

116TH CONGRESS  
2D SESSION

# H. R. 8774

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2020

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

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## 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 2020” 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.”; and

23                                       (IV) in the undesignated matter  
24                                       following paragraph (4), as so  
25                                       added—

1 (aa) by striking “A sen-  
2 tence” and inserting “Subject to  
3 subsection (d), a sentence”; and

4 (bb) by striking “A sanc-  
5 tion” and inserting “Subjection  
6 to subsection (d), a sanction”;  
7 and

8 (ii) by adding at the end the fol-  
9 lowing:

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

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

20 “(2) CONSIDERATIONS.—Before imposing a  
21 sentence to pay a fine, or imposing a sanction under  
22 section 3554, 3555, or 3556, on an individual de-  
23 scribed in paragraph (1) of this subsection, the court  
24 shall—

1           “(A) weigh the importance of the fine or  
2           sanction against—

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

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

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

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

19                   (B) in section 3553—

20                           (i) by redesignating subsections (b)  
21                           through (g) as subsections (e) through (h),  
22                           respectively;

23                           (ii) by inserting after subsection (a)  
24                           the following:

1       “(b) CONSIDERATION OF DIVERSION TO FAMILIES  
2 PROGRAM.—

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

16           “(2) FACTORS.—

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

21           “(i) whether the defendant has signifi-  
22 cant parental responsibilities, including sig-  
23 nificant expected parental responsibilities  
24 in the case of an individual who is preg-

1           nant or the spouse or dating partner of  
2           such an individual;

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

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

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

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

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

22          “(vii) the defendant’s ties to the com-  
23          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 inserting  
9 “subsection (d)”;

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

11 **“Subchapter E—FAMILIES Program**

12 **“§ 3590. Definitions**

13 “In this subchapter—

14 “(1) the term ‘child abuse and neglect’ has the  
15 meaning given the term in section 3 of the Child  
16 Abuse Prevention and Treatment Act (42 U.S.C.  
17 5101 note; Public Law 93–247);

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

21 “(3) the term ‘domestic violence’ has the mean-  
22 ing given the term in section 40002(a) of the Violence  
23 Against Women Act of 1994 (34 U.S.C.  
24 12291(a));



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

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

5                   “(A) a parent of a minor child;

6                   “(B) pregnant;

7                   “(C) a caregiver for a minor child or other  
8 minor relative;

9                   “(D) a caregiver for an individual with dis-  
10 abilities;

11                   “(E) a caregiver for an elderly family  
12 member; or

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

15                           “(i) a parent of a minor child; or

16                           “(ii) pregnant;

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

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

21           “(8) the term ‘Office’ means the Office of Pro-  
22 bation and Pretrial Services of the Administrative  
23 Office of the United States Courts;

1           “(9) the term ‘participant’ means an eligible in-  
2           dividual who is participating in the FAMILIES Pro-  
3           gram;

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

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

8                   “(A) informed by an organizational struc-  
9                   ture and treatment framework that involves un-  
10                  derstanding, recognizing, and responding to the  
11                  effects of all types of trauma; and

12                   “(B) in accordance with recognized prin-  
13                  ciples of a trauma-informed approach and trau-  
14                  ma-specific interventions to address the con-  
15                  sequences of trauma and facilitate healing.

16 **“§ 3590A. Sentencing**

17           “(a) IMPOSITION OF SENTENCE.—If an eligible indi-  
18           vidual is found guilty of an offense and the court makes  
19           an affirmative determination under section 3553(b)(1),  
20           the court shall impose a sentence for the offense that in-  
21           cludes participation in the FAMILIES Program instead  
22           of a term of probation under subchapter B or a term of  
23           imprisonment under subchapter D.

24           “(b) CONSIDERATION OF SPECIAL FAMILIES PRO-  
25           GRAM AND EXPUNGEMENT PROCEDURES.—In imposing a

1 sentence under subsection (a), the court shall consider  
2 whether to utilize the procedures under section 3590D in  
3 light of the personal history of the defendant and whether  
4 a record of the arrest, criminal proceedings, or conviction  
5 for the offense and the associated collateral consequences  
6 would harm the defendant and the ability of the defendant  
7 to perform caregiving duties.

8 “(c) IDENTIFYING PROGRAMS AND SERVICES.—

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

15 “(2) USER FEES AND OTHER COSTS.—

16 “(A) IN GENERAL.—In identifying the pro-  
17 grams and services that a defendant shall be re-  
18 quired to complete under the Families Pro-  
19 gram, the court may not impose on the defend-  
20 ant any user fee or other cost relating to those  
21 programs and services unless the court con-  
22 sider the factors under subparagraph (B).

23 “(B) CONSIDERATIONS.—Before imposing  
24 any user fee or other cost relating to programs

1 and services under the Families Program on a  
2 defendant, the court shall—

3 “(i) weigh the importance of the fee  
4 or other cost against—

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

7 “(II) the impact of the fee or  
8 other cost on the ability of the defend-  
9 ant to succeed in the FAMILIES Pro-  
10 gram; and

11 “(ii) take all necessary steps to ensure  
12 that the success of the defendant in the  
13 FAMILIES Program is not hindered by fi-  
14 nancial obstacles.

15 “(d) TRAINING FOR JUDGES.—The Secretary, in col-  
16 laboration with the Attorney General and the United  
17 States Sentencing Commission, shall develop training for  
18 judges of the district courts on how to implement the  
19 FAMILIES Program, which shall include training on—

20 “(1) trauma-informed decision making;

21 “(2) child development, family dynamics, and  
22 the effects of parental separation;

23 “(3) domestic violence;

24 “(4) child abuse and neglect;

25 “(5) substance abuse and addiction;

1 “(6) mental health;

2 “(7) cultural competence; and

3 “(8) examining bias.

4 **“§ 3590B. FAMILIES Program**

5 “(a) ESTABLISHMENT.—The Office, in cooperation  
6 with the Director of the Administrative Office of the  
7 United States Courts, the Attorney General, the Sec-  
8 retary, and the Chief of the Defender Services Office of  
9 the Administrative Office of the United States Courts,  
10 shall establish and operate the FAMILIES Program for  
11 purposes of this subchapter.

12 “(b) CONTENTS.—The FAMILIES Program shall in-  
13 clude—

14 “(1) education programs, including—

15 “(A) general educational development  
16 (commonly known as ‘GED’) programs; and

17 “(B) postsecondary education programs,  
18 including enrollment in community college  
19 coursework;

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

22 “(3) subsidized jobs programs;

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

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

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

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

20          “(d) CONNECTION TO SERVICES.—The court that  
21          sentences an eligible individual to participate in the FAM-  
22          ILIES Program, to the extent practicable, shall connect  
23          the eligible individual to services and programs that will  
24          meet the basic needs of the individual and the family of  
25          the individual, as appropriate, including—

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

3           “(2) housing assistance;

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

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

10               “(B) the supplemental nutrition assistance  
11 program under the Food and Nutrition Act of  
12 2008 (7 U.S.C. 2011 et seq.) (commonly known  
13 as the ‘SNAP Program’);

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

19               “(D) disability insurance benefits under  
20 title II of the Social Security Act (42 U.S.C.  
21 401 et seq.), or other benefits payable under  
22 such title on the basis of a disability; and

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

1           “(4) evidence-based substance use disorder  
2 treatment, including medication-assisted treatment  
3 described in subsection (b)(5), and harm reduction  
4 services; and

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

9           “(e) OPERATION DURING EMERGENCIES.—

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

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

19           “(A) a participant shall not be penalized  
20 for being unable to participate in the unavail-  
21 able element; and

22           “(B) the Office may offer a participant de-  
23 scribed in subparagraph (A) the opportunity to  
24 participate in other elements of the FAMILIES



1           Program that can be conducted solely by elec-  
2           tronic means.

3 **“§ 3590C. Continuation or revocation of participation**

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

12           “(1) continue the participation of the defendant  
13          in the FAMILIES Program, with or without extend-  
14          ing the term or modifying or enlarging the condi-  
15          tions; or

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

18          “(b) RIGHT TO COUNSEL.—

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

22           “(2) COURT-PROVIDED COUNSEL.—

23           “(A) IN GENERAL.—If the defendant is fi-  
24          nancially unable to obtain representation by  
25          counsel for the hearing under subsection (a),

1 the court shall appoint counsel to represent the  
2 defendant in the hearing.

3 “(B) APPOINTMENT; COMPENSATION.—  
4 Appointment and compensation of counsel  
5 under subparagraph (A) shall be in accordance  
6 with section 3006A.

7 “(c) SUBSTANCE USE DISORDER RELAPSE.—If a de-  
8 fendant participating in the FAMILIES Program who is  
9 recovering from a substance use disorder suffers a relapse,  
10 the court—

11 “(1) shall notify each service provider that is  
12 working with the defendant under the FAMILIES  
13 Program; and

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

17 **“§ 3590D. Pre-judgment sentence and expungement**  
18 **procedures**

19 “(a) PRE-JUDGMENT SENTENCE.—

20 “(1) IN GENERAL.—If an eligible individual is  
21 found guilty of an offense and the court makes an  
22 affirmative determination under sections 3553(b)(1)  
23 and 3590A(b), the court may, with the consent of  
24 the individual, sentence the individual to participa-  
25 tion in the FAMILIES Program for a term to be de-

1       terminated by the court without entering a judgment  
2       of conviction.

3               “(2) EARLY DISCHARGE.—At any time before  
4       the expiration of the term of the sentence under  
5       paragraph (1), if the individual has not violated a  
6       condition of participation in the FAMILIES Pro-  
7       gram, the court may, without entering a judgment  
8       of conviction, dismiss the proceedings against the in-  
9       dividual and discharge the individual from the FAM-  
10      ILIES Program.

11              “(3) TIMELY DISCHARGE.—At the expiration of  
12      the term of the sentence under paragraph (1), if the  
13      individual has not violated a condition of participa-  
14      tion in the FAMILIES Program, the court shall,  
15      without entering a judgment of conviction, dismiss  
16      the proceedings against the individual and discharge  
17      the individual from the FAMILIES Program.

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

22              “(b) COLLATERAL CONSEQUENCES.—A disposition  
23      under subsection (a), or a conviction that is the subject  
24      of an expungement order under subsection (c), shall not  
25      be considered a conviction for the purpose of a disquali-

1 fication or a disability imposed by law upon conviction of  
2 a crime, or for any other purpose.

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

4 “(1) IN GENERAL.—If the case against an indi-  
5 vidual is the subject of a disposition under sub-  
6 section (a), and the individual was less than 21  
7 years old at the time of the offense, the court shall  
8 enter an expungement order upon dismissing the  
9 proceedings against the individual and discharging  
10 the individual from the FAMILIES Program.

11 “(2) CONTENTS OF ORDER.—An expungement  
12 order entered under paragraph (1) shall direct that  
13 there be expunged from all official records all ref-  
14 erences to the arrest of the individual for the of-  
15 fense, the institution of criminal proceedings against  
16 the individual, and the results thereof.

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

22 “(4) PROTECTION FROM PERJURY LAWS.—An  
23 individual concerning whom an expungement order  
24 has been entered under paragraph (1) shall not be  
25 held thereafter under any provision of law to be

1 guilty of perjury, false swearing, or making a false  
 2 statement by reason of the failure of the individual  
 3 to recite or acknowledge the arrests or institution of  
 4 criminal proceedings for the offense, or the results  
 5 thereof, in response to an inquiry made of the indi-  
 6 vidual for any purpose.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
 8 Chapter 227 of title 18, United States Code, is amended—  
 9 (1) by striking the matter between the chapter  
 10 heading and the heading for subchapter A and in-  
 11 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.

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

17          (3) APPROPRIATION.—There is appropriated,  
 18          out of amounts in the Treasury not otherwise appro-  
 19          priated, for fiscal year 2020, to remain available

1 until expended, \$20,000,000 to the Attorney General  
2 to carry out paragraph (2).

3 (d) STUDIES.—

4 (1) OFFICE OF PLANNING, RESEARCH AND  
5 EVALUATION STUDY.—

6 (A) IN GENERAL.—Not later than 2 years  
7 after the date of enactment of this Act, the Of-  
8 fice of Planning, Research and Evaluation of  
9 the Department of Health and Human Services,  
10 in collaboration with the National Institute of  
11 Justice, shall study and publish a report on the  
12 effects of incarceration on children of incarcer-  
13 ated parents.

14 (B) APPROPRIATION.—Out of amounts in  
15 the Treasury not otherwise appropriated, there  
16 is appropriated to the Office of Planning, Re-  
17 search and Evaluation of the Department of  
18 Health and Human Services to carry out the  
19 study under subparagraph (A), \$1,000,000 for  
20 fiscal year 2021, to remain available until ex-  
21 pended.

22 (2) GAO STUDY.—Not later than 2 years after  
23 the date of enactment of this Act, the Comptroller  
24 General of the United States shall examine the im-  
25 plementation of the FAMILIES Program under sub-

1 chapter E of chapter 227 of title 18, United States  
2 Code (as added by subsection (a)), focusing on de-  
3 mographic data and profiles of program participants  
4 in order to—

5 (A) determine—

6 (i) who is receiving the benefits of the  
7 program;

8 (ii) that program services are equi-  
9 tably available to all eligible individuals;  
10 and

11 (iii) how program services can be bet-  
12 ter directed to eligible individuals who  
13 would otherwise be sentenced to a term of  
14 probation or a term of imprisonment; and

15 (B) examine access to the FAMILIES  
16 Program for Black, Latinx or Hispanic, Native  
17 American, Asian American, and Pacific Islander  
18 communities.

19 (e) APPROPRIATIONS.—

20 (1) IMPLEMENTATION.—Out of amounts in the  
21 Treasury not otherwise appropriated, there is appro-  
22 priated to the Office of Probation and Pretrial Serv-  
23 ices of the Administrative Office of the United  
24 States Courts to carry out the FAMILIES Program  
25 established under section 3590B of title 18, United



1 States Code, as added by subsection (a) of this sec-  
2 tion, \$100,000,000 for fiscal year 2021, to remain  
3 available until expended.

4 (2) TRAINING.—Out of amounts in the Treas-  
5 ury not otherwise appropriated, there is appro-  
6 priated to the Secretary of Health and Human Serv-  
7 ices to develop training for judges under section  
8 3590A(d) of title 18, United States Code, as added  
9 by subsection (a) of this section, \$5,000,000 for fis-  
10 cal year 2021, to remain available until expended.

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