



ONE HUNDRED SEVENTEENTH CONGRESS
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January 28, 2022

Sarah Hirshland
Chief Executive Officer
United States Olympic & Paralympic Committee
27 S Tejon St.
Colorado Springs, CO 80903

Dear Ms. Hirshland,

As we approach the 2022 Winter Olympic and Paralympic Games, we write with urgency about the safety and protection of U.S. athletes who are headed to Beijing, China, especially given the recent statement by a Chinese official about “punishment” of athletes who exercise freedom of expression. We share with you our concerns on the risks to freedom of expression, data privacy and exposure to products made by forced labor.

The Congressional-Executive Commission on China, for which we serve as cochairs, is a bipartisan, bicameral body that monitors and reports on human rights in China as measured against international human rights standards. Our interest, as the Commission staff discussed with the USOPC last year, is that the 2022 Winter Olympic Games will take place in a country where the government perpetrates severe violations of human rights, including crimes against humanity and genocide, as well as restrictions on fundamental rights such as freedom of speech which could affect participants in the Olympic Games. We continue to offer our resources to help inform the Committee as U.S. athletes prepare to travel to Beijing.

We appreciate that the USOPC reportedly has briefed or plans to brief U.S. athletes on the situation in China, including relevant Chinese laws and regulations which may affect those who exercise their freedom of speech. We welcome the USOPC’s Athletes’ Advisory Council’s statement against “any instances of human rights abuse around the globe,” and applauded the Biden Administration’s diplomatic boycott of the Beijing Olympics. Further, we share the USOPC position on the need to reform or repeal the International Olympic Committee’s (IOC) Rule 50 on free speech grounds.

We share the wish that athletes from the United States and all countries will be able to pursue their Olympic dreams in Beijing free from interference by the host committee and the host government. However, several new developments raise concerns about athlete safety that we believe demand an urgent effort by the USOPC and its partners to address.

1. Freedom of Expression

On January 18, Yang Shu, the deputy director general of the international relations department of the Beijing organizing committee, said during an online briefing hosted by the Chinese Embassy in the United States that, “any behavior or speech that is against the Olympic spirit, especially against the Chinese laws and regulations, are also subject to certain punishment.”

Based on our monitoring of Chinese government behavior, we believe this threat should be taken seriously. Being an American citizen is in itself not protection from adverse treatment by the Chinese government. As the Commission has documented, Chinese authorities have imposed exit bans on U.S. citizens, and even jailed foreign nationals, for political or specious reasons.

American entities who are seen as critical of Chinese government policies, whether they are corporations, government officials or individuals, have been subject to prompt and withering criticism from government officials and state-run media and on social media in China. Last month, U.S.-based companies Intel and Walmart were attacked in China for merely saying they would comply with a new U.S. law, the *Uyghur Forced Labor Prevention Act*. Last month, the Chinese government sanctioned four members of the Commission on International Religious Freedom for speaking out against human rights violations in Xinjiang. These are but two of numerous examples.

At least one U.S. Olympic athlete has publicly deemed China’s human rights abuses “horrific.” While we hope no Olympians face punishment for exercising their freedom of speech, given Yang Shu’s statement and the Chinese government’s documented behavior, we urge the USOPC to be vigilant and prepared to defend any Olympians who speak out.

The case of three-time Olympian Peng Shuai, whose claim of sexual assault against a Chinese Communist Party official was removed from social media and does not appear to be taken seriously by the host government, does not give us confidence that the IOC will prioritize the well-being of Olympic athletes above the interests of the host committee and country. We have written to the IOC to express our concern that assertions made by IOC personnel that Peng is “doing fine” based on mere video evidence can be a disservice to those who may be victims of sexual assault. We remain concerned that IOC President Thomas Bach’s intervention appeared to be more of a public relations exercise than genuine advocacy on Peng’s behalf.

We ask the USOPC to redouble efforts to engage with the IOC, fellow national Olympic committees and the U.S. State Department to ensure that plans and procedures are in place to protect athletes should they experience punishment in response to their exercise of free expression. We further request that the USOPC communicate to the public that it is taking such steps.

2. Data Privacy

All Beijing Olympics participants are being required to download and use the MY2022 phone app for COVID-19 monitoring, communications, and other applications that involve sensitive personal information like passport data and medical details. Citizen Lab researchers at the University of Toronto discovered that the MY2022 app has some critical security vulnerabilities.

Those researchers reported that the app includes features which allow users to report “politically sensitive” content and includes a censorship keyword list that could “target a variety of political topics including domestic issues such as Xinjiang and Tibet as well as references to Chinese government agencies.”

This reporting suggests that MY2022 could create privacy risks for U.S. athletes by having their personal information stolen. It also presents the possibility that U.S. athletes’ freedom of expression may be violated if MY2022 censors the use of words deemed sensitive to the Chinese government.

What is USOPC’s position on MY2022? Will USOPC be willing to advocate for any U.S. athletes that elect not to use MY2022 due to the privacy and freedom of expression risks? Has USOPC asked IOC or the host committee for alternatives to MY2022?

3. Exposure to Forced Labor

We also ask the USOPC to protect U.S. athletes from being forced to use products made in whole or in part with forced labor. The U.S. government has taken several actions to prevent such products from entering the U.S. market, including the Withhold Release Order (WRO) issued in January 2021 by U.S. Customs and Border Protection against cotton products and tomato products produced in Xinjiang based on the use of forced labor in their production, and enactment last month of our bill, the *Uyghur Forced Labor Prevention Act*, to prohibit the import of goods from the Xinjiang Uyghur Autonomous Region based on the prevalence of forced labor in the region, which is coincident to the Chinese government policies of mass internment and other abuses that led to the U.S. State Department’s determination of genocide. These prohibitions do not safeguard products consumed by U.S. citizens overseas, which means there is a risk of exposure while the U.S. athletes are in China.

What steps is the USOPC taking to ensure that U.S. athletes are not exposed to products made by forced labor in Xinjiang?

Has the USOPC athlete briefings included information about the nexus between the abuses in Xinjiang and forced labor? Have athletes been made aware of the risk that they may be exposed to products made with forced labor during their time in China?

We wish the American athletes the best of luck in representing our country at the 2022 Winter Olympic and Paralympic Games. We appreciate your effort to protect them and their rights and encourage further efforts in this regard.

Thank you.

Sincerely,



Senator Jeffrey A. Merkley
Chairman



Representative James P. McGovern
Co-Chairman