

103^D CONGRESS
2^D SESSION

H. R. 4712

To assure that the United States can provide assistance to certain foreign officials to reduce illicit drug traffic.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1994

Mr. TORRICELLI (for himself, Mr. LANTOS, and Mr. McCANDLESS) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Foreign Affairs

A BILL

To assure that the United States can provide assistance to certain foreign officials to reduce illicit drug traffic.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SECTION 32 AMENDMENT.**

4 Section 32 of title 18, United States Code, is amend-
5 ed by adding at the end the following:

6 “(d) It shall not be a violation of this section for au-
7 thorized employees or agents—

8 “(1) of a foreign country to damage, render in-
9 operative, or destroy an aircraft in that country’s
10 territory or airspace, or to attempt to do so, if—

1 “(A) that aircraft is reasonably suspected
2 of being primarily engaged in the trafficking of
3 controlled substances (as defined for the pur-
4 poses of the Controlled Substances Act; and

5 “(B) the President of the United States
6 has determined that—

7 “(i) such actions are necessary in that
8 country because of the extraordinary
9 threat posed by such trafficking to the na-
10 tional security of that country; and

11 “(ii) such country has appropriate
12 procedures in place to protect against inno-
13 cent loss of life in the air and on the
14 ground, which shall at a minimum include
15 effective means to identify and warn air-
16 craft before the use of force.

17 “(2) of the United States to provide assistance
18 (including inter alia operational, intelligence train-
19 ing, logistical, technical, and administrative assist-
20 ance) for conduct removed from the prohibitions of
21 this section by paragraph (1) of this subsection, nor
22 shall the provision of such assistance give rise to any
23 civil action seeking money damages or any other
24 form of relief against the United States or its agents
25 or employees.”.

1 **SEC. 2. REPORT.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Secretary of State, in consultation with
4 the Secretary of Defense and the Administrator of the
5 Drug Enforcement Administration, shall submit to the
6 House Committee on Foreign Affairs and the Senate Com-
7 mittee on Foreign Relations a report describing the follow-
8 ing:

9 (1) The effectiveness of the United States poli-
10 cy of sharing information produced by United
11 States radar installations and military aircraft with
12 governments in South America for the purpose of
13 identifying and disrupting controlled substances traf-
14 ficking activities, including those conducted by air-
15 craft.

16 (2) Any adverse implications that such policy
17 may have on the national security interests of the
18 United States.

○