

**AMENDMENT TO H.R. 2670**  
**OFFERED BY MR. GOLDEN OF MAINE**

At the appropriate place in title XVIII, insert the following new section:

1 **SEC. 18 \_\_\_\_ . ARBITRATION OF DISPUTES INVOLVING THE**  
2 **RIGHTS OF MEMBERS OF THE UNIFORMED**  
3 **SERVICES AND VETERANS.**

4 (a) IN GENERAL.—Title 9 of the United States Code  
5 is amended by adding at the end the following:

6 **“CHAPTER 5—ARBITRATION OF SERVICE-**  
7 **MEMBER AND VETERAN DISPUTES**

“Sec.  
“501. Definitions.  
“452. No validity or enforceability.

8 **“§ 501. Definitions**

9 “In this chapter—

10 “(1) the term ‘predispute arbitration agree-  
11 ment’ means an agreement to arbitrate a dispute  
12 that has not yet arisen at the time of the making  
13 of the agreement; and

14 “(2) the term ‘predispute joint-action waiver’  
15 means an agreement, whether or not part of a  
16 predispute arbitration agreement, that would pro-  
17 hibit, or waive the right of, one of the parties to the

1 agreement to participate in a joint, class, or collec-  
2 tive action in a judicial, arbitral, administrative, or  
3 other forum, concerning a dispute that has not yet  
4 arisen at the time of the making of the agreement.

5 **“§ 502. No validity or enforceability**

6 “(a) IN GENERAL.—Notwithstanding any other pro-  
7 vision of this title, no predispute arbitration agreement or  
8 predispute joint-action waiver shall be valid or enforceable  
9 with respect to a dispute relating to disputes arising under  
10 chapter 43 of title 38 or the Servicemembers Civil Relief  
11 Act.

12 “(b) APPLICABILITY.—

13 “(1) IN GENERAL.—An issue as to whether this  
14 chapter applies with respect to a dispute shall be de-  
15 termined under Federal law. The applicability of this  
16 chapter to an agreement to arbitrate and the validity  
17 and enforceability of an agreement to which this  
18 chapter applies shall be determined by a court, rath-  
19 er than an arbitrator, irrespective of whether the  
20 party resisting arbitration challenges the arbitration  
21 agreement specifically or in conjunction with other  
22 terms of the contract containing such agreement,  
23 and irrespective of whether the agreement purports  
24 to delegate such determinations to an arbitrator.

1           “(2) COLLECTIVE BARGAINING AGREEMENTS.—  
2           Nothing in this chapter shall apply to any arbitra-  
3           tion provision in a contract between an employer and  
4           a labor organization or between labor organizations,  
5           except that no such arbitration provision shall have  
6           the effect of waiving the right of a worker to seek  
7           judicial enforcement of a right arising under a provi-  
8           sion of the Constitution of the United States, a  
9           State constitution, or a Federal or State statute, or  
10          public policy arising therefrom.”.

11          (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12           (1) IN GENERAL.—Title 9 of the United States  
13          Code is amended—

14           (A) in section 1 by striking “of seamen,”  
15           and all that follows through “interstate com-  
16           merce” and inserting “persons and causes of  
17           action under chapter 43 of title 38 or the  
18           Servicemembers Civil Relief Act”;

19           (B) in section 2 by inserting “or as other-  
20           wise provided in chapter 5” before the period at  
21           the end;

22           (C) in section 208—

23           (i) in the section heading by striking  
24           “**Chapter 1; residual application**”  
25           and inserting “**Application**”; and

1 (ii) by adding at the end the fol-  
2 lowing: “This chapter applies to the extent  
3 that this chapter is not in conflict with  
4 chapter 5.”; and

5 (D) in section 307—

6 (i) in the section heading, by striking  
7 **“Chapter 1; residual application”**  
8 and inserting **“Application”**; and

9 (ii) by adding at the end the fol-  
10 lowing: “This chapter applies to the extent  
11 that this chapter is not in conflict with  
12 chapter 5.”.

13 (2) TABLE OF SECTIONS.—

14 (A) CHAPTER 2.—The table of sections of  
15 chapter 2 of title 9, United States Code, is  
16 amended by striking the item relating to section  
17 208 and inserting the following:

“208. Application.”.

18 (B) CHAPTER 3.—The table of sections of  
19 chapter 3 of title 9, United States Code, is  
20 amended by striking the item relating to section  
21 307 and inserting the following:

“307. Application.”.

1           (3) TABLE OF CHAPTERS.—The table of chap-  
2           ters of title 9, United States Code, is amended by  
3           adding at the end the following:

“5. Arbitration of servicemember and veteran disputes”.

4           (c) LIMITATION ON WAIVER OF RIGHTS AND PRO-  
5           TECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF  
6           ACT.—

7           (1) AMENDMENTS.—Section 107(a) of the Ser-  
8           vicemembers Civil Relief Act (50 U.S.C. 3918(a)) is  
9           amended—

10           (A) in the second sentence by inserting  
11           “and if it is made after a specific dispute has  
12           arisen and the dispute is identified in the waiv-  
13           er” before the period at the end; and

14           (B) in the third sentence by inserting “and  
15           if it is made after a specific dispute has arisen  
16           and the dispute is identified in the waiver” be-  
17           fore the period at the end.

18           (2) APPLICATION OF AMENDMENTS.—The  
19           amendments made by paragraph (1) shall apply with  
20           respect to waivers made on or after the date of the  
21           enactment of this Act.

22           (d) EFFECTIVE DATE.—This section, and the amend-  
23           ments made by this section, shall take effect on the date  
24           of enactment of this Act and shall apply with respect to

- 1 any dispute or claim that arises or accrues on or after
- 2 such date.

