

§ 971. Notification, suspension of shipment, and penalties with respect to importation and exportation of listed chemicals

(a) Notification prior to transaction

Each regulated person who imports or exports a listed chemical shall notify the Attorney General of the importation or exportation not later than 15 days before the transaction is to take place.

(b) Regular customers or importers

(1) The Attorney General shall provide by regulation for circumstances in which the requirement of subsection (a) of this section does not apply to a transaction between a regulated person and a regular customer or to an importation by a regular importer. At the time of any importation or exportation constituting a transaction referred to in the preceding sentence, the regulated person shall notify the Attorney General of the transaction.

(2) The regulations under this subsection shall provide that the initial notification under subsection (a) of this section with respect to a customer of a regulated person or to an importer shall, upon the expiration of the 15-day period, qualify the customer as a regular customer or the importer as a regular importer, unless the Attorney General otherwise notifies the regulated person in writing.

(c) Suspension of importation or exportation; disqualification of regular customers or importers; hearing

(1) The Attorney General may order the suspension of any importation or exportation of a listed chemical (other than a regulated transaction to which the requirement of subsection (a) of this section does not apply by reason of subsection (b) of this section) or may disqualify any regular customer or regular importer on the ground that the chemical may be diverted to the clandestine manufacture of a controlled substance. From and after the time when the Attorney General provides written notice of the order (including a statement of the legal and factual basis for the order) to the regulated person, the regulated person may not carry out the transaction.

(2) Upon written request to the Attorney General, a regulated person to whom an order applies under paragraph (1) is entitled to an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5. The hearing shall be held on an expedited basis and not later than 45 days after the request is made, except that the hearing may be held at a later time, if so requested by the regulated person.

(d) Broker or trader for international transaction in listed chemical

A person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this subchapter and subchapter I of this chapter.

(e) Application of notification requirement to exports of listed chemical; waiver

(1) The Attorney General may by regulation require that the 15-day notification requirement of subsection (a) of this section apply to all exports of a listed chemical to a specified country, regardless of the status of certain customers in such country as regular customers, if the Attorney General finds that such notification is necessary to support effective chemical diversion control programs or is required by treaty or other international agreement to which the United States is a party.

(2) The Attorney General may by regulation waive the 15-day notification requirement for exports of a listed chemical to a specified country if the Attorney General determines that such notification is not required for effective chemical diversion control. If the notification requirement is waived, exporters of the listed chemical shall be required to submit to the Attorney General reports of individual exportations or periodic reports of such exportation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.

(3) The Attorney General may by regulation waive the 15-day notification requirement for the importation of a listed chemical if the Attorney General determines that such notification is not necessary for effective chemical diversion control. If the notification requirement is waived, importers of the listed chemical shall be required to submit to the Attorney General reports of individual importations or periodic reports of the importation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.

(Pub. L. 91-513, title III, § 1018, as added Pub. L. 100-690, title VI, § 6053(a), Nov. 18, 1988, 102 Stat. 4314; amended Pub. L. 103-200, §§ 4(a), 5(a), 9(b), Dec. 17, 1993, 107 Stat. 2338-2340; Pub. L. 103-322, title XXXIII, § 330024(c), Sept. 13, 1994, 108 Stat. 2150.)

AMENDMENTS

1994—Subsecs. (b)(1), (2), (c)(1). Pub. L. 103-322, § 330024(c)(2), made technical amendment to directory language of Pub. L. 103-200, § 9(b). See 1993 Amendment notes below.

Subsec. (e). Pub. L. 103-322, § 330024(c)(1), made technical amendment to directory language of Pub. L. 103-200, § 5(a). See 1993 Amendment note below.

1993—Subsec. (b)(1). Pub. L. 103-200, § 9(b)(1)(A), as amended by Pub. L. 103-322, § 330024(c)(2), substituted “to an importation by a regular importer” for “regular supplier of the regulated person”.

Subsec. (b)(2). Pub. L. 103-200, § 9(b)(1)(B), as amended by Pub. L. 103-322, § 330024(c)(2), substituted “a customer of a regulated person or to an importer” for “a customer or supplier of a regulated person” and “the importer as a regular importer” for “regular supplier”.

Subsec. (c)(1). Pub. L. 103-200, § 9(b)(2), as amended by Pub. L. 103-322, § 330024(c)(2), substituted “regular importer” for “regular supplier”.

Subsec. (d). Pub. L. 103-200, § 4(a), added subsec. (d).

Subsec. (e). Pub. L. 103-200, § 5(a), as amended by Pub. L. 103-322, § 330024(c)(1), added subsec. (e).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-322 effective 120 days after Dec. 17, 1993, see section 330024(f) of Pub. L. 103-322, set out as a note under section 802 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-200 effective on date that is 120 days after Dec. 17, 1993, see section 11 of Pub. L. 103-200, set out as a note under section 802 of this title.

EFFECTIVE DATE

Section 6053(b) of Pub. L. 100-690 provided that:

“(1) Not later than 45 days after the date of the enactment of this Act [Nov. 18, 1988], the Attorney General shall forward to the Director of the Office of Management and Budget proposed regulations required by the amendment made by subsection (a) [enacting this section].

“(2) Not later than 55 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

“(A) review such proposed regulations of the Attorney General; and

“(B) forward any comments and recommendations for modifications to the Attorney General.

“(3) Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish the proposed final regulations required by the amendment made by subsection (a).

“(4) Not later than 120 days after the date of the enactment of this Act, the Attorney General shall promulgate final regulations required by the amendment made by subsection (a).

“(5) Subsection (a) of section 1018 of the Controlled Substances Import and Export Act [subsection (a) of this section], as added by subsection (a) of this section, shall take effect 90 days after the promulgation of the final regulations under paragraph (4).

“(6) Each regulated person shall provide to the Attorney General the identity of any regular customer or regular supplier of the regulated person not later than 30 days after the promulgation of the final regulations under paragraph (4). Not later than 60 days after the end of such 30-day period, each regular customer and regular supplier so identified shall be a regular customer or regular supplier for purposes of any applicable exception from the requirement of subsection (a) of such section 1018, unless the the [sic] Attorney General otherwise notifies the regulated person in writing.”

Section effective 120 days after Nov. 18, 1988 [except subsec. (a), see above], see section 6061 of Pub. L. 100-690, set out as an Effective Date of 1988 Amendment note under section 802 of this title.

EXCEPTION FOR IODINE TO IMPORTATION AND EXPORTATION REQUIREMENTS FOR LISTED CHEMICALS

Pub. L. 104-237, title II, §204(b), Oct. 3, 1996, 110 Stat. 3102, provided that:

“(1) Iodine shall not be subject to the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

“(2) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the authority of the Attorney General to impose the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 960, 961 of this title.

CHAPTER 14—ALCOHOL AND DRUG ABUSE EDUCATIONAL PROGRAMS AND ACTIVITIES

§§ 1001 to 1007. Repealed. Pub. L. 97-35, title V, § 587(a)(3), Aug. 13, 1981, 95 Stat. 480

Section 1001, Pub. L. 91-527, §2, Dec. 3, 1970, 84 Stat. 1385; Pub. L. 93-422, §2(b), Sept. 21, 1974, 88 Stat. 1154; Pub. L. 95-336, §2, Aug. 4, 1978, 92 Stat. 451, set forth Congressional declaration of purpose for Alcohol and Drug Abuse Education Act.

Section 1002, Pub. L. 91-527, §3, Dec. 3, 1970, 84 Stat. 1386; Pub. L. 93-422, §2(c), Sept. 21, 1974, 88 Stat. 1155;

Pub. L. 95-336, §§3, 4, Aug. 4, 1978, 92 Stat. 451, 452; S. Res. 30, Mar. 7, 1979; Pub. L. 96-88, title III, §301(a)(1), (2)(Q), (b)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 678, 692, set forth grant and contract authority, etc., for projects and programs.

Section 1003, Pub. L. 91-527, §4, Dec. 3, 1970, 84 Stat. 1387; Pub. L. 93-422, §2(d), Sept. 21, 1974, 88 Stat. 1157; Pub. L. 96-88, title III, §301(a)(1), title V, §507, Oct. 17, 1979, 93 Stat. 677, 692, related to recordkeeping requirements, and access to and inspection of records.

Section 1004, Pub. L. 91-527, §5, Dec. 3, 1970, 84 Stat. 1388; Pub. L. 93-422, §2(e), Sept. 21, 1974, 88 Stat. 1157; Pub. L. 96-88, title V, §508(i), Oct. 17, 1979, 93 Stat. 693, related to technical assistance to local agencies, etc.

Section 1005, Pub. L. 91-527, §6, Dec. 3, 1970, 84 Stat. 1388, related to nature of payments.

Section 1006, Pub. L. 91-527, §7, Dec. 3, 1970, 84 Stat. 1388, related to utilization of services and facilities of Federal agencies and public and private agencies and institutions.

Section 1007, Pub. L. 91-527, §8, Dec. 3, 1970, 84 Stat. 1388; Pub. L. 93-422, §2(f), Sept. 21, 1974, 88 Stat. 1157; Pub. L. 95-336, §5, Aug. 4, 1978, 92 Stat. 453; Pub. L. 96-88, title III, §301(a)(1), (2)(Q), title V, §507, Oct. 17, 1979, 93 Stat. 677, 678, 692, defined “Secretary” and “State”.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, see section 587(a) of Pub. L. 97-35, set out as section 3863(a) of Title 20, Education.

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