

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

(§§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 subsection (a) of this section delegated to Secretary of the Treasury, in consultation with the Secretary of State, by section 1(d)(viii) 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.

§ 2316. Briefings on implementation

Not later than 90 days after December 20, 2019, and every 180 days thereafter until the date that is 5 years after December 20, 2019, the President, acting through the Secretary of State and the Director of National Intelligence, in coordination with the Secretary of the Treasury, shall provide to the appropriate congressional committees and leadership a comprehensive briefing on efforts to implement this subchapter.

(Pub. L. 116–92, div. F, title LXXII, § 7216, Dec. 20, 2019, 133 Stat. 2269.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, 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.

SUBCHAPTER II—OTHER MATTERS

§ 2331. Director of National Intelligence program on use of intelligence resources in efforts to sanction foreign opioid traffickers

(a) Program required

(1) In general

The Director of National Intelligence shall, in consultation with the Director of the Office of National Drug Control Policy, carry out a program to allocate and enhance use of resources of the intelligence community, including intelligence collection and analysis, to assist the Secretary of the Treasury, the Secretary of State, and the Administrator of the Drug Enforcement Administration in efforts to identify and impose sanctions with respect to foreign opioid traffickers under subchapter I.

(2) Focus on illicit finance

To the extent practicable, efforts described in paragraph (1) shall—

(A) take into account specific illicit finance risks related to narcotics trafficking; and

(B) be developed in consultation with the Undersecretary of the Treasury for Terrorism and Financial Crimes, appropriate officials of the Office of Intelligence and Analysis of the Department of the Treasury, the Director of the Financial Crimes Enforcement Network, and appropriate Federal law enforcement agencies.

(b) Review of counternarcotics efforts of the intelligence community

The Director of National Intelligence shall, in coordination with the Director of the Office of National Drug Control Policy, carry out a comprehensive review of the current intelligence collection priorities of the intelligence community for counternarcotics purposes in order to identify whether such priorities are appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs.

(c) Reports and briefings

(1) Reports and briefings on program

(A) Annual reports

Not later than 90 days after December 20, 2019, and annually thereafter, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly submit to the appropriate congressional committees and leadership a report on the status and accomplishments of the program required by subsection (a) during the year ending on the date of the report. The first report under this subparagraph shall also include a description of the amount of funds devoted by the intelligence community to the efforts described in subsection (a) during each of fiscal years 2017 and 2018.

(B) Semiannual briefings

On a semiannual basis, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly brief the appropriate congressional committees and leadership on the status and accomplishments of the program required by subsection (a).

(2) Report on review

Not later than 120 days after December 20, 2019, the Director of National Intelligence, in consultation with the Director of the Office of National Drug Control Policy and other relevant agencies, shall submit to the appropriate congressional committees and leadership—

(A) a comprehensive description of the results of the review required by subsection (b); and

(B) an assessment of whether—

(i) the priorities described in that subsection are appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs; and

(ii) any changes to such priorities are necessary.

(d) Intelligence community defined

In this section, the term “intelligence community” has the meaning given that term in section 3003(4) of title 50.

(Pub. L. 116–92, div. F, title LXXII, § 7231, Dec. 20, 2019, 133 Stat. 2273; Pub. L. 117–263, div. F, title LXVIII, § 6811(h), Dec. 23, 2022, 136 Stat. 3601.)

Editorial Notes

REFERENCES IN TEXT

Subchapter I, referred to in subsec. (a)(1), was in the original “subtitle A”, meaning subtitle A (§§7211–7217)