence to the PRC's demands that criticism of it be silenced. It was disheartening to us to learn that the union representing NBA players was complicit in muzzling Mr. Freedom and bringing Chinese censorship to the United States.

Mr. Freedom wore shoes with messages about PRC atrocities because, as he told us, “when I was a kid watching an NBA game, the first thing I looked at was the NBA players' shoes... the next day I was asking my dad to please buy them for me. Every kid loves shoes, so I want to inspire the young generation with something I knew they would pay attention to.” Shoes and sports gear made

in China, particularly those from Chinese sportswear companies, are likely made with forced labor and it is against U.S. law to import the products of forced labor into the United States. The U.S. government has determined the Chinese government is committing genocide in the XUAR and prohibited imports from the region because these goods fund the PRC's atrocities. Manufacturing in China relies heavily on cotton, rayon, and other synthetic fibers made or harvested in the XUAR. These are well-known facts, documented since 2018 by this Commission, the United Nations and the U.S. government. NBA players should not be subsidizing genocide by endorsing or wearing shoes and gear from Chinese sportswear companies complicit in forced labor.

In 2021 we wrote your predecessors at the NBPA, urging them to raise awareness about genocide and forced labor occurring in the XUAR and its connection to ANTA, Li-Ning, Peak, and other sportswear companies. The response at that time was extremely disappointing. While the genocide continues, ANTA, Peak and Li-Ning likely continue to profit from the systematic use of forced labor in the XUAR. Furthermore, we have urged U.S. Custom and Border Protection to stop all imports of goods from these companies. We hope your responses to our questions are more robust than that of your predecessors.

The NBPA supported efforts by NBA players to take public stands on important political and social issues in our country. We hope the NBPA, as the leading union protecting NBA players, will help educate players on the risks in endorsing forced labor-made gear and shoes, as well as the link between them and genocide in China. In addition, we hope the NBPA will protect the rights of all players who do wish to speak out in support of human rights in China. We respectfully ask that you respond to the following questions:

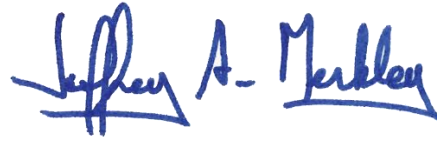
- Do you know if anything was done to educate NBA players about the risks of endorsing Chinese sportswear companies following receipt of our Commission's letter in June 2021? If no steps have been taken to address the issues raised in the letter, can you explain to us why?
- Department of Homeland Security Under Secretary Robert Silvers stated that "forced labor is a scourge that violates human rights, undermines the rule of law, and harms American workers and businesses." Do you agree with this sentiment? If so, do you believe it would be important for the NBPA to take a public stand on removing forced labor-made products from the NBA and to inform NBA players on the topic of forced labor? Can you share with us the NBPA's policy on forced labor? If you don't have one, why not?
- While some NBA players profit from endorsements with Chinese sportswear companies, Mr. Freedom was reportedly pressured by the NBPA to stop his information campaign about human rights abuses in the PRC and ultimately lost his NBA career. Can you please share the rationale behind the NBPA's decision to condone NBA player contracts with companies complicit in genocide while declining to support players' exercise of their freedom of speech?
- Given that Chinese sportswear companies continue to endorse the sourcing of materials made or grown in the XUAR—the import of which violates U.S. law—will the NBPA prohibit NBA players from wearing or endorsing such companies until they end their endorsements? If not, why not and what policies are in place to ensure that NBA players do not endorse shoes, garments, or gear made with forced labor?

We trust that you will thoroughly review these questions and take them into consideration to protect the players you serve and the fans who buy the shoes and gear endorsed by NBA players. We thank you for your time and look forward to your response.

Sincerely,

Handwritten signature of Representative Chris Smith in blue ink.

Representative Chris Smith
Chair

Handwritten signature of Senator Jeffrey A. Merkley in blue ink.

Senator Jeffrey A. Merkley
Cochair

cc. Tamika L. Tremaglio, NBPA Executive Director