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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.**

To amend title 9 of the United States Code to prohibit the enforcement of predispute arbitration agreements with respect to sexual assault claims.

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IN THE HOUSE OF REPRESENTATIVES

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

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**A BILL**

To amend title 9 of the United States Code to prohibit the enforcement of predispute arbitration agreements with respect to sexual assault claims.

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 Mandatory Ar-  
5 bitration of Sexual Assault Claims Act of 2020”.

6 **SEC. 2. ARBITRATION OF SEXUAL ASSAULT CLAIMS.**

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 SEXUAL**  
2                                   **ASSAULT CLAIMS**

“Sec.

“401. Definitions.

“402. Limit on validity and enforceability.

3     **“§ 401. Definitions**

4             “In this chapter—

5                     “(1) the term ‘predispute arbitration agree-  
6                     ment’ means any agreement to arbitrate a claim  
7                     that had not yet arisen at the time of the making  
8                     of the agreement; and

9                     “(2) the term ‘sexual assault’ means a non-  
10                    consensual sexual act or sexual contact, as those  
11                    terms are defined in section 2246 of title 18, or  
12                    similar applicable State or Tribal law, including  
13                    when the victim lacks capacity to consent.

14    **“§ 402. Limit on validity and enforceability**

15             “(a) IN GENERAL.—Notwithstanding any other pro-  
16             vision of this title, a predispute arbitration agreement  
17             shall have no force or effect with respect to a sexual as-  
18             sault claim.

19             “(b) RELATED CLAIMS.—

20                     “(1) IN GENERAL.—Subject to paragraph (2),  
21                     and notwithstanding any other provision of this title,  
22                     a predispute arbitration agreement shall have no  
23                     force or effect with respect to a claim asserted by a

1 sexual assault victim that is based upon that sexual  
2 assault.

3 “(2) SEXUAL ASSAULT CLAIM DISMISSED.—

4 “(A) IN GENERAL.—If a court dismisses  
5 with prejudice a sexual assault claim that, but  
6 for subsection (a), would have been subject to  
7 a predispute arbitration agreement—

8 “(i) the court shall dismiss any other  
9 claim that, but for paragraph (1) of this  
10 subsection, would have been subject to a  
11 predispute arbitration agreement; and

12 “(ii) the relevant predispute arbitra-  
13 tion agreement shall apply with respect to  
14 any claim dismissed under clause (i).

15 “(B) TOLLING.—Any time period under a  
16 predispute arbitration agreement that is appli-  
17 cable to a claim dismissed under subparagraph  
18 (A)(i) shall be tolled during the period during  
19 which the claim was pending before a Federal  
20 court.

21 “(c) APPLICABILITY.—An issue as to whether this  
22 chapter applies to an arbitration agreement or a claim  
23 shall be determined under Federal law. The applicability  
24 of this chapter to an agreement to arbitrate or a claim  
25 and the force or effect of an agreement to which this chap-

1 ter applies shall be determined by a court, rather than  
2 an arbitrator, irrespective of whether the party resisting  
3 arbitration challenges the arbitration agreement specifi-  
4 cally or in conjunction with other terms of the contract  
5 containing such agreement.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

9 (A) in section 2, by inserting “or as other-  
10 wise provided in chapter 4” before the period at  
11 the end;

12 (B) in section 208—

13 (i) in the section heading, by striking  
14 “**Chapter 1; residual application**”  
15 and inserting “**Application**”; and

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

20 (C) in section 307—

21 (i) in the section heading, by striking  
22 “**Chapter 1; residual application**”  
23 and inserting “**Application**”; and

24 (ii) by adding at the end the fol-  
25 lowing: “This chapter applies to the extent

1 that this chapter is not in conflict with  
2 chapter 4.”.

3 (2) TABLE OF SECTIONS.—

4 (A) CHAPTER 2.—The table of sections for  
5 chapter 2 of title 9, United States Code, is  
6 amended by striking the item relating to section  
7 208 and inserting the following:

“208. Application.”.

8 (B) CHAPTER 3.—The table of sections for  
9 chapter 3 of title 9, United States Code, is  
10 amended by striking the item relating to section  
11 307 and inserting the following:

“307. Application.”.

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

**“4. Arbitration of sexual assault claims ..... 401”.**

15 **SEC. 3. PROSPECTIVE EFFECT.**

16 This Act, and the amendments made by this Act,  
17 shall take effect on the date of enactment of this Act and  
18 shall apply with respect to any claim that arises on or  
19 after such date.