AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MS. PORTER OF CALIFORNIA

Insert after section 541 the following new section (and redesignate the subsequent sections accordingly):

1 SEC. 542. LIMITATIONS ON METHODS OF DISPUTE RESOLUTION UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT.

2 (a) LIMITATION ON USE OF ARBITRATION TO RESOLVE CONTROVERSIES UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—

3 (1) ARBITRATION; WRITTEN CONSENT REQUIREMENT.—Section 102 of the Servicemembers Civil Relief Act (50 U.S.C. 3912) is amended by adding at the end the following new subsection:

4 “(d) WRITTEN CONSENT REQUIREMENT FOR ARBITRATION.—Notwithstanding any other provision of law, whenever a contract with a servicemember, or a servicemember and the servicemember’s spouse jointly, provides for the use of arbitration to resolve a controversy subject to a provision of this Act and arising out of or relating to such contract, arbitration may be used to settle such controversy only if, after such controversy arises, all par-
ties to such controversy consent in writing to use arbitra-
tion to settle such controversy.”.

(2) APPLICABILITY.—Subsection (d) of such
section, as added by paragraph (1), shall apply with
respect to contracts entered into, amended, altered,
modified, renewed, or extended after the date of the
enactment of this Act.

(b) LIMITATION ON WAIVER OF RIGHTS AND PRO-
TECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF
ACT.—

(1) LIMITATION.—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 waiv-
er” after “to which it applies”; 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 waiv-
er” after “period of military service”.

(2) APPLICABILITY.—The amendment made by
paragraph (1) shall apply with respect to waivers
made on or after the date of the enactment of this
Act.
(c) **Clarification of Private Right of Action**

**Under Servicemembers Civil Relief Act.**—Section 802(a) of the Servicemembers Civil Relief Act (50 U.S.C. 4042(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting „, notwithstanding any previous agreement to the contrary,” after „may”; and

(2) in paragraph (3), by striking „, notwithstanding any previous agreement to the contrary”.

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