

114TH CONGRESS
2D SESSION

S. 2897

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

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2016

Mr. BLUMENTHAL (for himself, Mr. FRANKEN, Mr. BROWN, Mr. WHITEHOUSE, Mr. MARKEY, Mr. SANDERS, Mr. MERKLEY, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 9, 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 “Justice for Tele-
5 communications Consumers Act”.

6 **SEC. 2. ARBITRATION OF CERTAIN TELECOMMUNICATIONS**
7 **DISPUTES.**

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

1 **“CHAPTER 4—ARBITRATION OF CERTAIN**
 2 **TELECOMMUNICATIONS DISPUTES**

“Sec.

“401. Definitions.

“402. Validity and enforceability.

3 **“§ 401. Definition**

4 “‘In this chapter, the term ‘predispute arbitration
 5 agreement’ means any agreement to arbitrate a dispute
 6 that had not yet arisen at the time of the making of the
 7 agreement.

8 **“§ 402. Validity and enforceability**

9 “(a) IN GENERAL.—Notwithstanding any other pro-
 10 vision of this title or the Communications Act of 1934 (47
 11 U.S.C. 151 et seq.), no predispute arbitration agreement
 12 shall be valid or enforceable if it requires arbitration of
 13 a dispute arising out of a contract for—

14 “(1) a commercial mobile service, as defined in
 15 section 332(d) of the Communications Act of 1934
 16 (47 U.S.C. 332(d));

17 “(2) a service offered by a multichannel video
 18 programming distributor, as defined in section 602
 19 of the Communications Act of 1934 (47 U.S.C.
 20 522);

21 “(3) a telecommunications service or informa-
 22 tion service, as those terms are defined in section 3
 23 of the Communications Act of 1934 (47 U.S.C.
 24 153); or

1 “(4) a service offered by a common carrier, as
2 defined in section 3 of the Communications Act of
3 1934 (47 U.S.C. 153).

4 “(b) APPLICABILITY.—

5 “(1) IN GENERAL.—An issue as to whether this
6 chapter applies to an arbitration agreement shall be
7 determined under Federal law. The applicability of
8 this chapter to an agreement to arbitrate and the
9 validity and enforceability of an agreement to which
10 this chapter applies shall be determined by a court,
11 rather than an arbitrator, irrespective of whether the
12 party resisting arbitration challenges the arbitration
13 agreement specifically or in conjunction with other
14 terms of the contract containing such agreement.

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

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of chapters for title 9, United States Code, is

3 amended by adding at the end the following:

“4. Arbitration of certain telecommunications disputes ... 401”.

○