

107TH CONGRESS
1ST SESSION

H. R. 1489

To amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. MARKEY (for himself, Mrs. MORELLA, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. MCGOVERN, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BROWN of Ohio, Mr. CUMMINGS, Ms. CARSON of Indiana, Mrs. JONES of Ohio, Mrs. MINK of Hawaii, Mrs. CHRISTENSEN, Mr. RUSH, Ms. WOOLSEY, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. GREEN of Texas, Mr. NADLER, Ms. BALDWIN, Mr. CROWLEY, Mr. TOWNS, and Mr. SANDLIN) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Civil Rights Proce-
3 dures Protection Act of 2001”.

4 **SEC. 2. AMENDMENT TO TITLE VII OF THE CIVIL RIGHTS**
5 **ACT OF 1964.**

6 Title VII of the Civil Rights Act of 1964 (42 U.S.C.
7 2000e et seq.) is amended by adding at the end the fol-
8 lowing:

9 “EXCLUSIVITY OF POWERS AND PROCEDURES

10 “SEC. 719. Notwithstanding any Federal statute of
11 general applicability that would modify any of the powers
12 and procedures expressly applicable to a claim arising
13 under this title, such powers and procedures shall be the
14 exclusive powers and procedures applicable to such claim
15 unless after such claim arises the claimant voluntarily en-
16 ters into an agreement to resolve such claim through arbi-
17 tration or another procedure.”.

18 **SEC. 3. AMENDMENT TO THE AGE DISCRIMINATION IN EM-**
19 **PLOYMENT ACT OF 1967.**

20 The Age Discrimination in Employment Act of 1967
21 (29 U.S.C. 621 et seq.) is amended—

22 (1) by redesignating sections 16 and 17 as sec-
23 tions 17 and 18, respectively, and

24 (2) by inserting after section 15 the following:

1 “EXCLUSIVITY OF POWERS AND PROCEDURES

2 “SEC. 16. Notwithstanding any Federal statute of
3 general applicability that would modify any of the powers
4 and procedures expressly applicable to a right or claim
5 arising under this Act, such powers and procedures shall
6 be the exclusive powers and procedures applicable to such
7 right or such claim unless after such right or such claim
8 arises the claimant voluntarily enters into an agreement
9 to resolve such right or such claim through arbitration or
10 another procedure.”.

11 **SEC. 4. AMENDMENT TO THE REHABILITATION ACT OF**
12 **1973.**

13 Section 505 of the Rehabilitation Act of 1973 (29
14 U.S.C. 794a) is amended by adding at the end the fol-
15 lowing:

16 “(c) Notwithstanding any Federal statute of general
17 applicability that would modify any of the procedures ex-
18 pressly applicable to a claim based on right under section
19 501, such procedures shall be the exclusive procedures ap-
20 plicable to such claim unless after such claim arises the
21 claimant voluntarily enters into an agreement to resolve
22 such claim through arbitration or another procedure.”.

1 **SEC. 5. AMENDMENT TO THE AMERICANS WITH DISABIL-**
2 **ITIES ACT OF 1990.**

3 Section 107 of the Americans with Disabilities Act
4 of 1990 (42 U.S.C. 12117) is amended by adding at the
5 end the following:

6 “(c) Notwithstanding any Federal statute of general
7 applicability that would modify any of the powers and pro-
8 cedures expressly applicable to a claim based on a violation
9 described in subsection (a), such powers and procedures
10 shall be the exclusive powers and procedures applicable to
11 such claim unless after such claim arises the claimant vol-
12 untarily enters into an agreement to resolve such claim
13 through arbitration or another procedure.”.

14 **SEC. 6. AMENDMENT TO SECTION 1977 OF THE REVISED**
15 **STATUTES OF THE UNITED STATES.**

16 Section 1977 of the Revised Statutes of the United
17 States (42 U.S.C. 1981) is amended by adding at the end
18 the following:

19 “(d) Notwithstanding any Federal statute of general
20 applicability that would modify any of the procedures ex-
21 pressly applicable to a right to make and enforce a con-
22 tract of employment under this section, such procedures
23 shall be the exclusive procedures applicable to a claim
24 based on such right unless after such claim arises the
25 claimant voluntarily enters into an agreement to resolve
26 such claim through arbitration or another procedure.”.

1 **SEC. 7. AMENDMENT TO THE EQUAL PAY REQUIREMENT**
2 **UNDER THE FAIR LABOR STANDARDS ACT OF**
3 **1938.**

4 Section 6(d) of the Fair Labor Standards Act of
5 1938 (29 U.S.C. 206(d)) is amended by adding at the end
6 the following:

7 “(5) Notwithstanding any Federal statute of general
8 applicability that would modify any of the powers or proce-
9 dures expressly applicable to a claim based on violation
10 of this subsection, such powers and procedures shall be
11 the exclusive procedures applicable to such claim unless
12 after such claim arises the claimant voluntarily enters into
13 an agreement to resolve such claim through arbitration or
14 another procedure.”.

15 **SEC. 8. AMENDMENT TO THE FAMILY AND MEDICAL LEAVE**
16 **ACT OF 1993.**

17 Title IV of the Family and Medical Leave Act of
18 1993 (29 U.S.C. 2651 et seq.) is amended by adding at
19 the end the following:

20 **“SEC. 406. EXCLUSIVITY OF REMEDIES.**

21 “Notwithstanding any Federal statute of general ap-
22 plicability that would modify any of the procedures ex-
23 pressly applicable to a claim based on right provided under
24 this Act or under an amendment made by this Act, such
25 procedures shall be the exclusive procedures applicable to
26 such claim unless after such claim arises the claimant vol-

1 untarily enters into an agreement to resolve such claim
2 through arbitration or another procedure.”.

3 **SEC. 9. AMENDMENT TO TITLE 9 OF THE UNITED STATES**
4 **CODE.**

5 Section 14 of title 9, United States Code, is
6 amended—

7 (1) by inserting “(a)” before “This”, and

8 (2) by adding at the end the following:

9 “(b) This chapter shall not apply with respect to a
10 claim of unlawful discrimination in employment if such
11 claim arises from discrimination based on race, color, reli-
12 gion, sex, national origin, age, or disability.”.

13 **SEC. 10. APPLICATION OF AMENDMENTS.**

14 The amendments made by this Act shall apply with
15 respect to claims arising on and after the date of the en-
16 actment of this Act.

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