

September 17, 2019

To The Members of the United States Congress:

We urge you to oppose the “Forced Arbitration Injustice Repeal (or FAIR) Act,” (H.R. 1423 and S. 610), which would effectively outlaw arbitration provisions in private contracts. Federal law has protected arbitration as a means of resolving disputes between businesses, consumers and employees since 1925. These bills will result in more class action lawsuits.

The use of pre-dispute arbitration clauses in contracts benefits consumers, small businesses and employees. For example, a recent study by the Institute for Legal Reform found that employees prevailed three times more often, recovered twice as much money, and resolved their claims more quickly in arbitration than in litigation.<sup>1</sup> In addition, courts work to ensure that arbitration agreements of all types are fair and do not provide an untoward advantage to any party.

The only clear beneficiary of eliminating arbitration clauses are plaintiffs’ trial lawyers who would directly benefit from class action litigation replacing cost-effective and fair arbitration as a viable way to resolve disputes. Their gain would come at the expense of consumers, small businesses and employees. Studies have shown that class action settlements frequently provide, at best, a very low return to class members while the plaintiffs’ attorneys take in millions of dollars.

Accordingly, we urge you to oppose H.R. 1423 and S. 610.

Sincerely,

**National**

ACA International  
American Bankers Association  
American Financial Services Association  
American Foundry Society  
American International Automobile Dealers Association  
American Staffing Association  
American Tort Reform Association  
American Transaction Processors Coalition  
Consumer Bankers Association  
Consumer Data Industry Association  
Cruise Lines International Association  
CTIA  
Electronic Transactions Association  
Food Marketing Institute

Foodservice Equipment Distributors Association (FEDA)  
Innovative Payments Association  
International Franchise Association  
Lawyers for Civil Justice  
National Association of Manufacturers  
National Association of Wholesaler-Distributors  
National Black Chamber of Commerce  
National Independent Automobile Dealers Association  
National Restaurant Association  
National Retail Federation  
NCTA - The Internet & Television Association  
The National Association of Mutual Insurance Companies

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<sup>1</sup> <https://www.instituteforlegalreform.com/research/fairer-faster-better-an-empirical-assessment-of-employment-arbitration>

Professional Association for Customer  
Engagement (PACE)  
U.S. Chamber of Commerce  
U.S. Chamber Institute for Legal Reform  
(ILR)  
USTelecom

### **Alabama**

Prattville Area Chamber of Commerce

### **Arkansas**

Harrison Regional Chamber of Commerce  
Little Rock Regional Chamber of  
Commerce

### **Arizona**

Buckeye Valley Chamber of Commerce  
Greater Flagstaff Chamber of Commerce  
Marana Chamber of Commerce

### **California**

Camarillo Chamber of Commerce  
El Centro Chamber of Commerce  
Long Beach Area Chamber of Commerce  
North Orange County Chamber  
San Gabriel Valley Economic Partnership

### **Florida**

Davenport Chamber of Commerce  
Florida Chamber of Commerce  
Greater Boca Raton Chamber of Commerce  
Miramar Pembroke Pines Regional Chamber  
of Commerce

### **Iowa**

Marshalltown Area Chamber of Commerce

### **Illinois**

Bolingbrook Area Chamber of Commerce

Illinois Chamber of Commerce  
Rolling Meadows Chamber of Commerce

### **Indiana**

Indiana Chamber of Commerce

### **Kentucky**

Northern Kentucky Chamber of Commerce

### **Louisiana**

New Orleans Chamber of Commerce

### **Massachusetts**

South Shore Chamber of Commerce

### **Michigan**

Lansing Regional Chamber of Commerce

### **Missouri**

Missouri Chamber of Commerce and  
Industry

### **Mississippi**

Olive Branch Chamber of Commerce

### **Nevada**

Carson City Chamber of Commerce  
Reno + Sparks Chamber of Commerce

### **New York**

The Business Council of New York State,  
Inc.

### **Oklahoma**

Tulsa Regional Chamber

## **Pennsylvania**

Chester County Chamber of Business & Industry  
Indian Valley Chamber of Commerce  
Pennsylvania Chamber of Business and Industry  
Schuylkill Chamber of Commerce

## **Tennessee**

Bristol TN/VA Chamber of Commerce  
Kingsport Chamber

## **Texas**

Cedar Park Chamber of Commerce  
Laredo Chamber of Commerce  
Lubbock Chamber of Commerce

## **Utah**

South Jordan Chamber of Commerce  
South Salt Lake Chamber of Commerce

## **Virginia**

Greater Springfield Chamber of Commerce  
Loudoun County Chamber of Commerce  
Northern Virginia Chamber of Commerce

## **Washington**

Greater Yakima Chamber of Commerce

## **Wisconsin**

Oshkosh Chamber of Commerce

## **Wyoming**

Rock Springs Chamber of Commerce