

110TH CONGRESS
1ST SESSION

H. R. 4660

To require the videotaping of strategic interrogations and certain other interactions between detainees and members of the Armed Forces, intelligence operatives, and contractors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Mr. HOLT (for himself, Mrs. TAUSCHER, Ms. SCHAKOWSKY, Mr. MCGOVERN, Mr. COHEN, and Mr. FARR) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require the videotaping of strategic interrogations and certain other interactions between detainees and members of the Armed Forces, intelligence operatives, and contractors, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Detainee Interrogation
5 Recording Act of 2007”.

1 **SEC. 2. REQUIREMENT FOR VIDEOTAPING RECORDINGS OF**
2 **STRATEGIC INTERROGATIONS AND OTHER**
3 **PERTINENT INTERACTIONS AMONG DETAIN-**
4 **EES OR PRISONERS IN THE CUSTODY OF OR**
5 **UNDER THE EFFECTIVE CONTROL OF THE**
6 **UNITED STATES AND MEMBERS OF THE**
7 **ARMED FORCES, INTELLIGENCE OPERATIVES**
8 **OF THE UNITED STATES, AND CONTRACTORS**
9 **OF THE UNITED STATES.**

10 (a) IN GENERAL.—In accordance with the Geneva
11 Conventions of 1949, the International Covenant on Civil
12 and Political Rights, the Convention Against Torture and
13 Other Cruel, Inhuman, or Degrading Treatment or Pun-
14 ishment, and prohibitions against any cruel, unusual, and
15 inhuman treatment or punishment under the Fifth,
16 Eighth, and Fourteenth Amendments to the Constitution
17 of the United States, the President shall take such actions
18 as are necessary to ensure the videotaping of each stra-
19 tegic interrogation or other pertinent interaction be-
20 tween—

21 (1) an individual who is a detainee or prisoner
22 in the custody or under the effective control of the
23 United States pursuant to a strategic interrogation,
24 or other pertinent interaction, for the purpose of
25 gathering intelligence; and

1 (2) any member of the Armed Forces, intel-
2 ligence operative of the United States, or contractor
3 of the United States.

4 (b) APPLICABILITY.—The requirement under sub-
5 section (a) shall apply with respect to any strategic inter-
6 rogation of an individual referred to in subsection (a)(1)
7 that takes place on or after the earlier of—

8 (1) the day on which the individual is confined
9 in a facility owned, operated, or controlled, in whole
10 or in part, by the United States, or any of its rep-
11 resentatives, agencies, or agents; or

12 (2) 7 days after the day on which the individual
13 is taken into custody by the United States or any of
14 its representatives, agencies, or agents.

15 (c) CLASSIFICATION OF INFORMATION.—To protect
16 United States national security and the privacy of detain-
17 ees or prisoners held by the United States, the President
18 shall provide for the appropriate classification of video
19 tapes or recordings made pursuant to subsection (a). Such
20 videotapes or recordings shall be made available, under
21 seal if appropriate, to both prosecution and defense attor-
22 neys to the extent they are material to any military or
23 civilian criminal proceeding.

24 (d) STRATEGIC INTERROGATION DEFINED.—For
25 purposes of this section, the term “strategic interroga-

1 tion” means an interrogation of a detainee or prisoner
2 at—

3 (1) a corps or theater-level detention facility, as
4 defined in the Army Field Manual on Human Intel-
5 ligence Collector Operations (FM 2–22.3, September
6 2006); or

7 (2) a detention facility outside of the area of
8 operations where the detainee or prisoner was ini-
9 tially captured, including—

10 (A) a detention facility owned, operated,
11 borrowed, or leased by the United States Gov-
12 ernment; and

13 (B) a detention facility of a foreign govern-
14 ment at which United States Government per-
15 sonnel, including contractors, are permitted to
16 conduct interrogations by the foreign govern-
17 ment in question.

18 (e) EXCLUSION.—Nothing in this Act shall be con-
19 strued as requiring members of the Armed Forces engaged
20 in direct tactical combat operations to videotape prisoners
21 or detainees in their custody during such combat oper-
22 ations.

23 (f) ACCESS TO PRISONERS AND DETAINEES OF THE
24 UNITED STATES TO ENSURE INDEPENDENT MONI-
25 TORING AND TRANSPARENT INVESTIGATIONS.—Con-

1 sistent with the obligations of the United States under
2 international law, including treaties and related protocols
3 to which the United States is a party, the President shall
4 take such actions as are necessary to ensure that rep-
5 resentatives of the International Federation of the Inter-
6 national Committee of the Red Cross and the Red Cres-
7 cent are granted access to detainees or prisoners in the
8 custody or under the effective control of the Armed
9 Forces.

10 (g) GUIDELINES FOR VIDEOTAPE RECORDINGS.—

11 (1) DEVELOPMENT OF GUIDELINES.—The
12 Judge Advocates General (as defined in section
13 801(1) of title 10, United States Code, (Article 1 of
14 the Uniform Code of Military Justice)) shall jointly
15 develop uniform guidelines designed to ensure that
16 the videotaping required under subsection (a) is suf-
17 ficiently expansive to prevent any abuse of detainees
18 and prisoners referred to in subsection (a)(1) and
19 any violation of law binding on the United States,
20 including the treaties referred to in subsection (a).
21 For purposes of this Act, the Army Judge Advocate
22 General shall serve as the executive agent and co-
23 ordinating authority for the development of the
24 aforementioned guidelines.

1 (2) SUBMITTAL TO CONGRESS.—Not later than
2 30 days after the date of the enactment of this Act,
3 the Secretary of Defense shall submit to Congress a
4 report containing the guidelines developed under
5 paragraph (1).

○