

115TH CONGRESS  
1ST SESSION

# S. 542

To amend title 9, United States Code, with respect to arbitration.

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IN THE SENATE OF THE UNITED STATES

MARCH 7, 2017

Mr. WHITEHOUSE (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. DURBIN, Mr. FRANKEN, Ms. HIRONO, Mr. MARKEY, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 9, United States Code, with respect to arbitration.

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 “Safety Over Arbitra-  
5 tion Act of 2017”.

6 **SEC. 2. ARBITRATION OF DISPUTES INVOLVING HAZARDS**  
7 **TO PUBLIC HEALTH AND SAFETY.**

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

1 **“CHAPTER 4—ARBITRATION OF DISPUTES**  
2 **INVOLVING HAZARDS TO PUBLIC**  
3 **HEALTH AND SAFETY**

“Sec.

“401. Definition.

“402. Election of arbitration.

4 **“SEC. 401. DEFINITION.**

5 “In this chapter, the term ‘hazard to public health  
6 or safety’ means an activity, substance, or condition that  
7 has a potential to cause harm to the health or safety of  
8 the public.

9 **“SEC. 402. ELECTION OF ARBITRATION.**

10 “(a) **CONSENT REQUIRED.**—Notwithstanding any  
11 other provision of law, whenever a contract between an  
12 individual and another party requires the use of arbitra-  
13 tion to resolve a claim or controversy alleging facts rel-  
14 evant to a hazard to public health or safety, arbitration  
15 may be used to resolve such claim or controversy only if,  
16 after such controversy arises, all parties to such con-  
17 troversy consent in writing to use arbitration.

18 “(b) **EXPLANATION REQUIRED.**—Notwithstanding  
19 any other provision of law, whenever arbitration is elected  
20 to resolve a claim or controversy pursuant to subsection  
21 (a), the arbitrator shall provide the parties to such con-  
22 tract with a written explanation of the factual and legal  
23 basis for any award or other outcome, which shall not be  
24 made under seal by the arbitrator or a court.

1       “(c) APPLICATION.—This section shall apply to any  
2 contract entered into after the date of enactment of this  
3 chapter.”.

4       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
5 The table of chapters for title 9, United States Code, is  
6 amended by adding at the end the following:

**“4. Arbitration of disputes involving hazards to public  
          health and safety ..... 401”.**

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