

118TH CONGRESS
1ST SESSION

H. R. 5125

To amend the Servicemembers Civil Relief Act to limit the use of arbitration to resolve controversies under the Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2023

Ms. PORTER introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend the Servicemembers Civil Relief Act to limit the use of arbitration to resolve controversies under the 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 “End Servicemember
5 Forced Arbitration Act”.

1 **SEC. 2. LIMITATIONS ON METHODS OF DISPUTE RESOLU-**
2 **TION UNDER THE SERVICEMEMBERS CIVIL**
3 **RELIEF ACT.**

4 (a) LIMITATION ON USE OF ARBITRATION TO RE-
5 SOLVE CONTROVERSIES UNDER SERVICEMEMBERS CIVIL
6 RELIEF ACT.—

7 (1) ARBITRATION; WRITTEN CONSENT RE-
8 QUIREMENT.—Section 102 of the Servicemembers
9 Civil Relief Act (50 U.S.C. 3912) is amended by
10 adding at the end the following new subsection:

11 “(d) WRITTEN CONSENT REQUIREMENT FOR ARBI-
12 TRATION.—Notwithstanding any other provision of law,
13 whenever a contract with a servicemember, or a service-
14 member and the spouse of the servicemember jointly, pro-
15 vides for the use of arbitration to resolve a controversy
16 subject to a provision of this Act and arising out of or
17 relating to such contract, arbitration may be used to settle
18 such controversy only if, after such controversy arises, all
19 parties to such controversy consent in writing to use arbi-
20 tration to settle such controversy.”.

21 (2) APPLICABILITY.—Subsection (d) of such
22 section, as added by paragraph (1), shall apply with
23 respect to contracts entered into, amended, altered,
24 modified, renewed, or extended after the date of the
25 enactment of this Act.

1 (b) LIMITATION ON WAIVER OF RIGHTS AND PRO-
2 TECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF
3 ACT.—

4 (1) LIMITATION.—Section 107(a) of the
5 Servicemembers Civil Relief Act (50 U.S.C. 3918(a))
6 is amended—

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

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

15 (2) APPLICABILITY.—The amendment made by
16 paragraph (1) shall apply with respect to waivers
17 made on or after the date of the enactment of this
18 Act.

19 (c) CLARIFICATION OF PRIVATE RIGHT OF ACTION
20 UNDER SERVICEMEMBERS CIVIL RELIEF ACT.—Section
21 802(a) of the Servicemembers Civil Relief Act (50 U.S.C.
22 4042(a)) is amended—

23 (1) in the matter preceding paragraph (1), by
24 inserting “, notwithstanding any previous agreement
25 to the contrary,” after “may”; and

1 (2) in paragraph (3), by striking “, notwith-
2 standing any previous agreement to the contrary”.

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