

AMENDMENT TO RULES COMMITTEE PRINT 118-

36

OFFERED BY MS. PORTER OF CALIFORNIA

At the end of title V, insert the following new section:

1 **SEC. 5___ . LIMITATIONS ON METHODS OF DISPUTE RESO-**
2 **LUTION UNDER THE SERVICEMEMBERS CIVIL**
3 **RELIEF ACT.**

4 (a) **LIMITATION ON USE OF ARBITRATION TO RE-**
5 **SOLVE CONTROVERSIES UNDER SERVICEMEMBERS CIVIL**
6 **RELIEF ACT.—**

7 (1) **ARBITRATION; WRITTEN CONSENT RE-**
8 **QUIREMENT.—**Section 102 of the Servicemembers
9 Civil Relief Act (50 U.S.C. 3912) is amended by
10 adding at the end the following new subsection:

11 “(d) **WRITTEN CONSENT REQUIREMENT FOR ARBI-**
12 **TRATION.—**Notwithstanding any other provision of law,
13 whenever a contract with a servicemember, or a service-
14 member and the servicemember’s spouse jointly, provides
15 for the use of arbitration to resolve a controversy subject
16 to a provision of this Act and arising out of or relating
17 to such contract, arbitration may be used to settle such
18 controversy only if, after such controversy arises, all par-

1 ties to such controversy consent in writing to use arbitra-
2 tion to settle such controversy.”.

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

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

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

14 (A) in the second sentence, by inserting
15 “and if it is made after a specific dispute has
16 arisen and the dispute is identified in the waiv-
17 er” after “to which it applies”; and

18 (B) in the third sentence, by inserting
19 “and if it is made after a specific dispute has
20 arisen and the dispute is identified in the waiv-
21 er” after “period of military service”.

22 (2) APPLICABILITY.—The amendment made by
23 paragraph (1) shall apply with respect to waivers
24 made on or after the date of the enactment of this
25 Act.

1 (c) CLARIFICATION OF PRIVATE RIGHT OF ACTION
2 UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—Section
3 802(a) of the Servicemembers Civil Relief Act (50 U.S.C.
4 4042(a)) is amended—

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

8 (2) in paragraph (3), by striking “, notwith-
9 standing any previous agreement to the contrary”.

