

116TH CONGRESS  
2D SESSION

# H. R. 8608

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

OCTOBER 16, 2020

Mrs. LESKO (for herself and Ms. BASS) introduced the following bill; which was referred to the Committee on the Judiciary

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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 “Carrie’s Law”.

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

6 (a) IN GENERAL.—Title 9 of the United States Code  
7 is amended by adding at the end the following:

8 **“CHAPTER 4—ARBITRATION OF SEXUAL**  
9 **ASSAULT CLAIMS**

“Sec.

“401. Definitions.

“402. Limit on validity and enforceability.

1 **“§ 401. Definitions**

2 “In this chapter—

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

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

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

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

17 “(b) RELATED CLAIMS.—

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

24 “(2) SEXUAL ASSAULT CLAIM DISMISSED.—

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

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

9           “(ii) the relevant predispute arbitra-  
10 tion agreement shall apply with respect to  
11 any claim dismissed under clause (i).

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

18           “(c) APPLICABILITY.—An issue as to whether this  
19 chapter applies to an arbitration agreement or a claim  
20 shall be determined under Federal law. The applicability  
21 of this chapter to an agreement to arbitrate or a claim  
22 and the force or effect of an agreement to which this chap-  
23 ter applies shall be determined by a court, rather than  
24 an arbitrator, irrespective of whether the party resisting  
25 arbitration challenges the arbitration agreement specifi-

1 cally or in conjunction with other terms of the contract  
2 containing such agreement.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

9 (B) in section 208—

10 (i) in the section heading, by striking  
11 **“Chapter 1; residual application”**  
12 and inserting **“Application”**; and

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

17 (C) in section 307—

18 (i) in the section heading, by striking  
19 **“Chapter 1; residual application”**  
20 and inserting **“Application”**; and

21 (ii) by adding at the end the fol-  
22 lowing: “This chapter applies to the extent  
23 that this chapter is not in conflict with  
24 chapter 4.”.

25 (2) TABLE OF SECTIONS.—

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

“208. Application.”.

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

“307. Application.”.

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

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

12 **SEC. 3. PROSPECTIVE EFFECT.**

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

