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

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

SEC. 18. ARBITRATION OF DISPUTES INVOLVING THE RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES AND VETERANS.

(a) In General.—Title 9 of the United States Code is amended by adding at the end the following:

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

Sec.
501. Definitions.

§ 501. Definitions

In this chapter—

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

“(2) the term ‘predispute joint-action waiver’ means an agreement, whether or not part of a predispute arbitration agreement, that would prohibit, or waive the right of, one of the parties to the
agreement to participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement.

§ 502. No validity or enforceability

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

“(b) APPLICABILITY.—

“(1) IN GENERAL.—An issue as to whether this chapter applies with respect to a dispute shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by a court, rather than an arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.
“(2) COLLECTIVE BARGAINING AGREEMENTS.—

Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of a worker to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(A) in section 1 by striking “of seamen,” and all that follows through “interstate commerce” and inserting “persons and causes of action under chapter 43 of title 38 or the Servicemembers Civil Relief Act”;

(B) in section 2 by inserting “or as otherwise provided in chapter 5” before the period at the end;

(C) in section 208—

(i) in the section heading by striking “Chapter 1; residual application” and inserting “Application”; and
(ii) by adding at the end the following: “This chapter applies to the extent that this chapter is not in conflict with chapter 5.”; and

(D) in section 307—

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

(ii) by adding at the end the following: “This chapter applies to the extent that this chapter is not in conflict with chapter 5.”.

(2) TABLE OF SECTIONS.—

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

“208. Application.”.

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

“307. Application.”.
(3) Table of Chapters.—The table of chapters of title 9, United States Code, is amended by adding at the end the following:

“5. Arbitration of servicemember and veteran disputes”.

c) Limitation on Waiver of Rights and Protections Under Servicemembers Civil Relief Act.—

(1) Amendments.—Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is amended—

(A) in the second sentence by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” before the period at the end; and

(B) in the third sentence by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” before the period at the end.

(2) Application of Amendments.—The amendments made by paragraph (1) shall apply with respect to waivers made on or after the date of the enactment of this Act.

d) Effective Date.—This section, and the amendments made by this section, shall take effect on the date of enactment of this Act and shall apply with respect to
any dispute or claim that arises or accrues on or after such date.