

(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

any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the foreign person.

(6) Property transactions

The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, or transporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) Ban on investment in equity or debt of sanctioned person

The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign person.

(8) Exclusion of corporate officers

The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign person.

(9) Sanctions on principal executive officers

The President may impose on the principal executive officer or officers of the foreign person, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(b) Penalties

A person that violates, attempts to violate, conspires to violate, or causes a violation of any regulation, license, or order issued to carry out subsection (a) shall be subject to the penalties set forth in subsections (b) and (c) of section 1705 of title 50 to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) Exceptions

(1) Intelligence and law enforcement activities

Sanctions under this section shall not apply with respect to—

(A) any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.); or

(B) any authorized intelligence or law enforcement activities of the United States.

(2) Exception to comply with United Nations headquarters agreement

Sanctions under subsection (a)(8) shall not apply to an alien if admitting the alien into

the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(d) Implementation

The President may exercise all authorities provided under sections 1702 and 1704 of title 50 to carry out this section.

(Pub. L. 116–92, div. F, title LXXII, § 7213, Dec. 20, 2019, 133 Stat. 2266.)

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (c)(1)(A), is act July 26, 1947, ch. 343, 61 Stat. 495. Title V of the Act is classified generally to subchapter III (§3091 et seq.) of chapter 44 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

§ 2314. Waivers

(a) Waiver for state-owned entities in countries that cooperate in multilateral anti-trafficking efforts

(1) In general

The President may waive for a period of not more than 12 months the application of sanctions under this subchapter with respect to an entity that is owned or controlled, directly or indirectly, by a foreign government or any political subdivision, agency, or instrumentality of a foreign government, if, not less than 15 days before the waiver is to take effect, the President certifies to the appropriate congressional committees and leadership that the foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking.

(2) Certification

The President may certify under paragraph (1) that a foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking if that government is—

(A) implementing domestic laws to schedule all fentanyl analogues as controlled substances; and

(B) doing two or more of the following:

(i) Implementing substantial improvements in regulations involving the chemical and pharmaceutical production and export of illicit opioids.

(ii) Implementing substantial improvements in judicial regulations to combat transnational criminal organizations that traffic opioids.

(iii) Increasing efforts to prosecute foreign opioid traffickers.

(iv) Increasing intelligence sharing and law enforcement cooperation with the United States with respect to opioid trafficking.

(3) Subsequent renewal of waiver

The President may renew a waiver under paragraph (1) for subsequent periods of not