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**AMENDMENT TO H.R. 7636**  
**OFFERED BY MR. ARMSTRONG OF NORTH**  
**DAKOTA**

Add at the end of the bill the following:

1 **SEC. 4. AUDIO RECORDING OF INTERVIEWS OF DETAINED**  
2 **INDIVIDUALS CONDUCTED BY CERTAIN FED-**  
3 **ERAL LAW ENFORCEMENT OFFICERS.**

4 (a) IN GENERAL.—Each Federal law enforcement  
5 agency described in subsection (b) shall record, using an  
6 electronic audio recording technology, and may record,  
7 using a video recording technology, each interview of a de-  
8 tained individual conducted by an officer or employee of  
9 that agency in connection with an investigation of a Fed-  
10 eral offense or an investigation with respect to which the  
11 agency is assisting a State, local or tribal law enforcement  
12 agency.

13 (b) FEDERAL LAW ENFORCEMENT AGENCY DE-  
14 SCRIBED.—A Federal law enforcement agency described  
15 in this section is each of the following:

16 (1) The Federal Bureau of Investigation.

17 (2) The Drug Enforcement Administration.

18 (3) The Bureau of Alcohol, Tobacco, Firearms,  
19 and Explosives.

1 (4) The United States Marshals Service.

2 (c) APPLICATION.—

3 (1) IN GENERAL.—The requirements under this  
4 section apply with respect to interviews of detained  
5 individuals, but do not apply with respect to commu-  
6 nications with confidential informants or to any  
7 interview the officer reasonably believes is related to  
8 counterintelligence.

9 (2) EXTRATERRITORIAL APPLICATION.—In the  
10 case of an interview conducted by an officer or em-  
11 ployee of a Federal law enforcement agency de-  
12 scribed in subsection (b) of a United States person  
13 outside of the United States, the requirements under  
14 this section apply.

15 (3) DEFINITION.—For purposes of this section,  
16 the term “United States person” means—

17 (A) a United States citizen or alien admit-  
18 ted for permanent residence in the United  
19 States; or

20 (B) any person who is being interviewed in  
21 connection with an investigation of any corpora-  
22 tion, partnership, or other organization orga-  
23 nized under the laws of the United States.

24 (d) INADMISSIBILITY.—

1           (1) IN GENERAL.—Except as provided in para-  
2 graph (2), a statement or information obtained dur-  
3 ing an interview, with respect to which the officer  
4 conducting the interview did not comply with this  
5 section, may not be offered as evidence by the Gov-  
6 ernment in Federal court in a criminal proceeding.

7           (2) EXCEPTION.—A statement or information  
8 described in paragraph (1) may be offered as evi-  
9 dence by the Government in Federal court in the  
10 case that the Government shows exigent cir-  
11 cumstances existed that made recording infeasible,  
12 and with respect to which the Federal law enforce-  
13 ment officer who failed to so record made a contem-  
14 poraneous record explaining the infeasibility of re-  
15 cording.

16           (3) JURY INSTRUCTION.—In the case that a  
17 statement or information described in paragraph (1)  
18 is admitted in accordance with the exception de-  
19 scribed in paragraph (2), the court shall instruct the  
20 jury that the statement or information was required  
21 to be recorded, but was not recorded because of the  
22 exigent circumstances described in paragraph (2).

23 (e) RETENTION.—

24           (1) IN GENERAL.—Except as provided in para-  
25 graph (2), a recording of an interview described in

1 this section shall be clearly identified, catalogued,  
2 and retained for a period of 10 years beginning on  
3 the date on which the applicable investigation or any  
4 related judicial procedures is finally concluded,  
5 whichever is later.

6 (2) EXCEPTION.—A recording of an interview  
7 described in this section shall be clearly identified,  
8 catalogued, and retained indefinitely if the content  
9 of the recording is related to a judicial proceeding  
10 that involves a Federal capital offense or a State  
11 capital offense with respect to which the Federal law  
12 enforcement officer was assisting the law enforce-  
13 ment agency of the jurisdiction.

14 (f) RULES.—The Attorney General shall make rules  
15 to carry out this section.

