

the authority or a requirement to impose sanctions on the importation of goods.

(b) Good defined

In this section, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(Pub. L. 116–92, div. F, title LXXII, § 7235, Dec. 20, 2019, 133 Stat. 2275.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title LXXII of div. F of Pub. L. 116–92, 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.

CHAPTER 28A—FENTANYL ERADICATION AND NARCOTICS DETERRENCE OFF FENTANYL

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- 2371. Exception relating to importation of goods.

§ 2341. Definitions

In this chapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (B) the Committee on Foreign Relations of the Senate;
- (C) the Committee on Financial Services of the House of Representatives; and
- (D) the Committee on Foreign Affairs of the House of Representatives.

(2) Foreign person

The term “foreign person”—

- (A) means—
 - (i) any citizen or national of a foreign country; or
 - (ii) any entity not organized under the laws of the United States or a jurisdiction within the United States; and

(B) does not include the government of a foreign country.

(3) Knowingly

The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) Trafficking

The term “trafficking”, with respect to fentanyl, fentanyl precursors, or other related opioids, has the meaning given the term “opioid trafficking” in section 2302(8) of this title.

(5) Transnational criminal organization

The term “transnational criminal organization” includes—

- (A) any organization designated as a significant transnational criminal organization under part 590 of title 31, Code of Federal Regulations;
- (B) any of the organizations known as—
 - (i) the Sinaloa Cartel;
 - (ii) the Jalisco New Generation Cartel;
 - (iii) the Gulf Cartel;
 - (iv) the Los Zetas Cartel;
 - (v) the Juarez Cartel;
 - (vi) the Tijuana Cartel;
 - (vii) the Beltran-Leyva Cartel; or
 - (viii) La Familia Michoacana; or
- (C) any successor organization to an organization described in subparagraph (B) or as otherwise determined by the President.

(6) United States person

The term “United States person” means—

- (A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;
- (B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or
- (C) any person in the United States.

(Pub. L. 118–50, div. E, § 3003, Apr. 24, 2024, 138 Stat. 935.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in introductory provisions, was in the original “this division”, meaning div. E of Pub. L. 118–50, Apr. 24, 2024, 138 Stat. 934, known as the Fentanyl Eradication and Narcotics Deterrence Off Fentanyl or the FEND Off Fentanyl Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 118–50, div. E, § 3001, Apr. 24, 2024, 138 Stat. 934, provided that: “This division [enacting this chapter and section 2313a of this title and amending sections 1701 and 4315 of Title 50, War and National Defense] may be cited as the ‘Fentanyl Eradication and Narcotics Deterrence Off Fentanyl’ [sic; probably should be followed by ‘Act’] or the ‘FEND Off Fentanyl Act’.”

SUBCHAPTER I—SANCTIONS IN RESPONSE
TO NATIONAL EMERGENCY RELATING TO
FENTANYL TRAFFICKING

§ 2351. Finding; policy

(a) Finding

Congress finds that international trafficking of fentanyl, fentanyl precursors, or other related opioids constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and is a national emergency.

(b) Policy

It shall be the policy of the United States to apply economic and other financial sanctions to those who engage in the international trafficking of fentanyl, fentanyl precursors, or other related opioids to protect the national security, foreign policy, and economy of the United States.

(Pub. L. 118–50, div. E, title I, § 3101, Apr. 24, 2024, 138 Stat. 936.)

§ 2352. Use of national emergency authorities; reporting

(a) In general

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

(b) Report required

(1) In general

Not later than 180 days after April 24, 2024, and annually thereafter, the President shall submit to the appropriate congressional committees a report on actions taken by the executive branch pursuant to this subchapter and any national emergency declared with respect to the trafficking of fentanyl and trade in other illicit drugs, including—

- (A) the issuance of any new or revised regulations, policies, or guidance;
- (B) the imposition of sanctions;
- (C) the collection of relevant information from outside parties;
- (D) the issuance or closure of general licenses, specific licenses, and statements of licensing policy by the Office of Foreign Assets Control;
- (E) a description of any pending enforcement cases; and
- (F) the implementation of mitigation procedures.

(2) Form of report

Each report required under paragraph (1) shall be submitted in unclassified form, but may include the matters required under subparagraphs (C), (D), (E), and (F) of such paragraph in a classified annex.

(Pub. L. 118–50, div. E, title I, § 3102, Apr. 24, 2024, 138 Stat. 936.)

§ 2353. Imposition of sanctions with respect to fentanyl trafficking by transnational criminal organizations

(a) In general

The President shall impose the sanctions described in subsection (b) with respect to any foreign person the President determines—

(1) is knowingly involved in the significant trafficking of fentanyl, fentanyl precursors, or other related opioids, including such trafficking by a transnational criminal organization; or

(2) otherwise is knowingly involved in significant activities of a transnational criminal organization relating to the trafficking of fentanyl, fentanyl precursors, or other related opioids.

(b) Sanctions described

The President, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), may block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(c) Report required

Not later than 180 days after April 24, 2024, and annually thereafter, the President shall submit to the appropriate congressional committees a report on actions taken by the executive branch with respect to the foreign persons identified under subsection (a).

(Pub. L. 118–50, div. E, title I, § 3103, Apr. 24, 2024, 138 Stat. 936.)

Editorial Notes

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (b), is title II of Pub. L. 95–223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

§ 2354. Penalties; waivers; exceptions

(a) Penalties

Any person that violates, attempts to violate, conspires to violate, or causes a violation of this subchapter or any regulation, license, or order issued to carry out this subchapter 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.

(b) National security waiver

The President may waive the application of sanctions under this subchapter with respect to a foreign person if the President determines that such waiver is in the national security interest of the United States.

(c) Exceptions

(1) Exception for intelligence activities

This subchapter shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) Exception for compliance with international obligations and law enforcement activities

Sanctions under this subchapter shall not apply with respect to an alien if admitting or