

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

(b) shall not disclose the identity of any person if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of the Treasury, the Secretary of State, and the head of any other appropriate Federal law enforcement agency, determines that such disclosure could reasonably be expected—

(A) to compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) to endanger the life or physical safety of any person; or

(D) to cause substantial harm to physical property.

### (3) Notification required

If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (2), the Director or the Attorney General, as the case may be, shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

### (4) Rule of construction

Nothing in this section may be construed to authorize or compel the disclosure of information determined by the President to be law enforcement information, classified information, national security information, or other information the disclosure of which is prohibited by any other provision of law.

### (e) Provision of information required for reports

The Secretary of the Treasury, the Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence shall consult among themselves and provide to the President and the Director of the Office of National Drug Control Policy the appropriate and necessary information to enable the President to submit the reports required by subsection (a).

(Pub. L. 116–92, div. F, title LXXII, § 7211, Dec. 20, 2019, 133 Stat. 2263.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a)(1)(B), (3) and (b)(1)(A), (C), was in the original “this subtitle”, meaning subtitle A (§§ 7211–7217) of title LXXII of div. F of Pub. L. 116–92, which is classified principally to this subchapter. For complete classification of subtitle A to the Code, see Tables.

The National Security Act of 1947, referred to in subsec. (b)(2), is act July 26, 1947, ch. 343, 61 Stat. 495, which is classified principally to chapter 44 (§ 3001 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

### § 2312. Imposition of sanctions

The President shall impose five or more of the sanctions described in section 2313 of this title with respect to each foreign person that is an

entity, and four or more of such sanctions with respect to each foreign person that is an individual, that—

(1) is identified as a foreign opioid trafficker in a report submitted under section 2311(a) of this title; or

(2) the President determines is owned, controlled, directed by, knowingly supplying or sourcing precursors for, or knowingly acting for or on behalf of, such a foreign opioid trafficker.

(Pub. L. 116–92, div. F, title LXXII, § 7212, Dec. 20, 2019, 133 Stat. 2265.)

### § 2313. Description of sanctions

#### (a) In general

The sanctions that may be imposed with respect to a foreign person under section 2312 of this title are the following:

#### (1) Loans from United States financial institutions

The United States Government may prohibit any United States financial institution from making loans or providing credits to the foreign person.

#### (2) Prohibitions on financial institutions

The following prohibitions may be imposed with respect to a foreign person that is a financial institution:

#### (A) Prohibition on designation as primary dealer

Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

#### (B) Prohibition on service as a repository of Government funds

The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of section 2312 of this title, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of that section.

#### (3) Procurement ban

The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the foreign person.

#### (4) Foreign exchange

The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

#### (5) Banking transactions

The President may, pursuant to such regulations as the President may prescribe, prohibit