

Modernization Act, which enacted this chapter and sections 350g to 350l-1, 379j-31, 384a to 384d, 399c, and 399d of this title, section 7625 of Title 7, Agriculture, and section 280g-16 of Title 42, The Public Health and Welfare, amended sections 331, 333, 334, 350b to 350d, 350f, 374, 381, 393, and 399 of this title and section 247b-20 of Title 42, and enacted provisions set out as notes under sections 331, 334, 342, 350b, 350d, 350e, 350g to 350j, 350l, and 381 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

CHAPTER 28—SANCTIONS WITH RESPECT TO FOREIGN TRAFFICKERS OF ILLICIT SYNTHETIC OPIOIDS

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TERMINATION OF CHAPTER

For termination of chapter 7 years after Dec. 20, 2019, see section 2334 of this title.

§ 2301. Sense of Congress

It is the sense of Congress that—

(1) the United States should apply economic and other financial sanctions to foreign traffickers of illicit opioids to protect the national security, foreign policy, and economy of the United States and the health of the people of the United States;

(2) it is imperative that the People's Republic of China follow through on full implementation of the new regulations, adopted May 1, 2019, to treat all fentanyl analogues as controlled substances under the laws of the People's Republic of China, including by devoting sufficient resources for implementation and strict enforcement of the new regulations; and

(3) the effective enforcement of the new regulations should result in diminished trafficking of illicit fentanyl originating from the People's Republic of China into the United States.

(Pub. L. 116-92, div. F, title LXXII, § 7202, Dec. 20, 2019, 133 Stat. 2262.)

SHORT TITLE

Pub. L. 116-92, div. F, title LXXII, § 7201, Dec. 20, 2019, 133 Stat. 2262, provided that: "This title [enacting this chapter and amending section 2291h of Title 22, Foreign Relations and Intercourse] may be cited as the 'Fentanyl Sanctions Act'."

§ 2302. Definitions

In this chapter:

(1) Alien; national; national of the United States

The terms "alien", "national", and "national of the United States" have the meanings given those terms in section 1101 of title 8.

(2) Appropriate congressional committees and leadership

The term "appropriate congressional committees and leadership" means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Oversight and Reform, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) Controlled substance; listed chemical

The terms "controlled substance", "listed chemical", "narcotic drug", and "opioid" have the meanings given those terms in section 802 of this title.

(4) Entity

The term "entity" means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any form of business collaboration.

(5) Foreign opioid trafficker

The term "foreign opioid trafficker" means any foreign person that the President determines plays a significant role in opioid trafficking.

(6) Foreign person

The term "foreign person"—

(A) means—

(i) any citizen or national of a foreign country; or

(ii) any entity not organized under the laws of the United States or a jurisdiction within the United States; and

(B) does not include the government of a foreign country.

(7) Knowingly

The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) Opioid trafficking

The term "opioid trafficking" means any illicit activity—

(A) to produce, manufacture, distribute, sell, or knowingly finance or transport—

(i) synthetic opioids, including controlled substances that are synthetic

opioids and listed chemicals that are synthetic opioids; or

(ii) active pharmaceutical ingredients or chemicals that are used in the production of controlled substances that are synthetic opioids;

(B) to attempt to carry out an activity described in subparagraph (A); or

(C) to assist, abet, conspire, or collude with other persons to carry out such an activity.

(9) Person

The term “person” means an individual or entity.

(10) United States person

The term “United States person” means—

(A) any citizen or national of the United States;

(B) any alien lawfully admitted for permanent residence in the United States;

(C) any entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity); or

(D) any person located in the United States.

(Pub. L. 116–92, div. F, title LXXII, § 7203, Dec. 20, 2019, 133 Stat. 2262.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title LXXII of div. F of Pub. L. 116–92, Dec. 20, 2019, 133 Stat. 2262, known as the Fentanyl Sanctions Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

SUBCHAPTER I—SANCTIONS WITH RESPECT TO FOREIGN OPIOID TRAFFICKERS

§ 2311. Identification of foreign opioid traffickers

(a) Public report

(1) In general

The President shall submit to the appropriate congressional committees and leadership, in accordance with subsection (c), a report—

(A) identifying the foreign persons that the President determines are foreign opioid traffickers;

(B) detailing progress the President has made in implementing this subchapter; and

(C) providing an update on cooperative efforts with the governments of Mexico, the People’s Republic of China, and other countries of concern with respect to combating foreign opioid traffickers.

(2) Identification of additional persons

If, at any time after submitting a report required by paragraph (1) and before the submission of the next such report, the President determines that a foreign person not identified in the report is a foreign opioid trafficker, the President shall submit to the appropriate congressional committees and leadership an additional report containing the information re-

quired by paragraph (1) with respect to the foreign person.

(3) Exclusion

The President shall not be required to include in a report under paragraph (1) or (2) any persons with respect to which the United States has imposed sanctions before the date of the report under this subchapter or any other provision of law with respect to opioid trafficking.

(4) Form of report

(A) In general

Each report required by paragraph (1) or (2) shall be submitted in unclassified form but may include a classified annex.

(B) Availability to public

The unclassified portion of a report required by paragraph (1) or (2) shall be made available to the public.

(b) Classified report

(1) In general

The President shall submit to the appropriate congressional committees and leadership, in accordance with subsection (c), a report, in classified form—

(A) describing in detail the status of sanctions imposed under this subchapter, including the personnel and resources directed toward the imposition of such sanctions during the preceding fiscal year;

(B) providing background information with respect to persons newly identified as foreign opioid traffickers and their illicit activities;

(C) describing actions the President intends to undertake or has undertaken to implement this subchapter; and

(D) providing a strategy for identifying additional foreign opioid traffickers.

(2) Effect on other reporting requirements

The report required by paragraph (1) is in addition to, and in no way delimits or restricts, the obligations of the President to keep Congress fully and currently informed pursuant to the provisions of the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

(c) Submission of reports

Not later than 180 days after December 20, 2019, and annually thereafter until the date that is 5 years after December 20, 2019, the President shall submit the reports required by subsections (a) and (b) to the appropriate congressional committees and leadership.

(d) Exclusion of certain information

(1) Intelligence

Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity of any person if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) Law enforcement

Notwithstanding any other provision of this section, a report required by subsection (a) or