

117TH CONGRESS
1ST SESSION

S. 3251

To provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrollment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2021

Mr. DURBIN (for himself, Mr. WHITEHOUSE, Ms. WARREN, Mr. BROWN, Mr. BLUMENTHAL, Ms. HIRONO, Mr. MARKEY, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrollment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education.

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 “Court Legal Access
3 and Student Support Act of 2021” or the “CLASS Act
4 of 2021”.

5 **SEC. 2. INAPPLICABILITY OF CHAPTER 1 OF TITLE 9,
6 UNITED STATES CODE, TO ENROLLMENT
7 AGREEMENTS MADE BETWEEN STUDENTS
8 AND CERTAIN INSTITUTIONS OF HIGHER
9 EDUCATION.**

10 (a) IN GENERAL.—Chapter 1 of title 9 of the United
11 States Code (relating to the enforcement of arbitration
12 agreements) shall not apply to an enrollment agreement
13 made between a student and an institution of higher edu-
14 cation.

15 (b) DEFINITION.—In this section, the term “institu-
16 tion of higher education” has the meaning given such term
17 in section 102 of the Higher Education Act of 1965 (20
18 U.S.C. 1002).

19 **SEC. 3. PROHIBITION ON LIMITATIONS ON ABILITY OF STU-
20 DENTS TO PURSUE CLAIMS AGAINST CER-
21 TAIN INSTITUTIONS OF HIGHER EDUCATION.**

22 Section 487(a) of the Higher Education Act of 1965
23 (20 U.S.C. 1094(a)) is amended by adding at the end the
24 following:

25 “(30) The institution will not require any stu-
26 dent to agree to, and will not enforce, any limitation

1 or restriction (including a limitation or restriction on
2 any available choice of applicable law, a jury trial,
3 or venue) on the ability of a student to pursue a
4 claim, individually or with others, against an institu-
5 tion in court.”.

6 **SEC. 4. EFFECTIVE DATE.**

7 This Act and the amendments made by this Act shall
8 take effect 1 year after the date of enactment of this Act.

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