

Modernization Act, which enacted this chapter and sections 350g to 350l-1, 379j-31, 384a to 384d, 399c, and 399d of this title, section 7625 of Title 7, Agriculture, and section 280g-16 of Title 42, The Public Health and Welfare, amended sections 331, 333, 334, 350b to 350d, 350f, 374, 381, 393, and 399 of this title and section 247b-20 of Title 42, and enacted provisions set out as notes under sections 331, 334, 342, 350b, 350d, 350e, 350g to 350j, 350l, and 381 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2201 of this title and Tables.

CHAPTER 28—SANCTIONS WITH RESPECT TO FOREIGN TRAFFICKERS OF ILLICIT SYNTHETIC OPIOIDS

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TERMINATION OF CHAPTER

For termination of chapter 7 years after Dec. 20, 2019, see section 2334 of this title.

§ 2301. Sense of Congress

It is the sense of Congress that—

(1) the United States should apply economic and other financial sanctions to foreign traffickers of illicit opioids to protect the national security, foreign policy, and economy of the United States and the health of the people of the United States;

(2) it is imperative that the People’s Republic of China follow through on full implementation of the new regulations, adopted May 1, 2019, to treat all fentanyl analogues as controlled substances under the laws of the People’s Republic of China, including by devoting sufficient resources for implementation and strict enforcement of the new regulations; and

(3) the effective enforcement of the new regulations should result in diminished trafficking of illicit fentanyl originating from the People’s Republic of China into the United States.

(Pub. L. 116-92, div. F, title LXXII, § 7202, Dec. 20, 2019, 133 Stat. 2262.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 116-92, div. F, title LXXII, § 7201, Dec. 20, 2019, 133 Stat. 2262, provided that: “This title [enacting this chapter and amending section 2291h of Title 22, Foreign Relations and Intercourse] may be cited as the ‘Fentanyl Sanctions Act.’”

§ 2302. Definitions

In this chapter:

(1) Alien; national; national of the United States

The terms “alien”, “national”, and “national of the United States” have the meanings given those terms in section 1101 of title 8.

(2) Appropriate congressional committees and leadership

The term “appropriate congressional committees and leadership” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Oversight and Reform, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) Controlled substance; listed chemical

The terms “controlled substance”, “listed chemical”, “narcotic drug”, and “opioid” have the meanings given those terms in section 802 of this title.

(4) Entity

The term “entity” means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any form of business collaboration.

(5) Foreign opioid trafficker

The term “foreign opioid trafficker” means any foreign person that the President determines plays a significant role in opioid trafficking.

(6) 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.

(7) 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.

(8) Opioid trafficking

The term “opioid trafficking” means any illicit activity—