Congress of the United States
Washington, DC 20515

August 14, 2026

Donald Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We write to express serious concern regarding the Administration's decision to allow the national emergency underlying Executive Order 13936, "The President's Executive Order on Hong Kong Normalization" (July 14, 2020), to lapse on July 14, 2026, and the resulting changes to sanctions imposed under that authority.

We understand that Executive Order 13936 itself remains in effect and that the Administration has stated Hong Kong continues to be treated as "no longer sufficiently autonomous" to justify differential treatment from the People's Republic of China (PRC) under relevant U.S. laws. However, the lapse of the national emergency has already resulted in significant changes to the sanctions status of dozens of Hong Kong and Beijing officials, and it raises serious questions about the durability of U.S. policy toward Hong Kong that we believe warrant a direct response from the Administration.

Since 2020, the national emergency underlying Executive Order 13936 has been renewed annually without interruption, by both this Administration and the previous one, on the grounds that Beijing's actions to dismantle Hong Kong's autonomy continue to pose "an unusual and extraordinary threat" to U.S. national security, foreign policy, and economic interests. This authority is grounded in the Hong Kong Human Rights and Democracy Act of 2019 and the Hong Kong Autonomy Act of 2020, both of which passed Congress with overwhelming bipartisan support.

Nothing in the intervening years suggests that threat has diminished. To the contrary, the State Department's own 2026 Hong Kong Conditions Report, covering January through December 2025, documents that Beijing and Hong Kong authorities "systematically degraded Hong Kong's political autonomy and civilians' rights and freedoms" during the reporting period, including through new subsidiary legislation empowering Beijing's Office of Safeguarding National Security inside Hong Kong and continued acts of transnational repression reaching into the United Kingdom and elsewhere.

And just two days before this action was announced, on July 15, 2026, Hong Kong's national security police raided two independent bookshops and arrested five people on suspicion of selling "seditious" publications, the third such crackdown on booksellers in four months. Civil society organizations estimate that the Hong Kong government has imprisoned 1,948 political prisoners since 2019, one of the fastest growing such populations in the world.

According to OFAC's July 17, 2026, notice, this action delisted 9 of the 48 individuals previously sanctioned under Hong Kong-related authorities and transferred the remaining 39 — including Carrie Lam, John Lee, Xia Baolong, and the entire National People's Congress Standing Committee leadership tranche previously designated — to OFAC's Non-SDN Menu-Based Sanctions (NS-MBS) List, which lifts certain restrictions, including the bar on importation of goods, and will likely increase these individuals' access to financial and technology services.

We understand that the 9 individuals' designations rested solely on Executive Order 13936/IEEPA authority, which collapsed automatically when the national emergency expired; hence it had no discretion to keep them on the Specially Designated Nationals (SDN) List once that authority lapsed. The remaining 39 individuals were separately identified in a State Department report to Congress under Section 5(a) of the Hong Kong Autonomy Act (HKAA), giving rise to an independent, parallel statutory sanctions obligation that survived the emergency's expiration.

The 9 individuals fully removed from all sanctions are:

#	Name	Position at Designation	Date of Sanction
1	Qiu Hong*	Deputy Director, Liaison Office	07/16/2021
2	Yang Jianping*	Deputy Director, Liaison Office	07/16/2021
3	Dong Jingwei*	Director, Office for Safeguarding National Security	03/31/2025
4	Stephen Lo#	Former Commissioner, Hong Kong Police Force	08/07/2020
5	Sonny Au Chi-kwong*	Secretary General, Committee for Safeguarding National Security	03/31/2025
6	Dick Wong Chung-chun #	Assistant. Commissioner, Hong Kong Police Force National Security	03/31/2025
7	Margaret Chiu Wing-lan#	Assistant Commissioner, Hong Kong Police Force National Security	03/31/2025
8	Raymond Siu Chak-yee#	Commissioner, Hong Kong Police Force	03/31/2025
9	Paul Lam Ting-kwok#	Secretary for Justice	03/31/2025

*indicates officials of the Beijing government; #indicates officials of the Hong Kong government.

Five of the nine still hold office within the PRC's national security apparatus on Hong Kong today. Paul Lam is the sitting Secretary for Justice and leads the department that prosecuted hundreds of pro-democracy activists, including Jimmy Lai and Joshua Wong, and that has issued wanted-person notices and bounties for U.S.-based activists. Raymond Siu is the sitting Commissioner of Police and leads the force that carries out national security operations, including the arrests of five booksellers on July 15, 2026, days before his own sanctions were lifted.

We are also concerned about the circumstances surrounding this decision. The PRC's Ministry of Commerce has publicly stated that the non-renewal implements understandings reached during the U.S.-PRC economic and trade consultations in Madrid, and that the United States made commitments concerning Hong Kong and investment-related issues during those talks. If accurate, this would mean that sanctions relief for officials responsible for prosecuting pro-democracy activists was used as a bargaining chip in unrelated trade negotiations.

We are further concerned that OFAC's own longstanding guidance holds that when asset blocking is imposed as a menu-based sanction, the sanctioned person should generally be placed on the SDN List rather than the NS-MBS list. OFAC was not required to transfer the 39 remaining individuals to the lower-profile NS-MBS list; it could have kept them on the SDN List under independent HKAA authority. In practical terms, the differences are substantial.

For the 9 individuals fully removed:

- Assets held in the United States or in the possession of U.S. persons must be unblocked;
- U.S. persons may transact freely with them;
- Foreign banks face no secondary sanctions risk in servicing them; and
- They may now open U.S. correspondent accounts, receive USD transfers, and hold U.S. assets without OFAC exposure.

For the 39 individuals transferred to the NS-MBS list:

- Most blocking of property and the prohibition on transactions continue to apply, as does secondary-sanctions exposure for foreign financial institutions that knowingly conduct significant transactions with them, but a new carve-out for the importation of goods provides these individuals with significant new access to the global economy;
- The "50 Percent Rule" — under which any entity majority-owned by a sanctioned person is automatically blocked, even if not separately named — no longer applies to them; and
- Compliance systems generally treat NS-MBS designation as materially lower-risk than SDN status, which is treated as the industry's "red line," and often do not screen for NS-MBS names at all, which will lead to greater access to financial and technology services for these individuals.

In effect, this amounts to a downgrade in sanctions exposure for 39 individuals, including the sitting Chief Executive and Chief Secretary of Hong Kong, even though OFAC retained the discretion to keep them on the SDN List. We also understand that the State Department can update its HKAA Section 5(a) report to Congress at any time to add the 9 now fully delisted individuals, including Paul Lam and Raymond Siu, back onto that list.

This creates uncertainty for:

- Hong Kong human rights defenders, journalists, and civil society figures who have relied on the credibility and continuity of U.S. sanctions as a deterrent against further crackdowns;

- U.S. persons, financial institutions, and businesses seeking to remain in compliance with regulations issued under these authorities, who need clarity on their current obligations; and
- The broader signal sent to the Hong Kong and Beijing governments regarding the durability and seriousness of U.S. policy in this area.

We respectfully request that the Administration respond to the following questions:

1. What was the Administration's basis for concluding that the situation in Hong Kong no longer constitutes "an unusual and extraordinary threat" to U.S. national security, foreign policy, or economic interests, as required under the National Emergencies Act to justify allowing a standing emergency to lapse? Was this determination based on an assessment of improved conditions in Hong Kong and, if so, on what evidence?
2. Was the decision not to renew the national emergency connected to, or made as part of, the U.S.-PRC economic and trade consultations in Madrid, as the PRC's Ministry of Commerce has publicly stated? If so, please describe what commitments regarding Hong Kong were made during those consultations, and how human rights and rule-of-law considerations were weighed against trade objectives.
3. Has there been any diplomatic progress on your stated commitment to secure the release of Jimmy Lai from prison in Hong Kong? Has there been diplomatic progress to secure the release of any of the hundreds of other political prisoners in Hong Kong?
4. For each of the 9 individuals fully removed, please provide the Administration's specific justification and identify any actions taken by that individual that were considered relevant to their removal.
5. Given that OFAC's own guidance generally directs that subjects of menu-based sanctions be placed on the SDN List, why were the 39 individuals who remain sanctioned under the Hong Kong Autonomy Act transferred to the lower-profile Non-SDN Menu-Based Sanctions List rather than retained on the SDN List, which OFAC had the discretion to do?
6. Does the Administration intend to direct the State Department to update its Hong Kong Autonomy Act Section 5(a) report to Congress to add the 9 individuals who were fully delisted — including current Secretary for Justice Paul Lam, and current Director of the Office for Safeguarding National Security Dong Jingwei — given their current offices and their documented roles in prosecutions, wanted-person bounties targeting U.S.-based activists, and ongoing national security operations in Hong Kong?
7. Given the Administration's statement that Executive Order 13936 "otherwise remains in effect," which specific trade, export-control, immigration, and regulatory provisions tied to Hong Kong's loss of preferential treatment remain operative, and which, if any, are affected by the lapse of the underlying emergency?
8. In the future, what alternative mechanism will the Administration use to sanction current or future Hong Kong or Beijing officials responsible for human rights abuses or the erosion of the territory's autonomy?
9. What message does the Administration believe this decision, and its apparent linkage to trade negotiations, sends to Hong Kong's pro-democracy activists, journalists, and political prisoners, many of whom remain imprisoned for the peaceful exercise of rights the United States has long championed?

We appreciate your attention to this matter and look forward to your prompt response.

Sincerely,

James P. McGovern
Ranking House Member
Congressional-Executive Commission on China

Ro Khanna
Ranking Member
House Select Committee on the CCP

Gregory W. Meeks
Ranking Member
House Committee on Foreign Affairs

Jeffrey A. Merkley
United States Senator

Jamie Raskin
Member of Congress

Joaquin Castro
Member of Congress

Raja Krishnamoorthi
Member of Congress

Gabe Amo
Member of Congress

Greg Stanton
Member of Congress