

117TH CONGRESS
1ST SESSION

S. 2477

To amend title 18, United States Code, to divert certain parents of minor children, expectant parents, and other caregivers from incarceration and into comprehensive programs providing resources, services, and training to those individuals and their families.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2021

Mr. WYDEN (for himself, Mr. MERKLEY, Mr. MARKEY, Mr. SANDERS, Mr. BOOKER, Mr. DURBIN, Ms. HIRONO, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to divert certain parents of minor children, expectant parents, and other caregivers from incarceration and into comprehensive programs providing resources, services, and training to those individuals and their families.

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 “Finding Alternatives
5 to Mass Incarceration: Lives Improved by Ending Separation
6 tion Act of 2021” or the “FAMILIES Act”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to divert parents of minor
3 children, expectant parents, and other caregivers from in-
4 carceration if those individuals, and society, would be bet-
5 ter served by the individuals entering into a comprehensive
6 community supervision program that would provide re-
7 sources, services, and training to them and their families.

8 **SEC. 3. FAMILIES DIVERSION PROGRAM.**

9 (a) IN GENERAL.—Chapter 227 of title 18, United
10 States Code, is amended—

11 (1) in subchapter A—

12 (A) in section 3551—

13 (i) in subsection (b)—

14 (I) in paragraph (2), by striking
15 “or” at the end;

16 (II) in paragraph (3), by striking
17 the period at the end and inserting “;
18 or”;

19 (III) by inserting after paragraph
20 (3) the following:

21 “(4) participation in the FAMILIES Program
22 as authorized by subchapter E, as a condition of a
23 term of supervised release imposed under section
24 3583”; and

1 (IV) in the undesignated matter
2 following paragraph (4), as so
3 added—

4 (aa) by striking “A sen-
5 tence” and inserting “Subject to
6 subsection (d), a sentence”; and

7 (bb) by striking “A sanc-
8 tion” and inserting “Subjection
9 to subsection (d), a sanction”;
10 and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(d) IMPOSITION OF FINES AND SANCTIONS IN AD-
14 DITION TO PARTICIPATION IN FAMILIES PROGRAM.—

15 “(1) IN GENERAL.—If the court sentences an
16 individual to participation in the FAMILIES Pro-
17 gram under subchapter E, the court may not impose
18 a sentence to pay a fine, or impose a sanction under
19 section 3554 (relating to criminal forfeiture), 3555
20 (relating to notice to victims), or 3556 (relating to
21 restitution), unless the court considers the factors
22 under paragraph (2) of this subsection.

23 “(2) CONSIDERATIONS.—Before imposing a
24 sentence to pay a fine, or imposing a sanction under
25 section 3554, 3555, or 3556, on an individual de-

1 scribed in paragraph (1) of this subsection, the court
2 shall—

3 “(A) weigh the importance of the fine or
4 sanction against—

5 “(i) the ability of the individual to af-
6 ford the fine, forfeiture, cost of giving no-
7 tice, or restitution, as applicable; and

8 “(ii) the impact of the fine or sanction
9 on the ability of the individual to succeed
10 in the FAMILIES Program; and

11 “(B) take all necessary steps to ensure
12 that the success of the individual in the FAMI-
13 LIES Program is not hindered by financial ob-
14 stacles.

15 “(3) NO MANDATORY RESTITUTION.—Notwith-
16 standing section 3663A, an order of restitution
17 under that section with respect to an individual de-
18 scribed in paragraph (1) of this subsection shall be
19 at the discretion of the court and shall be subject to
20 the requirements of this subsection.”; and

21 (B) in section 3553—

22 (i) by redesignating subsections (b)
23 through (g) as subsections (c) through (h),
24 respectively;

1 (ii) by inserting after subsection (a)
2 the following:

3 “(b) CONSIDERATION OF DIVERSION TO FAMILIES
4 PROGRAM.—

5 “(1) DETERMINATION.—Notwithstanding any
6 other provision of this section, other than subsection
7 (c), and notwithstanding any minimum term of im-
8 prisonment required to be imposed under any other
9 provision of law, in the case of a defendant who is
10 an eligible individual (as defined in section 3590),
11 the court shall determine, in accordance with para-
12 graph (2), whether the defendant, and society, would
13 be best served by diverting the defendant into the
14 FAMILIES Program under subchapter E instead of
15 sentencing the defendant to a term of probation
16 under subchapter B or a term of imprisonment
17 under subchapter D.

18 “(2) FACTORS.—

19 “(A) IN GENERAL.—In making the deter-
20 mination under paragraph (1), the court shall
21 consider, in addition to other factors the court
22 determines relevant—

23 “(i) whether the defendant has signifi-
24 cant caregiver responsibilities, including
25 significant expected parental responsibil-

1 ities in the case of an individual who is
2 pregnant or the spouse or dating partner
3 of such an individual;

4 “(ii) whether the defendant has sig-
5 nificant caregiving responsibilities with re-
6 spect to an adult dependent;

7 “(iii) whether the defendant poses no
8 apparent risk of harm to any identifiable
9 child with respect to whom the defendant
10 has significant parental responsibilities;

11 “(iv) whether the defendant poses no
12 apparent risk of harm to any identifiable
13 adult dependent with respect to whom the
14 defendant has significant caregiving re-
15 sponsibilities;

16 “(v) a statement, if available, regard-
17 ing the impact that a sentence of probation
18 or imprisonment would have on the family
19 of the defendant;

20 “(vi) the nature of the offense as it
21 relates to the future rehabilitation of the
22 defendant;

23 “(vii) the defendant’s ties to the com-
24 munity;

1 “(viii) a statement from the victim re-
2 garding the impact of the offense on the
3 victim; and

4 “(ix) any prior criminal history of the
5 defendant.

6 “(B) RULE OF CONSTRUCTION.—The
7 court shall not be required to find that each
8 factor described in subparagraph (A) weighs in
9 favor of the participation of the defendant in
10 the FAMILIES Program in order to determine
11 that the defendant, and society, would be best
12 served by diverting the defendant into the
13 FAMILIES Program.

14 “(3) FINDINGS OF FACT.—At the time of sen-
15 tencing a defendant who is an eligible individual (as
16 defined in section 3590), the court, in stating in
17 open court the reasons for its imposition of the par-
18 ticular sentence under subsection (c), shall include
19 its determination under paragraph (1) of this sub-
20 section as to whether the defendant, and society,
21 would be best served by diverting the defendant into
22 the FAMILIES Program under subchapter E, in-
23 cluding findings of fact supporting that determina-
24 tion.”;

1 (iii) in subsection (c), as so redesignated,
 2 nated, by striking “or (c)” and inserting
 3 “or (d)”;

4 (iv) in subsection (d), as so redesignated,
 5 nated, by striking “or (b)” and inserting
 6 “or (c)”;

7 (v) in subsection (e)(3), as so redesignated,
 8 nated, by striking “subsection (c)” and in-
 9 serting “subsection (d)”;

10 (2) in subchapter (D), in section 3583(a)—

11 (A) by inserting “or a sentence of partici-
 12 pation in the FAMILIES Program under sub-
 13 chapter E” after “term of imprisonment”; and

14 (B) by inserting “or as a requirement of
 15 participation in the FAMILIES Program, as
 16 the case may be,” after “after imprisonment”;
 17 and

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

19 **“Subchapter E—FAMILIES Program**

20 **“§ 3590. Definitions**

21 “In this subchapter—

22 “(1) the term ‘child abuse and neglect’ has the
 23 meaning given the term in section 3 of the Child
 24 Abuse Prevention and Treatment Act (42 U.S.C.
 25 5101 note; Public Law 93–247);

1 “(2) the term ‘dating partner’ has the meaning
2 given the term in section 40002(a) of the Violence
3 Against Women Act of 1994 (34 U.S.C. 12291(a));

4 “(3) the term ‘domestic violence’ has the mean-
5 ing given the term in section 40002(a) of the Vio-
6 lence Against Women Act of 1994 (34 U.S.C.
7 12291(a));

8 “(4) the term ‘electronic means’ includes tele-
9 phone, teleconference, and videoconference;

10 “(5) the term ‘eligible individual’ means an in-
11 dividual who is—

12 “(A) a parent of a minor child;

13 “(B) pregnant;

14 “(C) a caregiver for a minor child or other
15 minor relative;

16 “(D) a caregiver for an individual with dis-
17 abilities;

18 “(E) a caregiver for an elderly family
19 member; or

20 “(F) the spouse or dating partner of an in-
21 dividual who is—

22 “(i) a parent of a minor child; or

23 “(ii) pregnant;

24 “(6) the term ‘FAMILIES Program’ means the
25 program established under section 3590B;

1 “(7) the term ‘minor’, with respect to an indi-
2 vidual, means the individual is under the age of 18;

3 “(8) the term ‘Office’ means the Office of Pro-
4 bation and Pretrial Services of the Administrative
5 Office of the United States Courts;

6 “(9) the term ‘participant’ means an eligible in-
7 dividual who is participating in the FAMILIES Pro-
8 gram;

9 “(10) the term ‘Secretary’ means the Secretary
10 of Health and Human Services; and

11 “(11) the term ‘trauma-informed decision mak-
12 ing’ means decision making—

13 “(A) informed by an organizational struc-
14 ture and treatment framework that involves un-
15 derstanding, recognizing, and responding to the
16 effects of all types of trauma; and

17 “(B) in accordance with recognized prin-
18 ciples of a trauma-informed approach and trau-
19 ma-specific interventions to address the con-
20 sequences of trauma and facilitate healing.

21 **“§ 3590A. Sentencing**

22 “(a) IMPOSITION OF SENTENCE.—If an eligible indi-
23 vidual is found guilty of an offense and the court makes
24 an affirmative determination under section 3553(b)(1),
25 the court shall impose a sentence for the offense that in-

1 cludes participation in the FAMILIES Program instead
2 of a term of probation under subchapter B or a term of
3 imprisonment under subchapter D.

4 “(b) CONSIDERATION OF SPECIAL FAMILIES PRO-
5 GRAM AND EXPUNGEMENT PROCEDURES.—In imposing a
6 sentence under subsection (a), the court shall consider
7 whether to utilize the procedures under section 3590D in
8 light of the personal history of the defendant and whether
9 a record of the arrest, criminal proceedings, or conviction
10 for the offense and the associated collateral consequences
11 would harm the defendant and the ability of the defendant
12 to perform caregiving duties.

13 “(c) IDENTIFYING PROGRAMS AND SERVICES.—

14 “(1) IN GENERAL.—In imposing a sentence
15 under subsection (a), the court, in collaboration with
16 the Office and the Secretary, shall identify the pro-
17 grams and services that the defendant shall be re-
18 quired to complete in order to successfully complete
19 the FAMILIES Program.

20 “(2) USER FEES AND OTHER COSTS.—

21 “(A) IN GENERAL.—In identifying the pro-
22 grams and services that a defendant shall be re-
23 quired to complete under the Families Pro-
24 gram, the court may not impose on the defend-
25 ant any user fee or other cost relating to those

1 programs and services unless the court con-
2 siders the factors under subparagraph (B).

3 “(B) CONSIDERATIONS.—Before imposing
4 any user fee or other cost relating to programs
5 and services under the Families Program on a
6 defendant, the court shall—

7 “(i) weigh the importance of the fee
8 or other cost against—

9 “(I) the ability of the defendant
10 to afford the fee or other cost; and

11 “(II) the impact of the fee or
12 other cost on the ability of the defend-
13 ant to succeed in the FAMILIES Pro-
14 gram; and

15 “(ii) take all necessary steps to ensure
16 that the success of the defendant in the
17 FAMILIES Program is not hindered by fi-
18 nancial obstacles.

19 “(d) TRAINING FOR JUDGES.—The Secretary, in col-
20 laboration with the Attorney General, the United States
21 Sentencing Commission, and the Chief of the Defender
22 Services Office of the Administrative Office of the United
23 States Courts shall develop training for judges of the dis-
24 trict courts on how to implement the FAMILIES Pro-
25 gram, which shall include training on—

- 1 “(1) trauma-informed decision making;
- 2 “(2) child development, family dynamics, and
- 3 the effects of parental separation;
- 4 “(3) domestic violence;
- 5 “(4) child abuse and neglect;
- 6 “(5) substance abuse and addiction;
- 7 “(6) mental health;
- 8 “(7) cultural competence; and
- 9 “(8) examining bias.

10 **“§ 3590B. FAMILIES Program**

11 “(a) ESTABLISHMENT.—The Office, in cooperation

12 with the Director of the Administrative Office of the

13 United States Courts, the Attorney General, the Sec-

14 retary, and the Chief of the Defender Services Office of

15 the Administrative Office of the United States Courts,

16 shall establish and operate the FAMILIES Program for

17 purposes of this subchapter.

18 “(b) CONTENTS.—The FAMILIES Program shall in-

19 clude—

20 “(1) education programs, including—

21 “(A) general educational development

22 (commonly known as ‘GED’) programs; and

23 “(B) postsecondary education programs,

24 including enrollment in community college

25 coursework;

1 “(2) employment counseling and job-seeking ac-
2 tivities;

3 “(3) subsidized jobs programs;

4 “(4) in-home parenting and skill-based pro-
5 grams;

6 “(5) substance abuse and mental health treat-
7 ment programs, including medication-assisted treat-
8 ment programs that make available not less than 2
9 drugs that have been approved under the Federal
10 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et
11 seq.) or section 351 of the Public Health Service Act
12 (42 U.S.C. 262) for the treatment of an opioid use
13 disorder; and

14 “(6) two-generation model programs that ad-
15 dress needs of both the parent and the child.

16 “(c) COLLABORATION WITH STATE AND LOCAL GOV-
17 ERNMENTS.—The Office, the Director of the Administra-
18 tive Office of the United States Courts, the Attorney Gen-
19 eral, and the Secretary shall collaborate with State and
20 local governmental agencies and nonprofit organizations
21 to offer comprehensive community supervision programs
22 and services to a participant under the FAMILIES Pro-
23 gram in areas close to the place of residence of the partici-
24 pant.

1 “(d) CONNECTION TO SERVICES.—The court that
2 sentences an eligible individual to participate in the FAM-
3 ILIES Program, to the extent practicable, shall connect
4 the eligible individual to services and programs that will
5 meet the basic needs of the individual and the family of
6 the individual, as appropriate, including—

7 “(1) health care services, including assistance
8 with enrollment in health insurance;

9 “(2) housing assistance;

10 “(3) services to help the individual enroll in—

11 “(A) the special supplemental nutrition
12 program for women, infants, and children es-
13 tablished by section 17 of the Child Nutrition
14 Act of 1966 (42 U.S.C. 1786) (commonly
15 known as the ‘WIC Program’);

16 “(B) the supplemental nutrition assistance
17 program under the Food and Nutrition Act of
18 2008 (7 U.S.C. 2011 et seq.) (commonly known
19 as the ‘SNAP Program’);

20 “(C) the program of block grants for
21 States for temporary assistance for needy fami-
22 lies established under part A of title IV of the
23 Social Security Act (42 U.S.C. 601 et seq.)
24 (commonly known as the ‘TANF Program’);

1 “(D) disability insurance benefits under
2 title II of the Social Security Act (42 U.S.C.
3 401 et seq.), or other benefits payable under
4 such title on the basis of a disability; and

5 “(E) supplemental security income benefits
6 under title XVI of the Social Security Act (42
7 U.S.C. 1381 et seq.);

8 “(4) evidence-based substance use disorder
9 treatment, including medication-assisted treatment
10 described in subsection (b)(5), and harm reduction
11 services; and

12 “(5) any other service or program that the
13 court determines necessary to meet the basic needs
14 of the individual and the family of the individual, in-
15 cluding family therapy or counseling services.

16 “(e) OPERATION DURING EMERGENCIES.—

17 “(1) IN GENERAL.—To the extent practicable,
18 during a period of a national or State public health
19 emergency, including the COVID–19 pandemic, the
20 FAMILIES Program may be conducted solely by
21 electronic means.

22 “(2) INABILITY TO PARTICIPATE.—During a
23 period described in paragraph (1), if an element of
24 the FAMILIES Program is not available by elec-
25 tronic means—

1 “(A) a participant shall not be penalized
2 for being unable to participate in the unavail-
3 able element; and

4 “(B) the Office may offer a participant de-
5 scribed in subparagraph (A) the opportunity to
6 participate in other elements of the FAMILIES
7 Program that can be conducted solely by elec-
8 tronic means.

9 **“§ 3590C. Continuation or revocation of participation**

10 “(a) IN GENERAL.—If the defendant violates a condi-
11 tion of participation in the FAMILIES Program at any
12 time prior to completion of the program, the court may,
13 after conducting a hearing, considering the factors set
14 forth in section 3553(a) to the extent that they are appli-
15 cable, and considering whether the programmatic require-
16 ments of the sentence need to be modified in order for
17 the defendant to be successful—

18 “(1) continue the participation of the defendant
19 in the FAMILIES Program, with or without extend-
20 ing the term or modifying or enlarging the condi-
21 tions; or

22 “(2) revoke the sentence and resentence the de-
23 fendant under subchapter A.

24 “(b) RIGHT TO COUNSEL.—

1 “(1) IN GENERAL.—At a hearing conducted
2 under subsection (a), the defendant shall have the
3 right to be represented by counsel.

4 “(2) COURT-PROVIDED COUNSEL.—

5 “(A) IN GENERAL.—If the defendant is fi-
6 nancially unable to obtain representation by
7 counsel for the hearing under subsection (a),
8 the court shall appoint counsel to represent the
9 defendant in the hearing.

10 “(B) APPOINTMENT; COMPENSATION.—
11 Appointment and compensation of counsel
12 under subparagraph (A) shall be in accordance
13 with section 3006A.

14 “(c) SUBSTANCE USE DISORDER RELAPSE.—If a de-
15 fendant participating in the FAMILIES Program who is
16 recovering from a substance use disorder suffers a relapse,
17 the court—

18 “(1) shall notify each service provider that is
19 working with the defendant under the FAMILIES
20 Program; and

21 “(2) may not revoke the sentence of the defend-
22 ant or otherwise penalize the defendant under sub-
23 section (a) solely because of the relapse.

1 **“§ 3590D. Pre-judgment sentence and expungement**
2 **procedures**

3 “(a) PRE-JUDGMENT SENTENCE.—

4 “(1) IN GENERAL.—If an eligible individual is
5 found guilty of an offense and the court makes an
6 affirmative determination under sections 3553(b)(1)
7 and 3590A(b), the court may, with the consent of
8 the individual, sentence the individual to participa-
9 tion in the FAMILIES Program for a term to be de-
10 termined by the court without entering a judgment
11 of conviction.

12 “(2) EARLY DISCHARGE.—At any time before
13 the expiration of the term of the sentence under
14 paragraph (1), if the individual has not violated a
15 condition of participation in the FAMILIES Pro-
16 gram, the court may, without entering a judgment
17 of conviction, dismiss the proceedings against the in-
18 dividual and discharge the individual from the FAM-
19 ILIES Program.

20 “(3) TIMELY DISCHARGE.—At the expiration of
21 the term of the sentence under paragraph (1), if the
22 individual has not violated a condition of participa-
23 tion in the FAMILIES Program, the court shall,
24 without entering a judgment of conviction, dismiss
25 the proceedings against the individual and discharge
26 the individual from the FAMILIES Program.

1 “(4) REVOCATION.—If the individual violates a
2 condition of participation in the FAMILIES Pro-
3 gram, the court shall proceed in accordance with the
4 provisions of section 3590C.

5 “(b) COLLATERAL CONSEQUENCES.—A disposition
6 under subsection (a), or a conviction that is the subject
7 of an expungement order under subsection (c), shall not
8 be considered a conviction for the purpose of a disquali-
9 fication or a disability imposed by law upon conviction of
10 a crime, or for any other purpose.

11 “(c) EXPUNGEMENT OF RECORD OF DISPOSITION.—

12 “(1) IN GENERAL.—If the case against an indi-
13 vidual is the subject of a disposition under sub-
14 section (a), and the individual was less than 21
15 years old at the time of the offense, the court shall
16 enter an expungement order upon dismissing the
17 proceedings against the individual and discharging
18 the individual from the FAMILIES Program.

19 “(2) CONTENTS OF ORDER.—An expungement
20 order entered under paragraph (1) shall direct that
21 there be expunged from all official records all ref-
22 erences to the arrest of the individual for the of-
23 fense, the institution of criminal proceedings against
24 the individual, and the results thereof.

1 “(3) EFFECT.—The effect of an expungement
 2 order entered under paragraph (1) shall be to re-
 3 store the individual, in the contemplation of the law,
 4 to the status the individual occupied before the ar-
 5 rest or institution of criminal proceedings.

6 “(4) PROTECTION FROM PERJURY LAWS.—An
 7 individual concerning whom an expungement order
 8 has been entered under paragraph (1) shall not be
 9 held thereafter under any provision of law to be
 10 guilty of perjury, false swearing, or making a false
 11 statement by reason of the failure of the individual
 12 to recite or acknowledge the arrests or institution of
 13 criminal proceedings for the offense, or the results
 14 thereof, in response to an inquiry made of the indi-
 15 vidual for any purpose.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 17 Chapter 227 of title 18, United States Code, is amended—

18 (1) by striking the matter between the chapter
 19 heading and the heading for subchapter A and in-
 20 serting the following:

“SUBCHAPTER A—GENERAL PROVISIONS

“Sec.

“3551. Authorized sentences.

“3552. Presentence reports.

“3553. Imposition of a sentence.

“3554. Order of criminal forfeiture.

“3555. Order of notice to victims.

“3556. Order of restitution.

“3557. Review of a sentence.

“3558. Implementation of a sentence.

“3559. Sentencing classification of offenses.

“SUBCHAPTER B—PROBATION

- “3561. Sentence of probation.
- “3562. Imposition of a sentence of probation.
- “3563. Conditions of probation.
- “3564. Running of a term of probation.
- “3565. Revocation of probation.
- “3566. Implementation of a sentence of probation.

“SUBCHAPTER C—FINES

- “3571. Sentence of fine.
- “3572. Imposition of a sentence of fine and related matters.
- “3573. Petition of the government for modification or remission.
- “3574. Implementation of a sentence of fine.

“SUBCHAPTER D—IMPRISONMENT

- “3581. Sentence of imprisonment.
- “3582. Imposition of a sentence of imprisonment.
- “3583. Inclusion of a term of supervised release after imprisonment.
- “3584. Multiple sentences of imprisonment.
- “3585. Calculation of a term of imprisonment.
- “3586. Implementation of a sentence of imprisonment.

“SUBCHAPTER E—FAMILIES PROGRAM

- “3590. Definitions.
- “3590A. Sentencing.
- “3590B. FAMILIES Program.
- “3590C. Continuation or revocation of participation.
- “3590D. Pre-judgment sentence and expungement procedures.”.

1 (2) by striking the matter between section 3559
2 and the heading for subchapter B;

3 (3) by striking the matter between section 3566
4 and the heading for subchapter C; and

5 (4) by striking the matter between section 3574
6 and the heading for subchapter D.

7 (c) STATE GRANT PROGRAM.—

8 (1) DEFINITION.—In this subsection, the term
9 “Attorney General” means the Attorney General,
10 acting through the Director of the Bureau of Justice
11 Assistance.

1 (2) AUTHORITY.—The Attorney General shall
2 make grants to States to replicate, on a larger scale,
3 successful State parenting sentencing alternatives
4 (commonly known as “PSA”) programs that have
5 the potential to keep parents out of prison.

6 (3) APPROPRIATION.—There is appropriated,
7 out of amounts in the Treasury not otherwise appro-
8 priated, for fiscal year 2022, to remain available
9 until expended, \$20,000,000 to the Attorney General
10 to carry out paragraph (2).

11 (d) STUDIES.—

12 (1) OFFICE OF PLANNING, RESEARCH AND
13 EVALUATION STUDY.—

14 (A) IN GENERAL.—Not later than 2 years
15 after the date of enactment of this Act, the Of-
16 fice of Planning, Research and Evaluation of
17 the Department of Health and Human Services,
18 in collaboration with the National Institute of
19 Justice, shall study and publish a report on the
20 effects of incarceration on children of incarcer-
21 ated parents.

22 (B) APPROPRIATION.—Out of amounts in
23 the Treasury not otherwise appropriated, there
24 is appropriated to the Office of Planning, Re-
25 search and Evaluation of the Department of

1 Health and Human Services to carry out the
2 study under subparagraph (A), \$1,000,000 for
3 fiscal year 2022, to remain available until ex-
4 pended.

5 (2) GAO STUDY.—Not later than 2 years after
6 the date of enactment of this Act, the Comptroller
7 General of the United States shall examine the im-
8 plementation of the FAMILIES Program under sub-
9 chapter E of chapter 227 of title 18, United States
10 Code (as added by subsection (a)), focusing on de-
11 mographic data and profiles of program participants
12 in order to—

13 (A) determine—

14 (i) who is receiving the benefits of the
15 program;

16 (ii) that program services are equi-
17 tably available to all eligible individuals;
18 and

19 (iii) how program services can be bet-
20 ter directed to eligible individuals who
21 would otherwise be sentenced to a term of
22 probation or a term of imprisonment; and

23 (B) examine access to the FAMILIES
24 Program for Black, Latinx or Hispanic, Native

1 American, Asian American, and Pacific Islander
2 communities.

3 (e) APPROPRIATIONS.—

4 (1) IMPLEMENTATION.—Out of amounts in the
5 Treasury not otherwise appropriated, there is appro-
6 priated to the Office of Probation and Pretrial Serv-
7 ices of the Administrative Office of the United
8 States Courts to carry out the FAMILIES Program
9 established under section 3590B of title 18, United
10 States Code, as added by subsection (a) of this sec-
11 tion, \$100,000,000 for fiscal year 2022, to remain
12 available until expended.

13 (2) TRAINING.—Out of amounts in the Treas-
14 ury not otherwise appropriated, there is appro-
15 priated to the Secretary of Health and Human Serv-
16 ices to develop training for judges under section
17 3590A(d) of title 18, United States Code, as added
18 by subsection (a) of this section, \$5,000,000 for fis-
19 cal year 2022, to remain available until expended.

○