119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mrs. BRITT, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 9 of the 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 ''Ending Forced Arbitration of Children Online Act of 2026''.

SEC. 2. ARBITRATION OF EMPLOYMENT, CONSUMER, ANTITRUST, AND CIVIL RIGHTS DISPUTES.

(a) IN GENERAL.—Title 9 of the United States Code is amended by adding at the end the following:

"CHAPTER 5—ARBITRATION OF DISPUTES INVOLVING THE ACTIVITY OF A MINOR ON A COVERED PLATFORM

''Sec.
''501. Definitions.
''502. No validity or enforceability.

"§ 501. Definitions

''In this chapter—

''(1) the term 'covered platform' means an online platform, online video game, messaging application, video streaming service, or artificial intelligence system that connects to the internet and that is used, or is reasonably likely to be used, by a minor;

''(2) the term 'minor' means any individual under the age of 18 years; and

''(3) the terms 'predispute arbitration agreement' and 'predispute joint-action waiver' have the meanings given the terms in section 401.

"§ 502. No validity or enforceability

''(a) IN GENERAL.—Notwithstanding any other provision of this title, at the election of the person alleging physical injury, mental or psychological harm, or a violation of privacy or misuse of personal data, or the named representative of a class or in a collective action alleging such harm, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a case filed under Federal, Tribal, or State

law and in which such harm relates to the use of a covered platform by a minor.

''(b) DETERMINATION OF APPLICABILITY.—An issue as to whether this chapter applies with respect to a dispute 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, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 9 of the United States Code is amended—

(A) in section 2, by inserting ''or 5'' before the period at the end;

(B) in section 208, in the second sentence, by inserting ''or 5'' before the period at the end; and

(C) in section 307, in the second sentence, by inserting ''or 5'' before the period at the end.

(2) TABLE OF CHAPTERS.—The table of chapters of title 9, United States Code, is amended by adding at the end the following:

"5. Arbitration of disputes involving the activity of a minor on a covered platform ..... 501".

SEC. 3. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act and shall apply with respect to any dispute or claim that arises or accrues on or after such date.