

## TRAFFICKING SURVIVORS RELIEF ACT

OCTOBER 17, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JORDAN, from the Committee on the Judiciary,  
submitted the following

### R E P O R T

[To accompany H.R. 4323]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4323) to provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

#### CONTENTS

	Page
Purpose and Summary .....	6
Background and Need for the Legislation .....	6
Hearings .....	9
Committee Consideration .....	9
Committee Votes .....	9
Committee Oversight Findings .....	9
New Budget Authority and Tax Expenditures .....	10
Congressional Budget Office Cost Estimate .....	10
Committee Estimate of Budgetary Effects .....	10
Duplication of Federal Programs .....	10
Performance Goals and Objectives .....	10
Advisory on Earmarks .....	10
Federal Mandates Statement .....	11
Advisory Committee Statement .....	11
Applicability to Legislative Branch .....	11
Section-by-Section Analysis .....	11
Changes in Existing Law Made by the Bill, as Reported .....	13

The amendment is as follows:

Strike all that follows after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Trafficking Survivors Relief Act”.

**SEC. 2. FEDERAL EXPUNGEMENT FOR VICTIMS OF TRAFFICKING.**

(a) IN GENERAL.—Chapter 237 of title 18, United States Code, is amended by adding at the end the following:

**“§ 3771A. Motion to vacate; expungement; mitigating factors**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘child’ means an individual who has not attained 18 years of age;

“(2) the term ‘covered prisoner’ means an individual who—

“(A) was convicted of a level A offense or level B offense;

“(B) was sentenced to a term of imprisonment for the offense described in subparagraph (A); and

“(C) is, or was previously, imprisoned or incarcerated under such sentence for a term of imprisonment;

“(3) the terms ‘employee’ and ‘officer’ have the meanings given the terms in section 2105 of title 5;

“(4) the term ‘Federal offense’ means an offense that is punishable under Federal law;

“(5) the term ‘level A offense’ means a Federal offense that is not a violent crime;

“(6) the term ‘level B offense’—

“(A) means a Federal offense that is a violent crime; and

“(B) does not include a Federal offense that is a violent crime of which a child was a victim;

“(7) the term ‘victim of trafficking’ has the meaning given that term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102); and

“(8) the term ‘violent crime’ has the meaning given the term ‘crime of violence’ in section 16(a) of this title.

“(b) MOTIONS TO VACATE CONVICTIONS OR EXPUNGE ARRESTS.—

“(1) IN GENERAL.—

“(A) CONVICTIONS OF LEVEL A OFFENSES.—A person convicted of any level A offense (or an attorney representing such a person) may move the court that imposed the sentence for the level A offense to vacate the judgment of conviction if the level A offense was committed as a direct result of the person having been a victim of trafficking.

“(B) ARRESTS FOR LEVEL A OFFENSES.—A person arrested for any level A offense (or an attorney representing such a person) may move the district court of the United States for the district and division embracing the place where the person was arrested to expunge all records of the arrest if the conduct or alleged conduct of the person that resulted in the arrest was directly related to the person having been a victim of trafficking.

“(C) ARRESTS FOR LEVEL B OFFENSES.—A person arrested for any level B offense (or an attorney representing such a person) may move the district court of the United States for the district and division embracing the place where the person was arrested to expunge all records of the arrest if—

“(i) the conduct or alleged conduct of the movant that resulted in the arrest was directly related to the movant having been a victim of trafficking; and

“(ii)(I) the movant was acquitted of the level B offense;

“(II) the Government did not pursue, or the Government moved to dismiss, criminal charges against the movant for the level B offense; or

“(III)(aa) the charges against the movant for the level B offense were reduced to an offense that is a level A offense; and

“(bb) the movant was acquitted of the level A offense, the Government did not pursue, or the Government moved to dismiss, criminal charges against the movant for the level A offense, or any subsequent conviction of the level A offense was vacated.

“(2) CONTENTS OF MOTION.—A motion described in paragraph (1) shall—

“(A) be in writing;

“(B) describe any supporting evidence;

“(C) state the offense; and

“(D) include copies of any documents showing that the movant is entitled to relief under this section.

“(3) HEARING.—

“(A) MANDATORY HEARING.—

“(i) MOTION IN OPPOSITION.—Not later than 30 days after the date on which a motion is filed under paragraph (1), the Government may file a motion in opposition of the motion filed under paragraph (1).

- “(ii) MANDATORY HEARING.—If the Government files a motion described in clause (i), not later than 15 days after the date on which the motion is filed, the court shall hold a hearing on the motion.
- “(B) DISCRETIONARY HEARING.—If the Government does not file a motion described in subparagraph (A)(i), the court may hold a hearing on the motion not later than 45 days after the date on which a motion is filed under paragraph (1).
- “(4) FACTORS.—
- “(A) VACATING CONVICTIONS OF LEVEL A OFFENSES.—The court may grant a motion under paragraph (1)(A) if, after notice to the Government and an opportunity to be heard, the court finds, by a preponderance of the evidence, that—
- “(i) the movant was convicted of a level A offense; and
- “(ii) the participation in the level A offense by the movant was a direct result of the movant having been a victim of trafficking.
- “(B) EXPUNGING ARRESTS FOR LEVEL A OFFENSES.—The court may grant a motion under paragraph (1)(B) if, after notice to the Government and an opportunity to be heard, the court finds, by a preponderance of the evidence, that—
- “(i) the movant was arrested for a level A offense; and
- “(ii) the conduct or alleged conduct that resulted in the arrest was directly related to the movant having been a victim of trafficking.
- “(C) EXPUNGING ARRESTS FOR LEVEL B OFFENSES.—The court may grant a motion under paragraph (1)(C) if, after notice to the Government and an opportunity to be heard, the court finds, by a preponderance of the evidence, that—
- “(i) the movant was arrested for a level B offense and the conduct or alleged conduct that resulted in the arrest was directly related to the movant having been a victim of trafficking; and
- “(ii)(I) the movant was acquitted of the level B offense;
- “(II) the Government did not pursue, or the Government moved to dismiss, criminal charges against the movant for the level B offense; or
- “(III)(aa) the charges against the movant for the level B offense were reduced to a level A offense; and
- “(bb) the movant was acquitted of the level A offense, the Government did not pursue, or the Government moved to dismiss, criminal charges against the movant for the level A offense, or any subsequent conviction of that level A offense was vacated.
- “(5) SUPPORTING EVIDENCE.—
- “(A) IN GENERAL.—For purposes of this section, in determining whether the movant is a victim of trafficking, the court—
- “(i) shall consider an affidavit or sworn testimony of an anti-human trafficking service provider or clinician; and
- “(ii) may consider any supporting evidence the court determines is of sufficient credibility and probative value, including sworn testimony from a law enforcement officer detailing the role of the movant in coercing other victims of trafficking into committing criminal offenses.
- “(B) AFFIDAVIT OR SWORN TESTIMONY SUFFICIENT EVIDENCE.—The affidavit or sworn testimony described in subparagraph (A)(i) shall be sufficient evidence to vacate a conviction or expunge an arrest under this section if the court determines that—
- “(i) the affidavit or sworn testimony is credible; and
- “(ii) no other evidence is readily available.
- “(6) CONVICTION OR ARREST OF OTHER PERSONS NOT REQUIRED.—It shall not be necessary that any person other than the movant be convicted of or arrested for an offense before the movant may file a motion under paragraph (1).
- “(7) DENIAL OF MOTION.—
- “(A) FINALITY.—If the court denies a motion filed under paragraph (1), the denial shall be final, except as provided under subparagraph (C) of this paragraph and subject to the discovery of any new and compelling evidence or information.
- “(B) REASONS FOR DENIAL.—If the court denies a motion filed under paragraph (1), the court shall state the reasons for the denial in writing.
- “(C) REASONABLE TIME TO CURE DEFICIENCIES IN MOTION.—If the court denies a motion filed under paragraph (1) due to a curable deficiency in the motion, the court shall allow the movant sufficient time to cure the deficiency.
- “(8) APPEAL.—An order granting or denying a motion under this section may be appealed in accordance with section 1291 of title 28.

- “(c) VACATUR OF CONVICTIONS.—
- “(1) IN GENERAL.—If the court grants a motion to vacate a conviction of a level A offense under subsection (b), the court shall immediately—
- “(A) vacate the conviction for cause;
- “(B) set aside the verdict and enter a judgment of acquittal; and
- “(C) enter an expungement order that directs that there be expunged from all official records all references to—
- “(i) the arrest of the movant for the level A offense;
- “(ii) the institution of criminal proceedings against the movant relating to the level A offense; and
- “(iii) the results of the proceedings.
- “(2) LIMITATION.—Nothing in this subsection requires a court to amend or remove any fine or restitution order in a criminal or civil proceeding.
- “(3) EFFECT.—If a conviction is vacated under an order entered under paragraph (1), the conviction shall not be regarded as a conviction under Federal law and the movant for whom the conviction was vacated shall be considered to have the status occupied by the movant before the arrest or the institution of the criminal proceedings related to such conviction.
- “(d) EXPUNGEMENT OF ARRESTS.—
- “(1) IN GENERAL.—If the court grants a motion to expunge all records of an arrest for an offense under subsection (b), the court shall immediately enter an expungement order that directs that there be expunged from all official records all references to—
- “(A) the arrest of the movant for the offense;
- “(B) the institution of any criminal proceedings against the movant relating to the offense; and
- “(C) the results of the proceedings, if any.
- “(2) EFFECT.—If an arrest is expunged under an order entered under paragraph (1) the arrest shall not be regarded as an arrest under Federal law and the movant for whom the arrest is expunged shall be considered to have the status occupied by the movant before the arrest or the institution of the criminal proceedings related to such arrest, if any.
- “(e) MITIGATING FACTORS.—
- “(1) IN GENERAL.—The court that imposed sentence for a level A offense or level B offense upon a covered prisoner may reduce the term of imprisonment for the offense—
- “(A) upon—
- “(i) motion by the covered prisoner; or
- “(ii) the court’s own motion;
- “(B) after notice to the Government;
- “(C) after considering—
- “(i) the factors set forth in section 3553(a);
- “(ii) the nature and seriousness of the danger to any person, if applicable; and
- “(iii) the community, or any crime victims; and
- “(D) if the court finds, by a preponderance of the evidence, that the covered prisoner committed the offense as a direct result of the covered prisoner having been a victim of trafficking.
- “(2) REQUIREMENT.—Any proceeding under this subsection shall be subject to section 3771.
- “(3) PARTICULARIZED INQUIRY.—For any motion under paragraph (1), the Government shall conduct a particularized inquiry of the facts and circumstances of the original sentencing of the covered prisoner in order to assess whether a reduction in sentence would be consistent with this section.
- “(f) ADDITIONAL ACTIONS BY COURT.—The court shall, upon granting a motion under this section, take any additional action necessary to grant the movant full relief.
- “(g) NO FEES.—A person may not be required to pay a filing fee, service charge, copay fee, processing fee, or any other charge for filing a motion under this section.
- “(h) CONFIDENTIALITY OF MOVANT.—
- “(1) IN GENERAL.—A motion under this section and any documents, pleadings, or orders relating to the motion shall be filed under seal.
- “(2) INFORMATION NOT AVAILABLE FOR PUBLIC INSPECTION.—An officer or employee may not make available for public inspection any report, paper, picture, photograph, court file, or other document, in the custody or possession of the officer or employee, that identifies the movant.
- “(i) APPLICABILITY.—This section shall apply to any conviction or arrest occurring before, on, or after the date of enactment of this section.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections of chapter 237 of title 18, United States Code, is amended by adding at the end the following: “3771A. Motion to vacate; expungement; mitigating factors.”.

**SEC. 3. REPORTS.**

(a) UNITED STATES ATTORNEY MOTIONS FOR VACATUR OR EXPUNGEMENT.—Not later than 1 year after the date of enactment of this Act, each United States attorney shall submit to the Attorney General a report that details—

- (1) the number of motions for vacatur or expungement filed under section 3771A of title 18, United States Code, as added by section 2, in the district of the United States attorney; and
- (2) for each motion described in paragraph (1)—
  - (A) the underlying offense;
  - (B) the response of the United States attorney to the motion; and
  - (C) the final determination of the court with respect to the motion.

(b) UNITED STATES ATTORNEY TRAINING ON HUMAN TRAFFICKING INDICATORS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report that details all professional training received by United States attorneys on indicators of human trafficking during the preceding 12-month period.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

- (1) assesses the impact of the enactment of section 3771A of title 18, United States Code, as added by section 2; and
- (2) includes—
  - (A) the number of human trafficking survivors who have filed motions for vacatur or expungement under such section 3771A;
  - (B) the final determination of each court that adjudicated a motion described in subparagraph (A);
  - (C) recommendations to increase access to post-conviction relief for human trafficking survivors with Federal criminal records; and
  - (D) recommendations for improving the implementation and tracking of professional training of United States attorneys on indicators of human trafficking.

**SEC. 4. USE OF GRANTS FOR POST-CONVICTION RELIEF REPRESENTATION.**

The Office of Justice Programs or the Office on Violence Against Women, in awarding a grant that may be used for legal representation, may not prohibit a recipient from using the grant for legal representation for post-conviction relief.

**SEC. 5. SENSE OF CONGRESS.**

It is the sense of Congress that—

- (1) this Act is a first step to address the changing tactics of human traffickers, who are using forced criminality as a form of force, fraud, and coercion in their human trafficking enterprises; and
- (2) Congress is committed to continuing to find solutions as needed to thwart human traffickers and protect survivors of human trafficking.

**SEC. 6. HUMAN TRAFFICKING DEFENSE.**

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

**“§ 28. Human trafficking defense**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered Federal offense’ means a level A offense or level B offense, as those terms are defined in section 3771A; and

“(2) the term ‘victim of trafficking’ has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

“(b) DURESS.—In a prosecution for a covered Federal offense, a defendant may establish duress by demonstrating that the defendant was a victim of trafficking at the time at which the defendant committed the offense.

“(c) RECORD OR PROCEEDING UNDER SEAL.—In any proceeding in which a defense under subsection (b) is raised, any record or part of the proceeding related to the defense shall, on motion, be placed under seal until such time as a conviction is entered for the offense.

“(d) POST-CONVICTION RELIEF.—A failure to assert, or failed assertion of, a defense under subsection (b) by an individual who is convicted of a covered Federal offense may not preclude the individual from asserting as a mitigating factor, at sentencing or in a proceeding for any post-conviction relief, that at the time of the

commission of the offense, the defendant was a victim of trafficking and committed the offense under duress.

“(e) FEDERAL AID.—A failure to assert, or failed assertion of, a defense under subsection (b) by an individual who is convicted of a covered Federal offense may not be used for the purpose of disqualifying the individual from participating in any federally funded program that aids victims of trafficking.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18, United States Code, is amended by adding at the end the following: “28. Human trafficking defense.”

#### SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.

Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102) is amended—

- (1) in paragraph (16), by striking “(9)” and inserting “(11)”; and
- (2) in paragraph (17), by striking “(9) or (10)” and inserting “(11) or (12)”.

#### SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, may be construed to conflict with any of the crime victims’ rights described in section 3771 of title 18, United States Code.

## Purpose and Summary

H.R. 4323, the Trafficking Survivors Relief Act, introduced by Rep. Russell Fry (R–SC), allows human trafficking victims to petition a court to vacate certain convictions and expunge related arrests for certain non-violent offenses. The legislation also provides a legal defense based on duress for trafficking-related offenses, ensures confidentiality for trafficking victims, and requires reports from U.S. Attorneys on expungement cases.

## Background and Need for the Legislation

### HUMAN TRAFFICKING

Human trafficking is a crime involving the exploitation of a person for labor, services, or commercial sex.<sup>1</sup> Sex trafficking is a subcategory of human trafficking and includes the exploitation of individuals in the sex industry.<sup>2</sup> While international sex trafficking may be more widely known, domestic sex trafficking remains an issue in the United States. Traffickers use everything from social media to schools to lure innocent people into becoming victims.<sup>3</sup> Sex traffickers also use the internet and online prostitution platforms to advertise their victims to potential buyers and may utilize the internet through social media apps such as Instagram and TikTok to groom and exploit children.<sup>4</sup> Given the rate at which children regularly use the internet and social media, children have a heightened risk of being groomed online.<sup>5</sup>

Human trafficking and human smuggling are two different crimes. Human trafficking is a crime committed against another person that does not necessarily require transportation or physical

<sup>1</sup> U.S. Dep’t of Justice, Human Trafficking, <https://www.justice.gov/humantrafficking> (last accessed Sep. 4, 2025).

<sup>2</sup> *Id.*

<sup>3</sup> *See, What is Sex Trafficking* SHARED HOPE INTERNATIONAL, <https://sharedhope.org/the-problem/what-is-sex-trafficking/> (last accessed Sep. 19, 2024).

<sup>4</sup> *Sex Trafficking* NATIONAL CENTER ON CHILD EXPLOITATION (NCOSE), <https://endsexualexploitation.org/issues/child-sexual-abuse/> (last accessed Sep. 19, 2024).

<sup>5</sup> Brenna O’Donnell, *CyberTipline 2020: Rise in Online Enticement and Other Trends From Exploitation Stats*, MISSINGKIDS (Feb. 24, 2021), <https://www.missingkids.org/blog/2021/rise-in-online-enticement-and-other-trends--ncmec-releases-2020->.

movement of that individual.<sup>6</sup> In particular, women and children who make the dangerous journey to cross the southern border into the United States have a high likelihood of being smuggled and trafficked. A study from the Coalition Against Trafficking In Women estimated that 60 percent of unaccompanied alien children (UACs) are caught by cartels or smugglers and exploited through child pornography and drug trafficking.<sup>7</sup> Despite this alarming data, the number of human trafficking convictions were recently at an all-time low.<sup>8</sup> While the number of persons prosecuted for human trafficking increased from 729 in 2011 to 1,343 in 2020,<sup>9</sup> the number of persons convicted of a federal human trafficking offense only increased from 464 convictions in 2011 to 837 convictions in 2019, before falling in 2020 to 658 convictions.<sup>10</sup> However, there is progress being made in this area. The number of human trafficking convictions increased to 1,118 persons in 2022.<sup>11</sup>

Not every case of sex trafficking involves smuggling or moving a person across borders.<sup>12</sup> In the United States, an adult or child can be trafficked and exploited at hotels, truck stops, their own homes, and online.<sup>13</sup> Trafficking victims are exploited in cities, suburbs, and rural areas.<sup>14</sup> Strip clubs or illicit massage parlors that are found in cities and towns across the country are often exploiting individuals against their will.<sup>15</sup> Many child traffickers groom children already familiar to them or work to develop relationships with their potential victims.<sup>16</sup> Some traffickers are even parents, family members, or caretakers of minor victims.<sup>17</sup> Minors involved in the foster care system are at a great risk of being victimized by traffickers.<sup>18</sup> According to the National Foster Youth Institute, around 60 percent of child trafficking victims are current or former foster youth.<sup>19</sup> For example, in 2023 *The Dallas Morning News* reported on members of human trafficking rings who would wait outside facilities used for abused or neglected children who had yet to be placed in a foster home.<sup>20</sup>

<sup>6</sup>U.S. DEPT OF JUSTICE, NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING 2–3 (Jan. 2022) [hereinafter, DOJ National Strategy to Combat Human Trafficking].

<sup>7</sup>Hannah Davis, *Fighting Human Trafficking and Battling Biden's Open Border*, HERITAGE FOUNDATION (Mar. 14, 2023).

<sup>8</sup>Peter Williams and Philip Langford *The Case for Perpetrator Accountability to Combat Human Trafficking* COUNCIL ON FOREIGN RELATIONS (Jul. 15, 2021), <https://www.cfr.org/blog/case-perpetrator-accountability-combat-human-trafficking>.

<sup>9</sup>Bureau of Justice Statistics, *Human Trafficking Data Collection Activities, 2022* (Oct. 2022), [https://bjs.ojp.gov/library/publications/human-trafficking-data-collection-activities-2022#:~:text=The%20number%20of%20persons%20prosecuted,in%202020%20\(658%20persons\).&text=66%25%20had%20no%20prior%20convictions](https://bjs.ojp.gov/library/publications/human-trafficking-data-collection-activities-2022#:~:text=The%20number%20of%20persons%20prosecuted,in%202020%20(658%20persons).&text=66%25%20had%20no%20prior%20convictions).

<sup>10</sup>*Id.*

<sup>11</sup>U.S. Dept of Justice, *Human Trafficking Data Collection Activities, 2024*, <https://bjs.ojp.gov/library/publications/human-trafficking-data-collection-activities-2024> (last accessed Sep. 4, 2025).

<sup>12</sup>*Child Trafficking: Myth vs. Fact* SAVE THE CHILDREN, <https://www.savethechildren.org/us/charity-stories/child-trafficking-myths-vs-facts> (last accessed Sep. 19, 2024).

<sup>13</sup>*Id.*

<sup>14</sup>*Id.*

<sup>15</sup>FAQ, NATIONAL CENTER ON CHILD EXPLOITATION, <https://endsexualexploitation.org/issues/sex-trafficking/> (last accessed Sep. 19, 2024).

<sup>16</sup>FAQ, NATIONAL CENTER ON CHILD EXPLOITATION, <https://endsexualexploitation.org/issues/sex-trafficking/> (last accessed Sep. 19, 2024).

<sup>17</sup>*Id.*

<sup>18</sup>*Our Vision*, NATIONAL FOSTER YOUTH INSTITUTE, <https://nfyi.org/mission/> (last accessed Sep. 19, 2024).

<sup>19</sup>*Id.*

<sup>20</sup>Robert Garrett, *Texas foster kids trafficked for sex as rings target those lacking placement*, *Judges say* THE DALLAS MORNING NEWS (Sep. 7, 2023).

## CHARGING VICTIMS OF HUMAN TRAFFICKING

Victims are controlled by traffickers both physically and psychologically, even to the point that victims do not have access to transportation or their own place to live.<sup>21</sup> In many cases, traffickers are so successful at controlling their victims that victims do not even realize they are under the control of their trafficker or pimp.<sup>22</sup> Victims being exploited for sex are often forced by their traffickers to commit other crimes, including manufacturing or selling drugs or carrying false identification.<sup>23</sup> A criminal record affects a person's life beyond the courtroom and may lead to difficulty obtaining housing or employment, and maintaining custody of children.<sup>24</sup> In other words, the non-violent convictions that trafficking victims often receive can prevent them from successfully rebuilding their lives.<sup>25</sup>

Recognizing that trafficking victims often commit non-violent crimes under duress of their traffickers, attorneys general, prosecutors, and state legislatures across the country have sought to provide relief to victims. Forty-eight states have statutes providing some sort of relief for offenses committed as a direct result of being trafficked.<sup>26</sup> However, there is currently no legal framework at the federal level for victims to address the harmful effects and crimes resulting from their victimization. While most trafficking cases and convictions occur at the state level, there were around 200 federal trafficking-based prosecutions in 2023.<sup>27</sup> Therefore, a small number of trafficking-related convictions still exist at the federal level.

It is important to ensure that legal relief intended for victims is only available to true victims. There are a number of female offenders who were once victims themselves and cross over to being a criminal and hurting more victims.<sup>28</sup> Colloquially known as a traffickers' "bottom," these women or girls are chosen by the trafficker to supervise victims, report any rule violations, and even assists in the acts of booking hotel rooms or collecting money.<sup>29</sup> These women are also responsible for enforcing punishment (physical and/or psychological) on other victims.<sup>30</sup> Laws that provide for the vacating or expungement of convictions and arrests should be targeted to benefit those who committed those acts because of their victimization, not because they victimized others.

<sup>21</sup>*Myths Facts and Statistics* POLARIS PROJECT, <https://polarisproject.org/myths-facts-and-statistics/> (last accessed Sep. 4, 2025).

<sup>22</sup>*Id.*

<sup>23</sup>*Criminal Record Relief for Trafficking Survivors Report* POLARIS PROJECT, <https://polarisproject.org/criminal-record-relief-for-trafficking-survivors-report/> (last accessed Sep. 4, 2025).

<sup>24</sup>K.B. White, *Impact of Arrest and Conviction Histories on Trafficking Survivors* FREEDOM NETWORK USA, <https://freedomnetworkusa.org/2021/11/10/impact-of-arrest-and-conviction-histories-on-trafficking-survivors/> (last accessed Sep. 4, 2025).

<sup>25</sup>Press Release, Congressman Russell Fry, Representatives Russell Fry (SC-07), Ted Lieu (D-CA), Ann Wagner (R-MO), and Robert Garcia (D-CA) Introduce the Trafficking Survivors Relief Act (Jan. 30, 2024) (quoting Patrick Purtill of Faith & Freedom Coalition).

<sup>26</sup>K.B. White, *Impact of Arrest and Conviction Histories on Trafficking Survivors* FREEDOM NETWORK USA, <https://freedomnetworkusa.org/2021/11/10/impact-of-arrest-and-conviction-histories-on-trafficking-survivors/> (last accessed Sep. 4, 2025).

<sup>27</sup>Human Trafficking Institute, *FEDERAL HUMAN TRAFFICKING REPORT* (2023), <https://data.traffickinginstitute.org/wp-content/uploads/2024/06/2023-Federal-Human-Trafficking-Report-WEB-Spreads-LR.pdf> (last accessed Sep. 14, 2025).

<sup>28</sup>*Human Trafficking Myths* TORONTO POLICE SERVICES, <https://www.htsurvivors.to/human-trafficking-myths.php> (last accessed Sep. 4, 2025).

<sup>29</sup>*Id.*

<sup>30</sup>*Id.*



## THE TRAFFICKING SURVIVORS RELIEF ACT

The Trafficking Survivors Relief Act provides federal criminal record relief to survivors of human trafficking who committed a non-violent offense as a result of their victimization. For the court to grant a motion to vacate a non-violent conviction, a defendant must show that the non-violent offense was committed as a direct result of having been a victim of trafficking.<sup>31</sup> To ensure that these opportunities are only offered true victims of trafficking, the legislation allows for additional evidence to be considered—including sworn testimony a law enforcement officer on whether a victim had any role in coercing other victims into criminal offenses. The bill also creates an affirmative defense that trafficking victims can assert if they are prosecuted for certain criminal offenses.

### Hearings

For the purposes of clause 3(c)(6)(A) of House rule XIII, the following hearing was used to develop H.R. 4323: “Protecting Victims of Human Trafficking and Online Exploitation,” a hearing held on February 27, 2025 before the Subcommittee on Crime and Federal Government Surveillance of the House Judiciary Committee. The subcommittee heard from the following witnesses:

- Camille Cooper, Vice President of Anti-Human Trafficking and Child Exploitation, Tim Tebow Foundation.
- Anne Basham, founder and Chair, Interparliamentary Taskforce on Human Trafficking.
- Sheri Lopez, Survivor-Advocate; founder, Pearl at the Mailbox.
- Jean Bruggeman, Executive Director, Freedom Network USA.

The hearing examined the horrors of human trafficking and child exploitation within the United States and abroad. The hearing also examined the existing gaps in identifying unknown children depicted in child sexual abuse material (CSAM).

### Committee Consideration

On September 10, 2025, the Committee met in open session and ordered the bill, H.R. 4323, favorably reported with an amendment in the nature of a substitute, by voice vote, a quorum being present.

### Committee Votes

In compliance with clause 3(b) of House rule XIII, the Committee states that no recorded votes were taken during consideration of H.R. 4323.

### Committee Oversight Findings

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

<sup>31</sup> Congressman Russell Fry, *supra* note 25.

### **New Budget Authority and Tax Expenditures**

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the *Congressional Budget Act of 1974* and with respect to the requirements of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

### **Congressional Budget Office Cost Estimate**

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

### **Committee Estimate of Budgetary Effects**

With respect to the requirements of clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

### **Duplication of Federal Programs**

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 4323 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 4323 would allow human trafficking victims to petition a court to vacate certain convictions and expunge related arrests for certain non-violent offenses, and provides a legal defense based on duress for trafficking-related offenses.

### **Advisory on Earmarks**

In accordance with clause 9 of House rule XXI, H.R. 4323 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

### **Federal Mandates Statement**

An estimate of federal mandates prepared by the Director of the Congressional Budget office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

### **Advisory Committee Statement**

No advisory committees within the meaning of section 5(b) of the *Federal Advisory Committee Act* were created by this legislation.

### **Applicability to Legislative Branch**

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Pub. L. 104–1).

### **Section-by-Section Analysis**

#### *Sec. 1: Short title*

The “Trafficking Survivors Relief Act of 2025.”

#### *Sec. 2: Federal expungement for victims of trafficking*

This section amends Chapter 237 of Title 18, United States Code (U.S.C.), by adding 18 U.S.C. § 3771(A), which provides for victims of human trafficking to file motions to vacate convictions or expunge arrest records related to certain non-violent crimes.

Subsection (a) provides definitions for key terms, such as “victim of trafficking”, “level A offense”, “expungement”, and other relevant legal terms necessary for the interpretation of this Act.

Subsection (b) allows victims of trafficking who were arrested or convicted of certain non-violent “level A” offenses to file motions to vacate or expunge their arrest or conviction. This section also provides that a person arrested for a “level B” offense may expunge their arrest record if the movant was acquitted, the government did not pursue the criminal charges, or if the offense is reduced to a level A offense. This section further allows additional evidence to be provided, including testimony from law enforcement detailing any potential role a defendant played in coercing other victims of trafficking into committing criminal offenses. Finally, this section states if there is a denial of the motion, the denial is final subject to the discovery of new and compelling evidence.

Subsection (c) states if a motion to vacate a conviction is granted, the court must nullify the conviction as if it never occurred, but the court is not required to amend or remove any fine or restitution order in a criminal or civil proceeding.

Subsection (d) states if a motion for expungement is granted, the court must remove the arrest from the individual’s record and expunged from all official records.

Subsection (e) allows for sentence reductions if the defendant was a trafficking victim at the time of the offense.

Subsection (f) allows courts to take any additional actions necessary to fully effectuate the relief, including the return of any fines or fees paid in connection with the conviction or arrest.

Subsection (g) states that no fees will be charged for filing motions under this section.

Subsection (h) ensures that all filings, documents, and related records are sealed to protect the privacy of the victim.

Subsection (i) details the specific offenses and conditions under which individuals are eligible to seek relief, ensuring that only qualifying cases related to human trafficking are addressed under this Act.

### *Sec. 3: Reports*

This section outlines various reporting requirements to the expungement and vacatur processes.

Subsection (a) requires each U.S. Attorney to report annually on the number of motions filed for vacatur or expungement under this Act, including the outcomes of those motions.

Subsection (b) directs the Attorney General to report on the training provided to U.S. Attorneys related to human trafficking indicators and the identification of victims.

Subsection (c) requires the Government Accountability Office (GAO) to provide a report on the impact of this Act. This report must include the number of trafficking survivors seeking relief, court outcomes, and recommendations for improving access to post-conviction relief.

### *Sec. 4: Use of grants for post-conviction relief representation*

This section allows recipients of federal grants to use those grant funds to provide legal representation for trafficking survivors seeking post-conviction relief. This includes the Office of Justice Programs and the Office on Violence Against Women.

### *Sec. 5: Sense of Congress*

This section expresses the sense of Congress that this Act is a step towards addressing the evolving tactics employed by human traffickers. This includes the use of forced criminality as a form of force, fraud, and coercion in their human trafficking enterprise. This section also states that Congress is committed to continuing efforts to protect survivors and prevent human trafficking.

### *Sec. 6: Human trafficking defense*

This section amends Chapter 1 of Title 18 U.S.C., by adding 18 U.S.C. §28, which establishes a defense for the victims of human trafficking.

Subsection (a) provides definitions for key terms related to this section, such as “duress”, “trafficking victim”, and other relevant terms necessary for the interpretation of a defense under this Act.

Subsection (b) allows that a defendant may establish duress by demonstrating the defendant was a victim of trafficking at the time the defendant committed the offense.

Subsection (c) protects the privacy of trafficking victims by sealing any records related to their defense under subsection (b).

Subsection (d) allows victims who did not raise the defense during their trial to use it as a mitigating factor in sentencing or post-conviction relief proceedings.

Subsection (e) asserts that failure to raise the human trafficking defense during trial does not disqualify trafficking victims from receiving federal aid or assistance.

*Sec. 7: Technical and conforming amendments*

This section provides minor technical changes to Section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

*Sec. 8: Rule of construction*

This section states nothing in this Act conflicts with the crime victims’ rights described in section 3771 of 18 U.S.C.

**Changes in Existing Law Made by the Bill, as Reported**

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**TITLE 18, UNITED STATES CODE**

\* \* \* \* \*

**PART I—CRIMES**

\* \* \* \* \*

**CHAPTER 1—GENERAL PROVISIONS**

Sec.

\* \* \* \* \*  
 28. *Human trafficking defense.*  
 \* \* \* \* \*

**§28. Human trafficking defense**

(a) *DEFINITIONS.—In this section—*

(1) *the term “covered Federal offense” means a level A offense or level B offense, as those terms are defined in section 3771A; and*

(2) *the term “victim of trafficking” has the meaning given the term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).*

(b) *DURESS.—In a prosecution for a covered Federal offense, a defendant may establish duress by demonstrating that the defendant was a victim of trafficking at the time at which the defendant committed the offense.*

(c) *RECORD OR PROCEEDING UNDER SEAL.—In any proceeding in which a defense under subsection (b) is raised, any record or part of the proceeding related to the defense shall, on motion, be placed under seal until such time as a conviction is entered for the offense.*

(d) *POST-CONVICTION RELIEF.*—A failure to assert, or failed assertion of, a defense under subsection (b) by an individual who is convicted of a covered Federal offense may not preclude the individual from asserting as a mitigating factor, at sentencing or in a proceeding for any post-conviction relief, that at the time of the commission of the offense, the defendant was a victim of trafficking and committed the offense under duress.

(e) *FEDERAL AID.*—A failure to assert, or failed assertion of, a defense under subsection (b) by an individual who is convicted of a covered Federal offense may not be used for the purpose of disqualifying the individual from participating in any federally funded program that aids victims of trafficking.

\* \* \* \* \*

**PART II—CRIMINAL PROCEDURE**

\* \* \* \* \*

**CHAPTER 237—CRIME VICTIMS' RIGHTS**

Sec.

\* \* \* \* \*  
 3771A. *Motion to vacate; expungement; mitigating factors.*  
 \* \* \* \* \*

**§ 3771A. Motion to vacate; expungement; mitigating factors**

(a) *DEFINITIONS.*—In this section—

- (1) the term “child” means an individual who has not attained 18 years of age;
- (2) the term “covered prisoner” means an individual who—
  - (A) was convicted of a level A offense or level B offense;
  - (B) was sentenced to a term of imprisonment for the offense described in subparagraph (A); and
  - (C) is, or was previously, imprisoned or incarcerated under such sentence for a term of imprisonment;
- (3) the terms “employee” and “officer” have the meanings given the terms in section 2105 of title 5;
- (4) the term “Federal offense” means an offense that is punishable under Federal law;
- (5) the term “level A offense” means a Federal offense that is not a violent crime;
- (6) the term “level B offense”—
  - (A) means a Federal offense that is a violent crime; and
  - (B) does not include a Federal offense that is a violent crime of which a child was a victim;
- (7) the term “victim of trafficking” has the meaning given that term in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102); and
- (8) the term “violent crime” has the meaning given the term “crime of violence” in section 16(a) of this title.

(b) *MOTIONS TO VACATE CONVICTIONS OR EXPUNGE ARRESTS.*—

(1) *IN GENERAL.*—

(A) *CONVICTIONS OF LEVEL A OFFENSES.*—A person convicted of any level A offense (or an attorney representing

such a person) may move the court that imposed the sentence for the level A offense to vacate the judgment of conviction if the level A offense was committed as a direct result of the person having been a victim of trafficking.

(B) **ARRESTS FOR LEVEL A OFFENSES.**—A person arrested for any level A offense (or an attorney representing such a person) may move the district court of the United States for the district and division embracing the place where the person was arrested to expunge all records of the arrest if the conduct or alleged conduct of the person that resulted in the arrest was directly related to the person having been a victim of trafficking.

(C) **ARRESTS FOR LEVEL B OFFENSES.**—A person arrested for any level B offense (or an attorney representing such a person) may move the district court of the United States for the district and division embracing the place where the person was arrested to expunge all records of the arrest if—

(i) the conduct or alleged conduct of the movant that resulted in the arrest was directly related to the movant having been a victim of trafficking; and

(ii)(I) the movant was acquitted of the level B offense;

(II) the Government did not pursue, or the Government moved to dismiss, criminal charges against the movant for the level B offense; or

(III)(aa) the charges against the movant for the level B offense were reduced to an offense that is a level A offense; and

(bb) the movant was acquitted of the level A offense, the Government did not pursue, or the Government moved to dismiss, criminal charges against the movant for the level A offense, or any subsequent conviction of the level A offense was vacated.

(2) **CONTENTS OF MOTION.**—A motion described in paragraph (1) shall—

(A) be in writing;

(B) describe any supporting evidence;

(C) state the offense; and

(D) include copies of any documents showing that the movant is entitled to relief under this section.

(3) **HEARING.**—

(A) **MANDATORY HEARING.**—

(i) **MOTION IN OPPOSITION.**—Not later than 30 days after the date on which a motion is filed under paragraph (1), the Government may file a motion in opposition of the motion filed under paragraph (1).

(ii) **MANDATORY HEARING.**—If the Government files a motion described in clause (i), not later than 15 days after the date on which the motion is filed, the court shall hold a hearing on the motion.

(B) **DISCRETIONARY HEARING.**—If the Government does not file a motion described in subparagraph (A)(i), the court may hold a hearing on the motion not later than 45 days after the date on which a motion is filed under paragraph (1).

(4) **FACTORS.**—

(A) *VACATING CONVICTIONS OF LEVEL A OFFENSES.*—The court may grant a motion under paragraph (1)(A) if, after notice to the Government and an opportunity to be heard, the court finds, by a preponderance of the evidence, that—

- (i) the movant was convicted of a level A offense; and
- (ii) the participation in the level A offense by the movant was a direct result of the movant having been a victim of trafficking.

(B) *EXPUNGING ARRESTS FOR LEVEL A OFFENSES.*—The court may grant a motion under paragraph (1)(B) if, after notice to the Government and an opportunity to be heard, the court finds, by a preponderance of the evidence, that—

- (i) the movant was arrested for a level A offense; and
- (ii) the conduct or alleged conduct that resulted in the arrest was directly related to the movant having been a victim of trafficking.

(C) *EXPUNGING ARRESTS FOR LEVEL B OFFENSES.*—The court may grant a motion under paragraph (1)(C) if, after notice to the Government and an opportunity to be heard, the court finds, by a preponderance of the evidence, that—

- (i) the movant was arrested for a level B offense and the conduct or alleged conduct that resulted in the arrest was directly related to the movant having been a victim of trafficking; and

(ii)(I) the movant was acquitted of the level B offense;

(II) the Government did not pursue, or the Government moved to dismiss, criminal charges against the movant for the level B offense; or

(III)(aa) the charges against the movant for the level B offense were reduced to a level A offense; and

(bb) the movant was acquitted of the level A offense, the Government did not pursue, or the Government moved to dismiss, criminal charges against the movant for the level A offense, or any subsequent conviction of that level A offense was vacated.

(5) *SUPPORTING EVIDENCE.*—

(A) *IN GENERAL.*—For purposes of this section, in determining whether the movant is a victim of trafficking, the court—

(i) shall consider an affidavit or sworn testimony of an anti-human trafficking service provider or clinician; and

(ii) may consider any supporting evidence the court determines is of sufficient credibility and probative value, including sworn testimony from a law enforcement officer detailing the role of the movant in coercing other victims of trafficking into committing criminal offenses.

(B) *AFFIDAVIT OR SWORN TESTIMONY SUFFICIENT EVIDENCE.*—The affidavit or sworn testimony described in subparagraph (A)(i) shall be sufficient evidence to vacate a conviction or expunge an arrest under this section if the court determines that—

- (i) the affidavit or sworn testimony is credible; and
- (ii) no other evidence is readily available.



(6) *CONVICTION OR ARREST OF OTHER PERSONS NOT REQUIRED.*—It shall not be necessary that any person other than the movant be convicted of or arrested for an offense before the movant may file a motion under paragraph (1).

(7) *DENIAL OF MOTION.*—

(A) *FINALITY.*—If the court denies a motion filed under paragraph (1), the denial shall be final, except as provided under subparagraph (C) of this paragraph and subject to the discovery of any new and compelling evidence or information.

(B) *REASONS FOR DENIAL.*—If the court denies a motion filed under paragraph (1), the court shall state the reasons for the denial in writing.

(C) *REASONABLE TIME TO CURE DEFICIENCIES IN MOTION.*—If the court denies a motion filed under paragraph (1) due to a curable deficiency in the motion, the court shall allow the movant sufficient time to cure the deficiency.

(8) *APPEAL.*—An order granting or denying a motion under this section may be appealed in accordance with section 1291 of title 28.

(c) *VACATUR OF CONVICTIONS.*—

(1) *IN GENERAL.*—If the court grants a motion to vacate a conviction of a level A offense under subsection (b), the court shall immediately—

(A) vacate the conviction for cause;

(B) set aside the verdict and enter a judgment of acquittal; and

(C) enter an expungement order that directs that there be expunged from all official records all references to—

(i) the arrest of the movant for the level A offense;

(ii) the institution of criminal proceedings against the movant relating to the level A offense; and

(iii) the results of the proceedings.

(2) *LIMITATION.*—Nothing in this subsection requires a court to amend or remove any fine or restitution order in a criminal or civil proceeding.

(3) *EFFECT.*—If a conviction is vacated under an order entered under paragraph (1), the conviction shall not be regarded as a conviction under Federal law and the movant for whom the conviction was vacated shall be considered to have the status occupied by the movant before the arrest or the institution of the criminal proceedings related to such conviction.

(d) *EXPUNGEMENT OF ARRESTS.*—

(1) *IN GENERAL.*—If the court grants a motion to expunge all records of an arrest for an offense under subsection (b), the court shall immediately enter an expungement order that directs that there be expunged from all official records all references to—

(A) the arrest of the movant for the offense;

(B) the institution of any criminal proceedings against the movant relating to the offense; and

(C) the results of the proceedings, if any.

(2) *EFFECT.*—If an arrest is expunged under an order entered under paragraph (1) the arrest shall not be regarded as an arrest under Federal law and the movant for whom the arrest is

*expunged shall be considered to have the status occupied by the movant before the arrest or the institution of the criminal proceedings related to such arrest, if any.*

*(e) MITIGATING FACTORS.—*

*(1) IN GENERAL.—The court that imposed sentence for a level A offense or level B offense upon a covered prisoner may reduce the term of imprisonment for the offense—*

*(A) upon—*

*(i) motion by the covered prisoner; or*

*(ii) the court's own motion;*

*(B) after notice to the Government;*

*(C) after considering—*

*(i) the factors set forth in section 3553(a);*

*(ii) the nature and seriousness of the danger to any person, if applicable; and*

*(iii) the community, or any crime victims; and*

*(D) if the court finds, by a preponderance of the evidence, that the covered prisoner committed the offense as a direct result of the covered prisoner having been a victim of trafficking.*

*(2) REQUIREMENT.—Any proceeding under this subsection shall be subject to section 3771.*

*(3) PARTICULARIZED INQUIRY.—For any motion under paragraph (1), the Government shall conduct a particularized inquiry of the facts and circumstances of the original sentencing of the covered prisoner in order to assess whether a reduction in sentence would be consistent with this section.*

*(f) ADDITIONAL ACTIONS BY COURT.—The court shall, upon granting a motion under this section, take any additional action necessary to grant the movant full relief.*

*(g) NO FEES.—A person may not be required to pay a filing fee, service charge, copay fee, processing fee, or any other charge for filing a motion under this section.*

*(h) CONFIDENTIALITY OF MOVANT.—*

*(1) IN GENERAL.—A motion under this section and any documents, pleadings, or orders relating to the motion shall be filed under seal.*

*(2) INFORMATION NOT AVAILABLE FOR PUBLIC INSPECTION.—An officer or employee may not make available for public inspection any report, paper, picture, photograph, court file, or other document, in the custody or possession of the officer or employee, that identifies the movant.*

*(i) APPLICABILITY.—This section shall apply to any conviction or arrest occurring before, on, or after the date of enactment of this section.*

\* \* \* \* \*

**TRAFFICKING VICTIMS PROTECTION ACT OF 2000**

\* \* \* \* \*

**DIVISION A—TRAFFICKING VICTIMS PROTECTION ACT OF 2000**

\* \* \* \* \*

**SEC. 103. DEFINITIONS.**

In this division:

(1) **ABUSE OR THREATENED ABUSE OF LAW OR LEGAL PROCESS.**—The term “abuse or threatened abuse of the legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives.

(3) **COERCION.**—The term “coercion” means—

(A) threats of serious harm to or physical restraint against any person;

(B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

(C) the abuse or threatened abuse of the legal process.

(4) **COMMERCIAL SEX ACT.**—The term “commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

(5) **CONCRETE ACTIONS.**—The term “concrete actions” means actions that demonstrate increased efforts by the government of a country to meet the minimum standards for the elimination of trafficking, including any of the following:

(A) Enforcement actions taken.

(B) Investigations actively underway.

(C) Prosecutions conducted.

(D) Convictions attained.

(E) Training provided.

(F) Programs and partnerships actively underway.

(G) Efforts to prevent severe forms of trafficking, including programs to reduce the vulnerability of particularly vulnerable populations, involving survivors of trafficking in community engagement and policy making, engagement with foreign migrants, ending recruitment fees, and other such measures.

(H) Victim services offered, including immigration services and restitution.

(I) The amount of money the government has committed to the actions described in subparagraphs (A) through (H).

(6) **CREDIBLE INFORMATION.**—The term “credible information” includes all of the following:

(A) Reports by the Department of State.

(B) Reports of other Federal agencies, including the Department of Labor’s List of Goods Produced by Child Labor or Forced Labor and List of Products Produced by Forced Labor or Indentured Child Labor.

(C) Documentation provided by a foreign country, including—

(i) copies of relevant laws, regulations, and policies adopted or modified; and

(ii) an official record of enforcement actions taken, judicial proceedings, training conducted, consultations conducted, programs and partnerships launched, and services provided.

(D) Materials developed by civil society organizations.

(E) Information from survivors of human trafficking, vulnerable persons, and whistleblowers.

(F) All relevant media and academic reports that, in light of reason and common sense, are worthy of belief.

(G) Information developed by multilateral institutions.

(H) An assessment of the impact of the actions described in subparagraphs (A) through (I) of paragraph (5) on the prevalence of human trafficking in the country.

(7) DEBT BONDAGE.—The term “debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(8) INVOLUNTARY SERVITUDE.—The term “involuntary servitude” includes a condition of servitude induced by means of—

(A) any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(9) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—The term “minimum standards for the elimination of trafficking” means the standards set forth in section 108.

(10) NONHUMANITARIAN, NONTRADE-RELATED FOREIGN ASSISTANCE.—The term “nonhumanitarian, nontrade-related foreign assistance” means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) assistance under chapter 4 of part II of that Act in support of programs of nongovernmental organizations that is made available for any program, project, or activity eligible for assistance under chapter 1 of part I of that Act;

(ii) assistance under chapter 8 of part I of that Act;

(iii) any other narcotics-related assistance under part I of that Act or under chapter 4 or 5 part II of that Act, but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of that Act;

(iv) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(v) antiterrorism assistance under chapter 8 of part II of that Act;

(vi) assistance for refugees;

(vii) humanitarian and other development assistance in support of programs of nongovernmental organizations under chapters 1 and 10 of that Act;

(viii) programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation; and

(ix) other programs involving trade-related or humanitarian assistance; and

(B) sales, or financing on any terms, under the Arms Export Control Act, other than sales or financing provided for narcotics-related purposes following notification in accordance with the prior notification procedures applicable to reprogrammings pursuant to section 634A of the Foreign Assistance Act of 1961.

(11) SEVERE FORMS OF TRAFFICKING IN PERSONS.—The term “severe forms of trafficking in persons” means—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(12) SEX TRAFFICKING.—The term “sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

(13) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(14) TASK FORCE.—The term “Task Force” means the Interagency Task Force to Monitor and Combat Trafficking established under section 105.

(15) UNITED STATES.—The term “United States” means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(16) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term “victim of a severe form of trafficking” means a person subject to an act or practice described in paragraph [(9)] (11).

(17) VICTIM OF TRAFFICKING.—The term “victim of trafficking” means a person subjected to an act or practice described in paragraph [(9) or (10)] (11) or (12).

(18) GROUNDS RELATED TO HUMAN TRAFFICKING.—The term “grounds related to human trafficking” means grounds related to the criteria for inadmissibility to the United States de-

scribed in subsection (a)(2)(H) of section 212 of the Immigration and Nationality Act (8 U.S.C. 1182).

\* \* \* \* \*

○