

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

paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success on June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States; or

(B) to carry out or assist law enforcement activity of the United States.

(3) Humanitarian exemption

The President may not impose sanctions under this subchapter with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

(Pub. L. 118–50, div. E, title I, § 3104, Apr. 24, 2024, 138 Stat. 937.)

Editorial Notes

REFERENCES IN TEXT

The National Security Act of 1947, referred to in subsec. (c)(1), 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.

§ 2355. Treatment of forfeited property of transnational criminal organizations

(a) Transfer of forfeited property to forfeiture funds

(1) In general

Any covered forfeited property shall be deposited into the Department of the Treasury Forfeiture Fund established under section 9705 of title 31 or the Department of Justice Assets Forfeiture Fund established under section 524(c) of title 28.

(2) Report required

Not later than 180 days after April 24, 2024, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on any deposits made under paragraph (1) during the 180-day period preceding submission of the report.

(3) Covered forfeited property defined

In this subsection, the term “covered forfeited property” means property—

(A) forfeited to the United States under chapter 46 or section 1963 of title 18; and

(B) that belonged to or was possessed by an individual affiliated with or connected to a transnational criminal organization subject to sanctions under—

(i) this subchapter;

(ii) the Fentanyl Sanctions Act (21 U.S.C. 2301 et seq.); or

(iii) Executive Order 14059 (50 U.S.C. 1701 note; relating to imposing sanctions on foreign persons involved in the global illicit drug trade).

(b) Blocked Assets Under Terrorism Risk Insurance Act of 2002

Nothing in this subchapter may be construed to affect the treatment of blocked assets of a

terrorist party described in section 201(a) of the Terrorism Risk Insurance Act of 2002 (28 U.S.C. 1610 note).

(Pub. L. 118–50, div. E, title I, § 3105, Apr. 24, 2024, 138 Stat. 938.)

Editorial Notes

REFERENCES IN TEXT

The Fentanyl Sanctions Act, referred to in subsec. (a)(3)(B)(ii), is title LXXII of div. F of Pub. L. 116–92, which is classified principally to chapter 28 (§ 2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

Section 201(a) of the Terrorism Risk Insurance Act of 2002, referred to in subsec. (b), is section 201(a) of Pub. L. 107–297, which is set out as a note under section 1610 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER II—ANTI-MONEY LAUNDERING MATTERS

§ 2361. Treatment of transnational criminal organizations in suspicious transactions reports of the Financial Crimes Enforcement Network

(a) Filing instructions

Not later than 180 days after April 24, 2024, the Director of the Financial Crimes Enforcement Network shall issue guidance or instructions to United States financial institutions for filing reports on suspicious transactions required under section 1010.320 of title 31, Code of Federal Regulations, related to suspected fentanyl trafficking by transnational criminal organizations.

(b) Prioritization of reports relating to fentanyl trafficking or transnational criminal organizations

The Director shall prioritize research into reports described in subsection (a) that indicate a connection to trafficking of fentanyl or related synthetic opioids or financing of suspected transnational criminal organizations.

(Pub. L. 118–50, div. E, title II, § 3202, Apr. 24, 2024, 138 Stat. 941.)

SUBCHAPTER III—EXCEPTION RELATING TO IMPORTATION OF GOODS

§ 2371. Exception relating to importation of goods

(a) In general

The authority or a requirement to block and prohibit all transactions in all property and interests in property under this chapter shall not include 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. 118–50, div. E, title III, § 3301, Apr. 24, 2024, 138 Stat. 941.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this division”, meaning div. E of Pub. L.