

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 7120  
OFFERED BY MR. ARMSTRONG OF NORTH  
DAKOTA**

Add at the end of the bill the following (and conform  
the table of contents accordingly):

**1 SEC. 503. AUDIO RECORDING OF INTERVIEWS CONDUCTED**  
**2 BY CERTAIN FEDERAL LAW ENFORCEMENT**  
**3 OFFICERS.**

**4 (a) IN GENERAL.**—Each Federal law enforcement  
**5 agency described in subsection (b) shall record, using an**  
**6 electronic audio recording technology, each interview con-**  
**7 ducted by an officer or employee of that agency in connec-**  
**8 tion with an investigation of a Federal offense or an inves-**  
**9 tigation with respect to which the agency is assisting a**  
**10 State, local or tribal law enforcement agency.**

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

- 14 (1) The Federal Bureau of Investigation.**  
**15 (2) The Drug Enforcement Administration.**  
**16 (3) The Bureau of Alcohol, Tobacco, Firearms,**  
**17 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 custodial and non-cus-  
5 todial interviews, but do not apply with respect to  
6 communications with confidential informants.

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

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

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

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

22 (d) NOTIFICATION, CONSENT NOT REQUIRED.—An  
23 officer of a Federal law enforcement agency described in  
24 subsection (b) may record an interview described in sub-

1 section (a) without providing notice to or obtaining con-  
2 sent from the interviewee.

3 (e) INADMISSIBILITY.—A statement or information  
4 obtained during an interview that is not recorded in ac-  
5 cordance with this subsection may not be offered as evi-  
6 dence by the Government in Federal court.

7 (f) RETENTION.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graph (2), a recording of an interview described in  
10 this section shall be retained for a period of 10 years  
11 beginning on the date on which the applicable inves-  
12 tigation or any related judicial procedures is finally  
13 concluded, whichever is later.

14 (2) EXCEPTION.—A recording of an interview  
15 described in this section shall be retained indefinitely  
16 if the content of the recording is related to a judicial  
17 proceeding that involves a Federal capital offense or  
18 a State capital offense with respect to which the  
19 Federal law enforcement officer was assisting the  
20 law enforcement agency of the jurisdiction.

21 (g) RULES.—The Attorney General shall make rules  
22 to carry out this section.

