

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.)

**Editorial Notes**

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.

**Executive Documents**

DELEGATION OF FUNCTIONS

Functions and authorities of President under subsections (a)(4) to (9) and (d) of this section delegated to Secretary of the Treasury, in consultation with the Secretary of State, by section 1(d)(vi) and (vii) of Memorandum of President of the United States, Mar. 31, 2020, 85 F.R. 22343, set out as a note under section 2311 of this title.

**§ 2313a. Designation of transactions of sanctioned persons as of primary money laundering concern**

**(a) In general**

If the Secretary of the Treasury determines that reasonable grounds exist for concluding that 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts within, or involving, a jurisdiction outside of the United States, is of primary money laundering concern in connection with illicit opioid trafficking, the Secretary of the Treasury may, by order, regulation, or otherwise as permitted by law—

(1) require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures provided for in section 9714(a)(1) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 31 U.S.C. 5318A note); or

(2) prohibit, or impose conditions upon, certain transmittals of funds (to be defined by

the Secretary) by any domestic financial institution or domestic financial agency, if such transmittal of funds involves any such institution, class of transaction, or type of accounts.

**(b) Classified information**

In any judicial review of a finding of the existence of a primary money laundering concern, or of the requirement for 1 or more special measures with respect to a primary money laundering concern made under this section, if the designation or imposition, or both, were based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)), such information may be submitted by the Secretary to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review of any finding made or any requirement imposed under this section.

**(c) Availability of information**

The exemptions from, and prohibitions on, search and disclosure referred to in section 9714(c) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 31 U.S.C. 5318A note) shall apply to any report or record of report filed pursuant to a requirement imposed under subsection (a). For purposes of section 552 of title 5, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section.

**(d) Penalties**

The penalties referred to in section 9714(d) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 31 U.S.C. 5318A note) shall apply to violations of any order, regulation, special measure, or other requirement imposed under subsection (a), in the same manner and to the same extent as described in such section 9714(d).

**(e) Injunctions**

The Secretary of the Treasury may bring a civil action to enjoin a violation of any order, regulation, special measure, or other requirement imposed under subsection (a) in the same manner and to the same extent as described in section 9714(e) of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 31 U.S.C. 5318A note).

(Pub. L. 116-92, div. F, title LXXII, § 7213A, as added Pub. L. 118-50, div. E, title II, § 3201(a), Apr. 24, 2024, 138 Stat. 940.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1(a) of the Classified Information Procedures Act, referred to in subsec. (b), is section 1(a) of Pub. L. 96-456, Oct. 15, 1980, 94 Stat. 2025, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

**§ 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 sanc-

tions 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 more than 12 months each if, not less than 15 days before the renewal is to take effect, the Secretary of State certifies to the appropriate congressional committees and leadership that the government of the country to which the waiver applies has effectively implemented and is effectively enforcing the measures that formed the basis for the certification under paragraph (2).

**(b) Waivers for national security and access to prescription medications**

**(1) In general**

The President may waive the application of sanctions under this subchapter if the President determines that the application of such sanctions would harm—

(A) the national security interests of the United States; or

(B) subject to paragraph (2), the access of United States persons to prescription medications.

**(2) Monitoring**

The President shall establish a monitoring program to verify that a person that receives a waiver under paragraph (1)(B) is not trafficking illicit opioids.

**(3) Notification**

Not later than 15 days after making a determination under paragraph (1), the President

shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

**(c) Humanitarian waiver**

The President may waive, for renewable periods of 180 days, the application of the sanctions under this subchapter if the President certifies to the appropriate congressional committees and leadership that the waiver is necessary for the provision of humanitarian assistance.

(Pub. L. 116–92, div. F, title LXXII, § 7214, Dec. 20, 2019, 133 Stat. 2267.)

**Editorial Notes**

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a)(1), (b)(1), and (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.

**Executive Documents**

DELEGATION OF FUNCTIONS

Functions and authorities of President under this section delegated to Secretary of State, in consultation with the Secretary of the Treasury, by section 1(b)(i) of Memorandum of President of the United States, Mar. 31, 2020, 85 F.R. 22343, set out as a note under section 2311 of this title.

**§ 2315. Procedures for judicial review of classified information**

**(a) In general**

If a finding under this subchapter, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court *ex parte* and *in camera*.

**(b) Rule of construction**

Nothing in this section shall be construed—

(1) to confer or imply any right to judicial review of any finding under this subchapter, or any prohibition, condition, or penalty imposed as a result of any such finding; or

(2) to limit or restrict any other practice, procedure, right, remedy, or safeguard that—

(A) relates to the protection of classified information; and

(B) is available to the United States in connection with any type of administrative hearing, litigation, or other proceeding.

(Pub. L. 116–92, div. F, title LXXII, § 7215, Dec. 20, 2019, 133 Stat. 2268.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1(a) of the Classified Information Procedures Act, referred to in subsec.(a), is section 1(a) of Pub. L. 95–456, Oct. 15, 1980, 94 Stat. 2025, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

This subchapter, referred to in subsecs. (a) and (b)(1), was in the original “this subtitle”, meaning subtitle A