107TH CONGRESS
2D SESSION

S. 2435

To amend title 9 of the United States Code to exclude all employment contracts from the arbitration provisions of chapter 1 of such title; and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2002

Mr. KENNEDY (for himself and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend title 9 of the United States Code to exclude all employment contracts from the arbitration provisions of chapter 1 of such title; 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Preservation of Civil

5 Rights Protections Act of 2002".

6 **SEC. 2. AMENDMENT TO FEDERAL ARBITRATION ACT.**

7 Section 1 of title 9, United States Code, is amended

8 by striking "of seamen" and all that follows through

9 "commerce".

SEC. 3. UNENFORCEABILITY OF ARBITRATION CLAUSES IN EMPLOYMENT CONTRACTS.

(a) PROTECTION OF EMPLOYEE RIGHTS.—Notwithstanding any other provision of law, any clause of any agreement between an employer and an employee that requires arbitration of a dispute arising under the Constitution or laws of the United States shall not be enforceable.

(b) EXCEPTIONS.—

(1) WAIVER OR CONSENT AFTER DISPUTE ARISES.—Subsection (a) shall not apply with respect to any dispute if, after such dispute arises, the parties involved knowingly and voluntarily consent to submit such dispute to arbitration.

(2) COLLECTIVE BARGAINING AGREEMENTS.— Subsection (a) shall not preclude an employee or union from enforcing any of the rights or terms of a valid collective bargaining agreement.

SEC. 4. APPLICATION OF AMENDMENTS.

This Act and the amendment made by section 2 shall apply with respect to all employment contracts in force before, on, or after the date of the enactment of this Act.

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