

115TH CONGRESS
1ST SESSION

H. R. 47

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the humane treatment of youths who are in police custody, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Ms. JACKSON LEE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the humane treatment of youths who are in police custody, 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 “Effective and Humane
5 Treatment of Youth Act of 2017” or “Kalief’s Law”.

6 **SEC. 2. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY**
7 **BLOCK GRANTS.**

8 Section 1810(a) of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (42 U.S.C. 3796ee–10(a)) is

1 amended by inserting before the period at the end the fol-
2 lowing: “and such funds as may be necessary for each of
3 fiscal years 2018 through 2022”.

4 **SEC. 3. HUMANE TREATMENT OF YOUTH FOR GRANT ELIGI-**
5 **BILITY.**

6 (a) IN GENERAL.—Section 1802 of the Omnibus
7 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
8 3796ee–2) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)(B), by striking “and”
11 at the end;

12 (B) in paragraph (2), by striking the pe-
13 riod at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(3) assurances that the State and any unit of
16 local government to which the State provides fund-
17 ing under section 1803(b), has in effect (or shall
18 have in effect, not later than 1 year after the date
19 that the State submits such application) laws, or has
20 implemented (or shall implement, not later than 1
21 year after the date that the State submits such ap-
22 plication) policies and programs, that provide for a
23 right to speedy trial in accordance with subsection
24 (g), timely bail consideration in accordance with sub-
25 section (h), and the restrictions on the use of tem-

1 porary separation in accordance with subsection
2 (i).”;

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (A)(ii), by strik-
6 ing “and” at the end; and

7 (ii) in subparagraph (B), by striking
8 the period at the end and inserting “;
9 and”;

10 (B) by adding at the end the following:

11 “(C) such assurances as the State shall re-
12 quire, that, to the extent applicable, the unit of
13 local government has in effect (or shall have in
14 effect, not later than 1 year after the date that
15 the unit submits such application) laws, or has
16 implemented (or shall implement, not later than
17 1 year after the date that the unit submits such
18 application) policies and programs, that provide
19 for a right to speedy trial in accordance with
20 subsection (g), timely bail consideration in ac-
21 cordance with subsection (h), and the restric-
22 tions on the use of temporary separation in ac-
23 cordance with subsection (i).”;

24 (3) by adding at the end the following:

1 “(g) RIGHT TO SPEEDY TRIAL.—The requirements
2 under this subsection relating to the right to a speedy trial
3 for a youth are, at a minimum, that in the case of a youth
4 who is held in custody, charges in any criminal case are
5 dismissed with prejudice not later than 60 days after the
6 date on which the youth was arrested (which shall be com-
7 puted in accordance with section 3161(h) of title 18,
8 United States Code), if a trial has not commenced or there
9 has not been an adjudication of the case on the merits.
10 For purposes of this subsection, the determination of
11 whether an individual is a youth shall be based on the
12 individual’s age at the time that the individual is taken
13 into custody for the alleged criminal conduct.

14 “(h) RIGHT TO TIMELY BAIL CONSIDERATION.—

15 “(1) IN GENERAL.—The requirements under
16 this subsection relating to a youth’s right to timely
17 bail consideration are, at a minimum, that—

18 “(A) the youth receives an initial detention
19 hearing not later than the second working day
20 after being taken into custody, except that—

21 “(i) if the youth is taken into custody
22 on a Friday or Saturday, not later than
23 one working day after being taken into
24 custody; or

1 “(ii) in the case of an arrest for a sta-
2 tus offense, not later than one working day
3 after being taken into custody;

4 “(B) in the case of a youth who is 17
5 years of age or younger, the parent, guardian
6 or custodian of the youth receives from the
7 court reasonable notice of the detention hearing
8 if the parent, guardian or custodian can be lo-
9 cated;

10 “(C) prior to any detention hearing, the
11 youth is advised of the right to counsel, the
12 right to have counsel appointed by the court if
13 the youth is indigent, and the procedure for the
14 appointment of counsel;

15 “(D) if at the initial detention hearing the
16 youth does not have counsel, the court shall ap-
17 point counsel before making a ruling on wheth-
18 er to release or continue detaining the youth;

19 “(E) no statement made by the youth at
20 any detention hearing is admissible against the
21 youth at any other hearings or proceedings;

22 “(F) if a youth is detained, a detention
23 hearing to review the release decision is held
24 every 10 working days, or every 15 working
25 days if the youth is held outside the county of

1 jurisdiction, unless the youth waives review on
2 the advice of counsel;

3 “(G) there is a presumption of release at
4 a detention hearing, unless—

5 “(i) the youth will be removed from
6 the jurisdiction of the court prior to the
7 next scheduled hearing;

8 “(ii) in the case of a youth who is 17
9 years of age or younger, the youth lacks
10 suitable and safe supervision, care, and
11 protection from a parent, guardian, custo-
12 dian, or other person or agency; or

13 “(iii) the youth may be a danger to
14 himself or herself, a threat to public safety,
15 or is likely to commit an offense if re-
16 leased, and the court determines that such
17 danger, threat, or likelihood cannot be
18 overcome with appropriate supervision,
19 services, or treatment; and

20 “(H) a detained youth who is not charged
21 with a criminal offense at an initial detention
22 hearing is released unless—

23 “(i) in the case of a youth who is de-
24 tained for delinquency, a probation viola-
25 tion, or a status offense, the State brings

1 a petition or formal charge against the
2 youth not later than 15 working days after
3 the initial detention decision;

4 “(ii) except as provided in clause (i),
5 in the case of a youth who is detained for
6 criminal conduct for which the maximum
7 term of imprisonment is less than one
8 year, the State brings a formal charge
9 against the youth not later than 30 work-
10 ing days after the initial detention deci-
11 sion; or

12 “(iii) except as provided in clause (i),
13 in the case of a youth who is detained for
14 criminal conduct for which the maximum
15 term of imprisonment is one year or great-
16 er, the State brings a formal charge
17 against the youth not later than 60 days
18 after the initial detention decision.

19 “(2) STATUS AS YOUTH.—For purposes of this
20 subsection, the determination of whether an indi-
21 vidual is a youth shall be based on the individual’s
22 age at the time that the individual is taken into cus-
23 tody for the alleged criminal conduct.

24 “(3) DEFINITIONS.—For the purpose of this
25 subsection:

1 “(A) The term ‘detention hearing’ means a
2 hearing—

3 “(i) conducted by a duly appointed or
4 elected judge or, if a judge is not available,
5 a referee appointed for the purpose of con-
6 ducting detention hearings; and

7 “(ii) recorded at the request of any
8 party.

9 “(B) The term ‘status offense’ means an
10 offense which prohibits conduct only for youths
11 and not for adults, based on their age, includ-
12 ing truancy, running away, breach of curfew,
13 and age-based alcohol or drug offenses.

14 “(i) BAN ON THE USE OF SOLITARY CONFINEMENT.—
15

16 “(1) IN GENERAL.—The requirements under
17 this subsection relating to the restrictions on the use
18 of temporary separation are, at a minimum, that—

19 “(A) temporary separation of a youth from
20 the general population in a detention facility is
21 not used for any purpose other than as a tem-
22 porary response to behavior of the individual
23 that poses a serious and immediate risk of
24 physical harm to that individual or to others;

1 “(B) a good faith effort to employ less re-
2 strictive techniques, including de-escalation and
3 intervention by facility employees, mental health
4 professionals, and other youths must occur be-
5 fore the use of temporary separation;

6 “(C) before or immediately after a youth is
7 placed in temporary separation, an employee of
8 the detention facility provides the individual
9 with an explanation of the reasons for the sepa-
10 ration and under what circumstances it will
11 end;

12 “(D) the duration for which a youth is
13 placed in temporary separation does not exceed
14 3 hours, and consecutive periods of temporary
15 separation for the same episode of behavior are
16 prohibited;

17 “(E) a youth is released from temporary
18 separation as soon as he or she no longer poses
19 a risk of serious and immediate physical harm;

20 “(F) in the case of a youth who continues
21 to pose a risk of serious and immediate physical
22 harm after being in temporary separation for 3
23 hours, prior to, or upon the conclusion of such
24 3-hour period, the facility initiates a transfer to
25 another facility that can provide necessary serv-

1 ices without the use of temporary separation or
2 refers the individual to a mental health facility
3 that can provide necessary services, in which
4 case the individual may remain in temporary
5 separation pending such transfer;

6 “(G) the physical space used for temporary
7 separation—

8 “(i) is at least 80 square feet, suicide-
9 resistant, and protrusion-free;

10 “(ii) has adequate lighting and ven-
11 tilation;

12 “(iii) is kept at a reasonable tempera-
13 ture; and

14 “(iv) provides access to clean potable
15 water, toilet facilities, and hygiene sup-
16 plies; and

17 “(H) a youth placed in temporary separa-
18 tion has access to appropriate medical and men-
19 tal health services, and receives crisis interven-
20 tion and one-on-one observation.

21 “(2) DEFINITION.—For the purpose of this
22 subsection, the term ‘temporary separation’ means
23 the involuntary restriction of an individual alone in
24 a cell, room, or other area isolated away from all

1 human contact except for the employees of the de-
2 tention facility.”.

3 (b) YOUTH DEFINED.—Section 1809 of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
5 3796ee–9) is amended by at the end the following:

6 “(7) YOUTH.—The term ‘youth’ means an indi-
7 vidual who is 21 years of age or younger.”.

8 **SEC. 4. TREATMENT OF YOUTH IN FEDERAL PRISONS AND**
9 **CORRECTIONAL FACILITIES.**

10 (a) IN GENERAL.—Chapter 401 of title 18, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 **“§ 5004. Recording of custodial interrogations of**
14 **youth**

15 “(a) IN GENERAL.—A custodial interrogation of a
16 youth shall be electronically recorded in its entirety in
17 audio and visual form, except that if any part of the inter-
18 rogation occurs outside of a place of detention, an audio
19 recording may be used. If the interrogation occurs in a
20 detention facility, the camera shall show both the interro-
21 gator and the youth.

22 “(b) INADMISSIBILITY OF STATEMENTS NOT RE-
23 CORDED.—Except as provided in subsections (c), (d), and
24 (e), any statement made by a youth during a custodial
25 interrogation that is not recorded in accordance with sub-

1 section (a), is inadmissible as evidence against the youth
2 in any juvenile delinquency or criminal proceeding brought
3 against the youth.

4 “(c) EXCEPTIONS GENERALLY.—A statement made
5 by a youth in a custodial interrogation that would be inad-
6 missible under subsection (b) may be admitted into evi-
7 dence in a criminal or juvenile delinquency proceeding
8 brought against the youth if the court finds the following:

9 “(1) The statement is admissible under the ap-
10 plicable rules of evidence.

11 “(2) The prosecution has proven by clear and
12 convincing evidence that the youth made the state-
13 ment voluntarily, and that such statement is reliable.

14 “(3) The prosecution has proven by clear and
15 convincing evidence that one or more of the fol-
16 lowing circumstances existed at the time of the cus-
17 todial interrogation:

18 “(A) The questions put forth by law en-
19 forcement personnel, and the youth’s responsive
20 statements, were part of the routine processing
21 or intake of the youth.

22 “(B) Before or during a custodial interro-
23 gation, after having consulted with his or her
24 lawyer, the youth unambiguously declared on
25 the recording that he or she would only respond

1 to the officer's questions if his or her state-
2 ments were not recorded.

3 “(C) The custodial interrogation took place
4 in another jurisdiction and was conducted by
5 officials of that jurisdiction in compliance with
6 the law of the jurisdiction.

7 “(D) Exigent circumstances existed, which
8 prevented the making of, or rendered it not fea-
9 sible to make, a recording of the custodial inter-
10 rogation.

11 “(d) EXCEPTION RELATING TO STATEMENTS MADE
12 IN COURT.—A statement made by a youth in a custodial
13 interrogation which would be inadmissible under sub-
14 section (b) may be admitted into evidence in a juvenile
15 delinquency or criminal proceeding brought against the
16 youth if the court finds the following:

17 “(1) The statement was made before a grand
18 jury or in court.

19 “(2) The statement is admissible under applica-
20 ble rules of evidence.

21 “(3) The prosecution has proven by clear and
22 convincing evidence that the youth made the state-
23 ment voluntarily, and that such statement is reliable.

24 “(e) EXCEPTION RELATING TO STATEMENTS MADE
25 BY PRISONERS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), a statement made by a youth in a custo-
3 dial interrogation which would be inadmissable
4 under subsection (b) may be admitted into evidence
5 in a juvenile delinquency or criminal proceeding
6 brought against the youth if, at the time of making
7 the statement, the youth was serving a term of im-
8 prisonment in a Federal prison or correctional insti-
9 tution.

10 “(2) LIMITATION.—A statement described in
11 paragraph (1) may not be admitted into evidence in
12 a juvenile delinquency or criminal proceeding
13 brought against the youth if the statement was
14 made in relation to an investigation of a crime com-
15 mitted in the Federal prison or correctional institu-
16 tion.

17 “(f) HANDLING AND PRESERVATION OF ELECTRONIC
18 RECORDINGS.—Recordings of custodial interrogations
19 under this subsection shall be handled and preserved as
20 follows:

21 “(1) The recording shall be clearly identified
22 and catalogued by law enforcement personnel.

23 “(2) If a juvenile delinquency or criminal pro-
24 ceeding is brought against a youth who was the sub-
25 ject of an electronically recorded custodial interroga-

1 tion, the recording shall be preserved by law enforce-
2 ment personnel until all appeals, post-conviction, and
3 habeas corpus proceedings are final and concluded,
4 or the time within which such proceedings must be
5 brought has expired.

6 “(3) If no juvenile delinquency or criminal pro-
7 ceeding is brought against a youth who has been the
8 subject of a recorded custodial interrogation, the re-
9 lated recording shall be preserved by law enforce-
10 ment personnel until all applicable State and Fed-
11 eral statutes of limitations bar prosecution of the
12 youth.

13 “(g) STUDY AND REPORT.—Not later than 2 years
14 after the date of enactment of this Act, and annually
15 thereafter, the Attorney General shall submit to Congress
16 a report that describes—

17 “(1) the instances in which recorded interroga-
18 tions were introduced as evidence in a juvenile delin-
19 quency or criminal proceeding;

20 “(2) the instances in which interrogations were
21 not recorded but were nonetheless introduced as evi-
22 dence in a juvenile delinquency or criminal pro-
23 ceeding;

1 “(3) the instances in which interrogations were
2 recorded and a plea of guilty was entered and ac-
3 cepted by the court; and

4 “(4) the instances in which interrogations were
5 not recorded and a plea of guilty was entered and
6 accepted by the court.

7 **“§ 5005. Ban on solitary confinement of youth**

8 “(a) PROHIBITION.—The placement of a youth in
9 temporary separation for any purpose other than as a tem-
10 porary response to behavior of the individual that poses
11 a serious and immediate risk of physical harm to that indi-
12 vidual or to others, is prohibited.

13 “(b) LESS RESTRICTIVE TECHNIQUES.—Techniques
14 that are less restrictive than temporary separation, includ-
15 ing de-escalation and intervention by facility employees,
16 mental health professionals, and other youths shall be em-
17 ployed before the use of temporary separation.

18 “(c) EXPLANATION.—Before or immediately after an
19 individual is placed in temporary separation, an employee
20 of the detention facility shall provide the individual with
21 an explanation of the reasons for the temporary separation
22 and under what circumstances it will end.

23 “(d) MAXIMUM TIME.—A youth shall not be placed
24 in temporary separation for more than 3 hours and con-

1 secutive periods of temporary separation for the same epi-
2 sode of behavior are prohibited.

3 “(e) RELEASE.—A youth shall be released from tem-
4 porary separation as soon as he or she no longer poses
5 a risk of serious and immediate physical harm. If a youth
6 continues to pose a risk of serious and immediate physical
7 harm after being in temporary separation for 3 hours, the
8 facility shall, prior to, or upon the conclusion of such 3-
9 hour period, initiate a transfer to another facility that can
10 provide necessary services without the use of temporary
11 separation or refer the individual to a mental health facil-
12 ity that can provide necessary services, in which case the
13 individual may remain in temporary separation pending
14 such transfer.

15 “(f) CONDITIONS.—The physical space used for tem-
16 porary separation shall—

17 “(1) be at least 80 square feet, suicide-resist-
18 ant, and protrusion-free;

19 “(2) have adequate lighting and ventilation;

20 “(3) be kept at a reasonable temperature; and

21 “(4) provide access to clean potable water, toi-
22 let facilities, and hygiene supplies.

23 “(g) SERVICES.—A youth placed in temporary sepa-
24 ration shall have access to appropriate medical and mental

1 health services, and receive crisis intervention and one-on-
2 one observation.

3 **“§ 5006. Restrictions on shackling of youth**

4 “(a) IN GENERAL.—Instruments of restraint, such as
5 handcuffs, chains, irons, straitjackets, or similar items,
6 may not be used on a youth during a court proceeding
7 and must be removed prior to the youth’s entry into a
8 courtroom, unless the court finds that—

9 “(1) the use of restraints is necessary—

10 “(A) to prevent physical harm to the youth
11 or another person; or

12 “(B) to prevent the youth from fleeing the
13 court; and

14 “(2) a less restrictive alternative, such as the
15 presence of additional court personnel, law enforce-
16 ment officers, or bailiffs, will not be sufficient to
17 prevent the behavior described in subparagraphs (A)
18 and (B) of paragraph (1).

19 “(b) OPPORTUNITY TO RESPOND.—Before ordering
20 the use of restraints, the court shall provide the youth with
21 the opportunity to respond to any evidence presented
22 under subsection (a).

23 “(c) CERTAIN SHACKLING PROHIBITED.—A court
24 may not order the use of restraints that—

1 “(1) restrict movement of the youth’s hands,
2 such that the youth is unable to read and handle
3 documents used during the court proceeding; or

4 “(2) are fixed to a wall, the floor, or furniture.

5 **“§ 5007. Definitions**

6 “For purposes of this chapter:

7 “(1) The term ‘custodial interrogation’ means
8 questioning or other conduct by a law enforcement
9 officer which is reasonably likely to elicit an incrimi-
10 nating response from an individual and occurs when
11 reasonable individuals in the same circumstances
12 would consider themselves in custody.

13 “(2) The term ‘temporary separation’ means
14 the involuntary restriction of an individual alone in
15 a cell, room, or other area isolated away from all
16 human contact except for the employees of the de-
17 tention facility.

18 “(3) The term ‘youth’ means an individual who
19 is 21 years of age or younger.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—

21 The table of sections for chapter 401 of title 18, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

“5004. Ban on solitary confinement of youth.

“5005. Recording of custodial interrogations of youth.

“5006. Restrictions on shackling of youth.

“5007. Definitions.”.

1 (c) STUDY AND REPORT ON TEMPORARY SEPARA-
2 TION OF YOUTH IN FEDERAL FACILITIES.—Not later
3 than 2 years after the date of enactment of this Act, and
4 annually thereafter, the Attorney General shall submit to
5 Congress a report that contains—

6 (1) a detailed description of the types and con-
7 ditions of temporary separation used for Federal
8 prisoners or detainees who are youths; and

9 (2) a list of the number of instances in which
10 temporary separation was used for Federal prisoners
11 or detainees who are youths, disaggregated by age,
12 race, ethnicity, gender, and a description of the cir-
13 cumstances specific to each such instance, including
14 the cause, length, and result.

15 **SEC. 5. YOUTH CUSTODIAL INTERROGATION RECORDING**
16 **GRANTS.**

17 (a) IN GENERAL.—Title I of the Omnibus Crime
18 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
19 et seq.) is amended by adding at the end the following:

20 **“PART MM—YOUTH CUSTODIAL INTERROGATION**
21 **VIDEO RECORDING GRANTS**

22 **“SEC. 3031. CUSTODIAL INTERROGATION VIDEO RECORD-**
23 **ING GRANTS.**

24 “(a) GRANT PROGRAM.—The Attorney General shall
25 make grants to States and units of local government to

1 take whatever steps the Attorney General determines to
2 be necessary to achieve complete and accurate recording,
3 by both audio and video means, of every custodial interro-
4 gation of a youth occurring within the State or unit of
5 local government.

6 “(b) MATCHING REQUIREMENT.—The portion of the
7 costs of a program funded by a grant under this section
8 may not exceed 75 percent.

9 “(c) DEFINITIONS.—In this section:

10 “(1) The term ‘custodial interrogation’ means
11 questioning or other conduct by a law enforcement
12 officer which is reasonably likely to elicit an incrimi-
13 nating response from an individual and occurs when
14 reasonable individuals in the same circumstances
15 would consider themselves in custody.

16 “(2) The term ‘youth’ means an individual who
17 is 21 years of age or younger.”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
19 1001(a) of title I of the Omnibus Crime Control and Safe
20 Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by
21 adding at the end the following:

22 “(28) There are authorized to be appropriated
23 to carry out part MM such sums as may be nec-
24 essary for each of the first 5 fiscal years beginning
25 after the date of the enactment of such part.”.

1 **SEC. 6. POLICE-YOUTH INTERACTIONS.**

2 (a) IN GENERAL.—Beginning after the end of the im-
3 plementation period, in the case of a State or unit of local
4 government that received a grant award under subpart 1
5 of part E of title I of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), or
7 under part Q of title I of such Act (42 U.S.C. 3796dd),
8 if that State or unit of local government fails by the end
9 of a fiscal year to substantially comply with the require-
10 ments of subsections (c) and (d), the Attorney General
11 shall reduce the amount that would otherwise be awarded
12 to that State or unit of government under such grant pro-
13 gram in the following fiscal year by 5 percent.

14 (b) REALLOCATION.—Amounts not allocated under a
15 program referred to in subsection (a) to a State for failure
16 to be in compliance with this section shall be reallocated
17 under the program to States that are in compliance with
18 this section.

19 (c) POLICE-YOUTH INTERACTION POLICY.—A State
20 or unit of local government shall have in effect a policy
21 establishing procedures, standards, and training on police-
22 youth interactions that are grounded in evidence-based
23 practices and address, at a minimum, de-escalation, verbal
24 communication, physical contact, use of restraints, use of
25 lethal and nonlethal force, notification of a parent or
26 guardian, interviews and questioning, custodial interroga-

1 tion, searches, audio and video recording, conditions of
2 custody, alternatives to arrest, diversion and community
3 resources, referral to child protection agencies, removal
4 from school grounds or campus, mental health and crisis
5 intervention, and any needs specific to minority youth.

6 (d) POLICE-YOUTH INTERACTION TRAINING.—A
7 State or unit of local government shall have in effect a
8 policy requiring all law enforcement officers to receive
9 training on the police-youth interaction policy described in
10 subsection (c), and on police-youth interaction and mental
11 health crisis intervention generally, that is equal to the
12 quality and number of hours of training received for fire-
13 arms and use of force, but not less than 12 hours at the
14 start of employment and 6 hours annually thereafter.

15 (e) GUIDANCE.—Not later than 1 year after the date
16 of enactment of this Act, the Attorney General shall issue
17 guidance on the establishment of police-youth interaction
18 policies and training in order to assist States and local
19 governments in complying with subsection (a).

20 (f) IMPLEMENTATION PERIOD.—The term “imple-
21 mentation period” means the period beginning on the date
22 of enactment of this Act and ending on the later of—

23 (1) the date that is 1 year after the date of en-
24 actment of this Act; or

1 (2) the date that is 1 year after the date on
2 which the Attorney General issues the guidance re-
3 quired under subsection (e).

4 The Attorney General may extend such period by an addi-
5 tional year not more than once.

○