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

IN THE SENATE OF THE UNITED STATES

Mr. Blumenthal (for himself, Mr. Franken, Mr. Brown, Mr. Whitehouse, Mr. Markey, Mr. Sanders, Mr. Merkley, and Ms. Warren) introduced the following bill; which was read twice and referred to the Committee on ____________________

A BILL

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

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 “Justice for Telecommunications Consumers Act”.

SEC. 2. ARBITRATION OF CERTAIN TELECOMMUNICATIONS DISPUTES.

(a) In General.—Title 9, United States Code, is amended by adding at the end the following:
“CHAPTER 4—ARBITRATION OF CERTAIN TELECOMMUNICATIONS DISPUTES

Sec.
401. Definitions.
402. Validity and enforceability.

§ 401. Definition

“In this chapter, the term ‘predispute arbitration agreement’ means any agreement to arbitrate a dispute that had not yet arisen at the time of the making of the agreement.

§ 402. Validity and enforceability

“(a) IN GENERAL.—Notwithstanding any other provision of this title or the Communications Act of 1934 (47 U.S.C. 151 et seq.), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising out of a contract for—

“(1) a commercial mobile service, as defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d));

“(2) a service offered by a multichannel video programming distributor, as defined in section 602 of the Communications Act of 1934 (47 U.S.C. 522);

“(3) a telecommunications service or information service, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); or
“(4) a service offered by a common carrier, as defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

“(b) APPLICABILITY.—

“(1) IN GENERAL.—An issue as to whether this chapter applies to an arbitration agreement 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.

“(2) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of an employee to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom.”.
(b) **Technical and Conforming Amendment.**—

The table of chapters for title 9, United States Code, is amended by adding at the end the following:

“4. Arbitration of certain telecommunications disputes ... 401”.