

SUPPORT H.R. 4445/S. 2342

End Forced Arbitration for Sexual Assault & Sexual Harassment

- H.R. 4445/S. 2342 is a broadly bipartisan bill which restores the rights of sexual assault and sexual harassment survivors to escape forced arbitration if *they* would rather file their case in court.
- The bill was reported out of the House and Senate Judiciary Committees in November of 2021; in the Senate, no senator spoke in opposition to the bill when it came out of committee with the support of both the Chairman and Ranking Member.
- H.R. 4445/S. 2342's protections are triggered if, *and only if*, a survivor files a case. The bill does not prohibit forced arbitration; rather, it allows sexual assault and harassment survivors *the option* of filing a case in court.
- The bill is carefully drafted and operates entirely at the election of the survivor, to allow survivors a choice as to how to enforce their rights and seek public accountability from harassers, abusers, and the companies that protect them.
- This bill finally gives rape, sexual assault, and sexual harassment survivors the right to hold their abusers accountable in court if they so choose. This egregious misconduct would no longer be forced into the rigged, secretive process of forced arbitration, a system which operates outside the bounds of enforceable laws and allows sexual harassment and assault to flourish.
- The bill achieves one goal: to carve out cases involving sexual misconduct from the Federal Arbitration Act (FAA), which was enacted in 1925. It does not implicate or impact *in any way* any other existing state or federal laws.
 - Currently, only certain transportation workers are exempted from the Federal Arbitration Act's coverage; HR 4445 adds one additional category of cases to be exempted – those related to sexual harassment and assault.
 - The bill amends the Federal Arbitration Act only for the purpose of determining the threshold question at the very beginning of a case: does a survivor's case belong in forced arbitration or in court? After this question is answered (by a court applying the bill to a survivor's case filing), a survivor must then move forward to prove her case under whatever existing laws would apply to her. Nothing in the bill changes that which is required by existing state or federal law to prove a sexual harassment or assault case.
- The bill has broad support from survivors who, in November of 2021, testified under the protection of congressional subpoenas about the impact of forced arbitration; see here for a 60-second clip from the hearing: <https://vimeo.com/668816024>.
- The bill is further supported by a broad coalition of sexual assault, domestic violence, and survivors' rights organizations including Futures Without Violence, Jewish Women International, Lift Our Voices, National Alliance to End Sexual Violence, National Center on Domestic and Sexual Violence, National Coalition Against Domestic Violence, National Domestic Violence Hotline, National Network to End Domestic Violence, National Partnership for Women and Families, National Women's Law Center, Public Citizen, RAINN, RALIANCE, and Sexual Violence Prevention Association.
- Congress must act to empower and protect survivors of sexual assault and sexual harassment. H.R. 4445/S. 2342 is a critical, bipartisan step in the fight to end sexual harassment and assault now and for all future generations.