

114TH CONGRESS
1ST SESSION

S. 2331

To amend the Servicemembers Civil Relief Act to make invalid and unenforceable predispute arbitration agreements with respect to controversies arising under provisions of such Act and to preserve the rights of servicemembers to bring class actions under such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2015

Mr. REED (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to make invalid and unenforceable predispute arbitration agreements with respect to controversies arising under provisions of such Act and to preserve the rights of servicemembers to bring class actions under such Act, 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 “SCRA Rights Protec-
5 tion Act of 2015”.

1 **SEC. 2. MAKING PREDISPUTE ARBITRATION UNENFORCE-**
 2 **ABLE WITH RESPECT TO CONTROVERSIES**
 3 **UNDER SERVICEMEMBERS CIVIL RELIEF**
 4 **ACT.**

5 (a) IN GENERAL.—Section 102 of the
 6 Servicemembers Civil Relief Act (50 U.S.C. App. 512) is
 7 amended by adding at the end the following new sub-
 8 section:

9 “(d) PREDISPUTE ARBITRATION UNENFORCE-
 10 ABLE.—Notwithstanding any other provision of law, no
 11 predispute arbitration agreement shall be valid or enforce-
 12 able against a servicemember, or a servicemember and the
 13 servicemember’s spouse jointly, with respect to any con-
 14 troversy subject to a provision of this Act.”.

15 (b) CONFORMING AMENDMENT.—Section 107(a) of
 16 such Act (50 U.S.C. App. 517(a)) is amended, in the first
 17 sentence, by striking “A servicemember” and inserting
 18 “Except as provided in section 102(d) and subject to the
 19 provisions of this section, a servicemember”.

20 (c) APPLICABILITY.—Subsection (d) of section 102 of
 21 such Act, as added by subsection (a), shall apply with re-
 22 spect to controversies arising after the date of the enact-
 23 ment of this Act.

1 **SEC. 3. LIMITATION ON WAIVER OF RIGHTS AND PROTEC-**
 2 **TIONS UNDER SERVICEMEMBERS CIVIL RE-**
 3 **LIEF ACT.**

4 (a) IN GENERAL.—Section 107(a) of the
 5 Servicemembers Civil Relief Act (50 U.S.C. App. 517(a))
 6 is amended—

7 (1) in the second sentence, by inserting “and if
 8 it is made after a specific dispute has arisen and the
 9 dispute is identified in the waiver” after “to which
 10 it applies”; and

11 (2) in the third sentence, by inserting “and if
 12 it is made after a specific dispute has arisen and the
 13 dispute is identified in the waiver” after “period of
 14 military service”.

15 (b) APPLICABILITY.—The amendment made by sub-
 16 section (a) shall apply with respect to waivers made on
 17 or after the date of the enactment of this Act.

18 **SEC. 4. PRESERVATION OF RIGHT TO BRING CLASS ACTION**
 19 **UNDER SERVICEMEMBERS CIVIL RELIEF**
 20 **ACT.**

21 (a) IN GENERAL.—Section 802(a) of the
 22 Servicemembers Civil Relief Act (50 U.S.C. App. 597a(a))
 23 is amended—

24 (1) in paragraph (1), by striking “and” at the
 25 end;

1 (2) in paragraph (2), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(3) be a representative party on behalf of
6 members of a class or be a member of a class, in
7 accordance with the Federal Rules of Civil Proce-
8 dure, notwithstanding any predispute agreement to
9 the contrary.”.

10 (b) CONSTRUCTION.—The amendments made by sub-
11 section (a) shall not be construed to imply that a person
12 aggrieved by a violation of such Act did not have a right
13 to bring a civil action as a representative party on behalf
14 of members of a class or be a member of a class in a
15 civil action before the date of the enactment of this Act.

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