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):

SEC. 503. AUDIO RECORDING OF INTERVIEWS CONDUCTED BY CERTAIN FEDERAL LAW ENFORCEMENT OFFICERS.

(a) In General.—Each Federal law enforcement agency described in subsection (b) shall record, using an electronic audio recording technology, each interview conducted by an officer or employee of that agency in connection with an investigation of a Federal offense or an investigation with respect to which the agency is assisting a State, local or tribal law enforcement agency.

(b) Federal Law Enforcement Agency Described.—A Federal law enforcement agency described in this section is each of the following:

(1) The Federal Bureau of Investigation.

(2) The Drug Enforcement Administration.

(3) The Bureau of Alcohol, Tobacco, Firearms, and Explosives.
(4) The United States Marshals Service.

(e) APPLICATION.—

(1) IN GENERAL.—The requirements under this section apply with respect to custodial and non-custodial interviews, but do not apply with respect to communications with confidential informants.

(2) EXTRATERRITORIAL APPLICATION.—In the case of an interview conducted by an officer or employee of a Federal law enforcement agency described in subsection (b) of a United States person outside of the United States, the requirements under this section apply.

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

(A) a United States citizen or alien admitted for permanent residence in the United States; or

(B) any person who is being interviewed in connection with an investigation of any corporation, partnership, or other organization organized under the laws of the United States.

(d) NOTIFICATION, CONSENT NOT REQUIRED.—An officer of a Federal law enforcement agency described in subsection (b) may record an interview described in sub-
section (a) without providing notice to or obtaining con-
sent from the interviewee.

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

(f) RETENTION.—

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

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

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