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114TH CONGRESS
1ST SESSION

H. R. 4161

To amend the Servicemembers Civil Relief Act to require the consent of parties to contracts for the use of arbitration to resolve controversies arising under the contracts and subject to provisions of such Act and to preserve the rights of servicemembers to bring class actions under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2015

Mr. JONES (for himself, Mr. GRIFFITH, Mr. MASSIE, and Ms. GABBARD) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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A BILL

To amend the Servicemembers Civil Relief Act to require the consent of parties to contracts for the use of arbitration to resolve controversies arising under the contracts and subject to provisions of such Act and to preserve the rights of servicemembers to bring class actions under such Act, and for other purposes.

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 "SCRA Rights Protection Act of 2015".

SEC. 2. ELECTION OF ARBITRATION TO RESOLVE CONTROVERSIES UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

(a) IN GENERAL.—Section 102 of the Servicemembers Civil Relief Act (50 U.S.C. App. 512) is amended by adding at the end the following new subsection:

''(d) WRITTEN CONSENT REQUIRED FOR ARBITRATION.—Notwithstanding any other provision of law, whenever a contract with a servicemember, or a servicemember and the servicemember's spouse jointly, provides for the use of arbitration to resolve a controversy subject to a provision of this Act and arising out of or relating to such contract, arbitration may be used to settle such controversy only if, after such controversy arises, all parties to such controversy consent in writing to use arbitration to settle such controversy.''.

(b) APPLICABILITY.—Subsection (d) of such section, as added by subsection (a), shall apply with respect to contracts entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this Act.

SEC. 3. LIMITATION ON WAIVER OF RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

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

(1) in the second sentence, by inserting ''and if it is made after a specific dispute has arisen and the dispute is identified in the waiver'' after ''to which it applies''; and

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

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to waivers made on or after the date of the enactment of this Act.

SEC. 4. PRESERVATION OF RIGHT TO BRING CLASS ACTION UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

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

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

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

"(3) be a representative party on behalf of members of a class or be a member of a class, in accordance with the Federal Rules of Civil Procedure, notwithstanding any previous agreement to the contrary.".

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

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