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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 9 of the United States Code with respect to arbitration.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. BUSTOS introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title 9 of the United States Code with respect  
to arbitration.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ending Forced Arbi-  
5 tration of Sexual Harassment Act”.

6 **SEC. 2. ARBITRATION OF EMPLOYMENT DISPUTES.**

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

1                   **“CHAPTER 4—ARBITRATION OF**  
2                                   **EMPLOYMENT DISPUTES**

3 **“SEC. 401. DEFINITIONS.**

4           “In this chapter—

5                   “(1) the term ‘sex discrimination dispute’  
6           means a dispute between an employer and employee  
7           arising out of conduct that would form the basis of  
8           a claim based on sex under title VII of the Civil  
9           Rights Act of 1964 (42 U.S.C.2000e et seq.) if the  
10          employment were employment as defined in section  
11          701(b) of that title regardless of whether a violation  
12          of title VII is alleged; and

13                   “(2) the term ‘predispute arbitration agree-  
14          ment’ means any agreement to arbitrate a dispute  
15          that had not yet arisen at the time of the making  
16          of the agreement.

17 **“SEC. 402. VALIDITY AND ENFORCEABILITY.**

18           “(a) IN GENERAL.—Notwithstanding any other pro-  
19          vision of this title, no predispute arbitration agreement  
20          shall be valid or enforceable if it requires arbitration of  
21          a sex discrimination dispute.

22           “(b) APPLICABILITY.—

23                   “(1) IN GENERAL.—An issue as to whether this  
24          chapter applies to an arbitration agreement shall be  
25          determined under Federal law. The applicability of

1 this chapter to an agreement to arbitrate and the  
2 validity and enforceability of an agreement to which  
3 this chapter applies shall be determined by a court,  
4 rather than an arbitrator, irrespective of whether the  
5 party resisting arbitration challenges the arbitration  
6 agreement specifically or in conjunction with other  
7 terms of the contract containing such agreement.

8 “(2) COLLECTIVE BARGAINING AGREEMENTS.—  
9 Nothing in this chapter shall apply to any arbitra-  
10 tion provision in a contract between an employer and  
11 a labor organization or between labor organizations,  
12 except that no such arbitration provision shall have  
13 the effect of waiving the right of an employee to  
14 seek judicial enforcement of a right arising under a  
15 provision of the Constitution of the United States, a  
16 State constitution, or a Federal or State statute, or  
17 public policy arising therefrom.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

21 (A) in section 1, by striking “of seamen,”  
22 and all that follows through “interstate com-  
23 merce”;

1 (B) in section 2, by inserting “or as other-  
2 wise provided in chapter 4” before the period at  
3 the end;

4 (C) in section 208—

5 (i) in the section heading, by striking  
6 **“CHAPTER 1; RESIDUAL APPLI-  
7 CATION”** and inserting **“APPLICA-  
8 TION”**; 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 4.”; and

13 (D) in section 307—

14 (i) in the section heading, by striking  
15 **“CHAPTER 1; RESIDUAL APPLI-  
16 CATION”** and inserting **“APPLICA-  
17 TION”**; and

18 (ii) by adding at the end the fol-  
19 lowing: “This chapter applies to the extent  
20 that this chapter is not in conflict with  
21 chapter 4.”.

22 (2) TABLE OF SECTIONS.—

23 (A) CHAPTER 2.—The table of sections for  
24 chapter 2 of title 9, United States Code, is

1           amended by striking the item relating to section  
2           208 and inserting the following:

“208. Application.”.

3                   (B) CHAPTER 3.—The table of sections for  
4           chapter 3 of title 9, United States Code, is  
5           amended by striking the item relating to section  
6           307 and inserting the following:

“307. Application.”.

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

“4. Arbitration of employment disputes.”.

10 **SEC. 3. EFFECTIVE DATE.**

11       This Act, and the amendments made by this Act,  
12 shall take effect on the date of enactment of this Act and  
13 shall apply with respect to any dispute or claim that arises  
14 on or after such date.