

## HR 4130

### Mandatory Arbitration Transparency Act of 2017

**Congress:** 115 (2017–2019, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** Oct 25, 2017

**Current Status:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.

**Latest Action:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law. (Nov 14, 2017)

**Official Text:** <https://www.congress.gov/bill/115th-congress/house-bill/4130>

## Sponsor

**Name:** Rep. O'Rourke, Beto [D-TX-16]

**Party:** Democratic • **State:** TX • **Chamber:** House

## Cosponsors

No cosponsors are listed for this bill.

## Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Oct 27, 2017
Judiciary Committee	House	Referred to	Nov 14, 2017

## Subjects & Policy Tags

**Policy Area:**

Law

## Related Bills

Bill	Relationship	Last Action
115 S 647	Identical bill	Mar 15, 2017: Read twice and referred to the Committee on the Judiciary.

## **Mandatory Arbitration Transparency Act of 2017**

This bill prohibits predispute arbitration agreements from containing a confidentiality clause regarding an employment, consumer, or civil rights dispute that could be interpreted to prohibit a party from: (1) making a communication in a manner such that the prohibition would violate a whistle-blower statute; or (2) reporting or making a communication about tortious conduct, unlawful conduct, or issues of public policy or public concern. But the prohibition shall not apply if a party can demonstrate a confidentiality interest that significantly outweighs the private and public interest in disclosure.

The validity or enforceability of such an agreement to arbitrate shall be determined by a court, under federal law, rather than by 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.

The bill does not apply to contracts between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall waive the right of an employee to seek judicial enforcement of a right arising under the U.S. Constitution, a state constitution, a federal or state statute, or related public policy.

The Federal Trade Commission shall enforce against violations by persons offering such agreements, which shall be treated as unfair or deceptive acts or practices under Federal Trade Commission Act. The bill also allows private rights of action by any persons aggrieved by a violation.

### **Actions Timeline**

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- **Nov 14, 2017:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Oct 27, 2017:** Referred to the Subcommittee on Digital Commerce and Consumer Protection.
- **Oct 25, 2017:** Introduced in House
- **Oct 25, 2017:** Referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.