

(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.)

Editorial Notes

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 submis-

sion 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 required 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 de-

termines 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.)

Editorial Notes

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 sec. (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.

Executive Documents

DELEGATION OF CERTAIN FUNCTIONS AND AUTHORITIES UNDER THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020

Memorandum of President of the United States, Mar. 31, 2020, 85 F.R. 22343, provided:

Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Defense[,] and] the Director of National Drug Control Policy

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

SECTION 1. (a) I hereby delegate to the Secretary of State the functions and authorities vested in the President by section 7426 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92) (the “Act”) [22 U.S.C. 8791 note].

(b) I hereby delegate to the Secretary of State, in consultation with the Secretary of the Treasury, the functions and authorities vested in the President by the following provisions of the Act:

(i) section 7214 [21 U.S.C. 2314];

(ii) section 7413 [22 U.S.C. 8791 note];

(iii) section 7431 [22 U.S.C. 8791 note]; and

(iv) section 7432 [22 U.S.C. 8791 note].

(c) I hereby delegate to the Secretary of State, in consultation with the Secretary of the Treasury and the Director of National Drug Control Policy, the functions and authorities vested in the President by section 7211(a)(1)(C) of the Act [21 U.S.C. 2311(a)(1)(C)].

(d) I hereby delegate to the Secretary of the Treasury, in consultation with the Secretary of State, the functions and authorities vested in the President by the following provisions of the Act:

(i) section 7211(a)(1)(A)-(B) [21 U.S.C. 2311(a)(1)(A), (B)];

(ii) section 7211(a)(2)-(3) [21 U.S.C. 2311(a)(2), (3)];

(iii) section 7211(b) [21 U.S.C. 2311(b)];

(iv) section 7211(c) [21 U.S.C. 2311(c)];

(v) section 7212 [21 U.S.C. 2312];

(vi) section 7213(a)(4)-(9) [21 U.S.C. 2313(a)(4) to (9)];

(vii) section 7213(d) [21 U.S.C. 2313(d)];

(viii) section 7215(a) [21 U.S.C. 2315(a)];

(ix) section 7233 [21 U.S.C. 2333];

(x) section 7412(a) [22 U.S.C. 8791 note]; and

(xi) section 7412(b)(1)(A) [22 U.S.C. 8791 note].

(e) I hereby delegate to the Secretary of the Treasury the functions and authorities vested in the President by section 7433 of the Act [22 U.S.C. 8791 note].

(f) I hereby delegate to the Secretary of State and the Secretary of Defense the functions and authorities vested in the President by section 7423 of the Act [22 U.S.C. 8791 note].

SEC. 2. The delegations in this memorandum shall apply to any provisions of any future public laws that are the same or substantially the same as those provisions referenced in this memorandum.

SEC. 3. The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

DONALD J. TRUMP.

§ 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