[118H3038]

.....

(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 9, United States Code, with respect to arbitration of disputes involving race discrimination.

IN THE HOUSE OF REPRESENTATIVES

Mr. BELL introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 9, United States Code, with respect to arbitration of disputes involving race discrimination.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ending Forced Arbitration of Race Discrimination Act of 2025''.

SEC. 2. PREDISPUTE ARBITRATION OF DISPUTES INVOLVING RACE DISCRIMINATION.

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

"CHAPTER 5—ARBITRATION OF DISPUTES INVOLVING RACE DISCRIMINATION

''Sec.
''501. Definitions.
''502. No validity or enforceability.

"§ 501. Definitions

''In this chapter:

''(1) PREDISPUTE ARBITRATION AGREEMENT; PREDISPUTE JOINT-ACTION WAIVER.—The terms 'predispute arbitration agreement' and 'predispute joint-action waiver' have the meanings given the terms in section 401.

''(2) RACE DISCRIMINATION DISPUTE.—The term 'race discrimination dispute' means a dispute relating to conduct that is alleged to constitute discrimination (including harassment), or retaliation, on the basis of race, color, or national origin under applicable Federal, Tribal, State, or local law.

"§ 502. No validity or enforceability

''(a) IN GENERAL.—Notwithstanding any other provision of this title, at the election of the person alleging conduct constituting a race discrimination dispute, or the named representative of a class or in a collective action alleging such conduct, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a case which is filed under

Federal, Tribal, State, or local law and relates to the race discrimination dispute.

''(b) DETERMINATION OF APPLICABILITY.—An issue as to whether this chapter applies with respect to a dispute shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by a court, rather than an arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 9, United States Code is amended—

(A) in section 2, by inserting ''or 5'' before the period at the end;

(B) in section 208, in the second sentence, by inserting ''or 5'' before the period at the end; and

(C) in section 307, in the second sentence, by inserting ''or 5'' before the period at the end.

(2) TABLE OF CHAPTERS.—The table of chapters for title 9, United States Code, is amended by adding at the end the following:

"5. Arbitration of disputes involving race discrimination ..... 501.".

SEC. 3. APPLICABILITY.

This Act, and the amendments made by this Act, shall apply with respect to any dispute or claim that arises or accrues on or after the date of enactment of this Act.