

## S 647

### Mandatory Arbitration Transparency Act of 2017

**Congress:** 115 (2017–2019, Ended)

**Chamber:** Senate

**Policy Area:** Law

**Introduced:** Mar 15, 2017

**Current Status:** Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (Mar 15, 2017)

**Official Text:** <https://www.congress.gov/bill/115th-congress/senate-bill/647>

## Sponsor

**Name:** Sen. Blumenthal, Richard [D-CT]

**Party:** Democratic • **State:** CT • **Chamber:** Senate

## Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Brown, Sherrod [D-OH]	D · OH		Mar 15, 2017
Sen. Franken, Al [D-MN]	D · MN		Mar 15, 2017
Sen. Markey, Edward J. [D-MA]	D · MA		Mar 15, 2017
Sen. Merkley, Jeff [D-OR]	D · OR		Mar 15, 2017
Sen. Murray, Patty [D-WA]	D · WA		Mar 15, 2017
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Mar 15, 2017

## Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Mar 15, 2017

## Subjects & Policy Tags

### Policy Area:

Law

## Related Bills

Bill	Relationship	Last Action
115 HR 4130	Identical bill	Nov 14, 2017: Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.

## **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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- **Mar 15, 2017:** Introduced in Senate
- **Mar 15, 2017:** Read twice and referred to the Committee on the Judiciary.