

105TH CONGRESS  
2D SESSION

# S. 2654

To provide for a judicial and administrative remedy for disputes arising under certain agreements with foreign entities.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 21 (legislative day, OCTOBER 2), 1998

Mr. TORRICELLI introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for a judicial and administrative remedy for disputes arising under certain agreements with foreign entities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting American  
5 Small Business Trade Act of 1998”.

6 **SEC. 2. JUDICIAL AND ADMINISTRATIVE REMEDY TO EN-**  
7 **FORCE CERTAIN ARBITRATION CLAUSES.**

8 (a) JUDICIAL REMEDY.—Any person who has entered  
9 into any contract, license, or other agreement with any  
10 foreign entity before July 1, 1985, that contains a provi-

1 sion to settle by arbitration any controversy arising out  
2 of such contract, license, or other agreement, shall not be  
3 barred from bringing an action in any court of competent  
4 jurisdiction in the United States, including any Federal  
5 or State court, or from seeking appropriate relief from any  
6 agency of the United States, to resolve any controversy  
7 arising under such contract, license, or other agreement.

8 (b) PERSON.—In this section, the term “person”  
9 means—

10 (1) any natural person residing in the United  
11 States; and

12 (2) any corporation, partnership, or other entity  
13 organized under the laws of the United States.

14 (c) STATUTE OF LIMITATIONS.—The right under  
15 subsection (a) to bring an action in a court or to seek  
16 appropriate relief from an agency of the United States ap-  
17 plies only if the action is commenced, or petition for relief  
18 is filed, before the expiration of the 180-day period begin-  
19 ning on the date of enactment of this Act.

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