

September 18, 2019

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Kevin McCarthy  
Minority Leader  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Speaker Pelosi and Minority Leader McCarthy:

The undersigned national and state organizations, representing millions of people from around the country, urge you to pass the “Forced Arbitration Injustice Repeal Act” or “FAIR Act,” H.R.1423.

The FAIR Act would prevent companies from forcing aggrieved workers, consumers, servicemembers, nursing home residents, and small businesses into secretive, company-controlled, rigged, private arbitration systems. It would also stop corporations from banning consumer and worker class actions. And in line with the views of the vast majority of the American public, Republicans and Democrats alike,<sup>1</sup> the FAIR Act would not ban arbitration but rather stop corporations from forcing it on consumers, workers, patients, and small business who do not want it.

The urgent need for this legislation becomes clearer by the day. Employment discrimination, worker harassment, wage theft, cheating by banks and lenders, price-fixing cartels and other types of systemic corporate misconduct are widespread and growing problems. Forced arbitration clauses and class action bans make it nearly impossible for harmed workers, consumers, patients, servicemembers, and small businesses to seek accountability utilizing the federal and state laws that were enacted to empower and protect them. A hallmark of forced arbitration is that it is private and confidential, ensuring that misconduct stays secret, allowing companies to cover-up and continue discrimination, harassment, fraud and other types of illegal acts.

Corporate use of forced arbitration has grown exponentially. Over 90 percent of banks use forced arbitration against consumers,<sup>2</sup> 56.2 percent of nonunion private-sector workers are subject to forced arbitration<sup>3</sup> and by 2024, it is estimated that more than 80 percent of the private-sector

---

<sup>1</sup> “National Survey on Required Arbitration,” Hart Research Associates, Feb. 28, 2019, available at <https://www.justice.org/sites/default/files/2.28.19%20Hart%20poll%20memo.pdf>

<sup>2</sup> Consumers Want the Right to Resolve Bank Disputes in Court, Pew, Aug. 17, 2016, available at <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/08/consumers-want-the-right-to-resolve-bank-disputes-in-court>

<sup>3</sup> Alexander Colvin, The Growing Use of Mandatory Arbitration, Economic Policy Institute, April 6, 2018, available at <https://www.epi.org/publication/the-growing-use-of-mandatory-arbitration-access-to-the-courts-is-now-barred-for-more-than-60-million-american-workers/>

nonunion workforce will be bound by forced arbitration.<sup>4</sup> The use of forced arbitration has become the focus of wide-ranging national outrage, and has generated new legions of grassroots support for this bill. Within the last nine months, 20,000 Google workers walked out to protest forced arbitration, as did workers at game developer company Riot Games. Google workers have now launched a much larger movement to end forced arbitration. Law students have formed the People's Parity Project, also fighting and organizing to end forced arbitration and class action bans.

We join all of these grassroots efforts in supporting passage of the FAIR Act. This vital legislation would restore the rights of workers, consumers, servicemembers, patients, and small businesses to seek justice, and we strongly urge you to pass this legislation. For any questions or follow-up, please contact Joanne Doroshow, Center for Justice & Democracy, [joanned@centerjd.org](mailto:joanned@centerjd.org) or Remington Gregg, Public Citizen, [rgregg@citizen.org](mailto:rgregg@citizen.org). Thank you.

Very sincerely,

Alliance for Justice  
 American Association for Justice  
 American Association of University Women  
 (AAUW)  
 American Civil Liberties Union  
 American Museum of Tort Law  
 Americans for Financial Reform  
 California Employment Lawyers  
 Association  
 Campaign for Accountability  
 Catholic Labor Network  
 Center for Auto Safety  
 Center for Biological Diversity  
 Center for Economic Integrity  
 Center for Economic Justice  
 Center for Justice & Democracy  
 Center for Progressive Reform  
 Church State Council  
 Committee to Support the Antitrust Laws  
 Consumer Action  
 Consumer Assistance Council, Inc.  
 Consumer Attorneys of California  
 Consumer Federation of America  
 Consumer Watchdog  
 Consumers for Auto Reliability and Safety  
 Demand Progress

Disability Rights Education & Defense Fund  
 (DREDF)  
 Earthjustice  
 EarthRights International  
 Economic Policy Institute  
 Empire State Consumer Project  
 Employee Rights Advocacy Institute For  
 Law & Policy  
 Equal Rights Advocates  
 Essential Information  
 Farmworker Association of Florida  
 Food & Water Watch  
 Fuse Washington  
 Googlers for Ending Forced Arbitration  
 Government Information Watch  
 Impact Fund  
 Justice in Aging  
 KidsAndCars.org  
 Leadership Conference on Civil and Human  
 Rights  
 Level Playing Field  
 Maryland Consumer Rights Coalition  
 NAACP  
 National Asian Pacific American Women's  
 Forum

---

<sup>4</sup> Kate Hamaji, Rachel Deutsch, Elizabeth Nicolas, Celine McNicholas, Heidi Shierholz, Margaret Poydock, Unchecked corporate power; Forced arbitration, the enforcement crisis, and how workers are fighting back, Economic Policy Institute, May 20, 2019, available at <https://www.epi.org/publication/unchecked-corporate-power/>

National Association of Consumer  
Advocates  
National Center for Transgender Equality  
National Consumer Law Center (on behalf  
of its low income clients)  
National Consumer Voice for Quality Long-  
Term Care  
National Consumers League  
National Disability Rights Network  
National Employment Law Project  
National Employment Lawyers Association  
National Equality Action Team (NEAT)  
National LGBTQ Task Force Action Fund  
National Organization for Women  
National Women's Health Network  
National Women's Law Center  
NETWORK Lobby for Catholic Social  
Justice  
New America's Open Technology Institute  
New York StateWide Senior Action Council  
OVEC-Ohio Valley Environmental  
Coalition  
People's Parity Project  
Protect All Children's Environment  
Public Citizen  
Public Justice  
Public Knowledge  
Public Law Center  
Sciencecorps  
Secure our Savings  
Texas Watch  
THE ONE LESS FOUNDATION  
Woodstock Institute