

EXTENSIONS OF REMARKS

FORCED ARBITRATION

SPEECH OF

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 2016

Mr. ELLISON. Mr. Speaker, I stand with Representatives JOHNSON, SÁNCHEZ, and my other colleagues to discuss a well-known scourge on the rights of everyday Americans: forced arbitration clauses.

People talk about how the rules are rigged. They say the deck is stacked in favor of powerful interests. Forced arbitration clauses are a perfect example of an unfair system. Powerful corporations rig the rules to make it more difficult for people to hold companies accountable for wrong doing.

Nearly all companies add non-negotiable clauses in contracts that people are required to sign when we open a bank account, get a credit card or a cell phone or choose a financial advisor. Virtually any product and service that requires we sign a contract that includes fine-print will limit our ability to seek damages in open court.

If consumers have a complaint, we are limited to secret arbitration forums. These arbitration forums are controlled by the corporation. The corporations decide the venue and the arbitrator. Even if the arbitrator makes a terrible ruling or makes egregious errors, the ruling likely cannot be appealed or reversed. In fact, arbitrators' decisions in prior cases are not publicly available.

How did we get to this point? How is it possible that nearly all consumer and investment contracts include forced arbitration clauses? Why are consumers forced to resolve disputes after they arise in secret courts, not in the public courts?

We should look across the street. No entity has done more to expand forced arbitration clauses than the Supreme Court. Numerous anti-consumer rulings have restricted people's freedom to take a company to court.

Last year the Supreme Court ruled that DirecTV California customers could not band together to fight an early termination fee assessed by DirecTV. Instead, each customer had to file individually and use arbitration. They could not seek a class action lawsuit.

In 2013, *American Express v. Italian Colors* preserved the monopoly powers of American Express so it could continue to charge retailers high fees. Retailers who had sought a class action lawsuit were restricted by arbitration clauses in their contracts.

In 2011, *AT&T Mobility v. Concepcion* had the same outcome; people who were offered a "free cell phone" realized they were actually charged \$30. Consumers sought damages as a class but the Supreme Court ruled that the customers had to pursue their claims individually through arbitration.

As you would expect, these anti-consumer rulings were decided on ideological lines. In fact, the late Justice Antonin Scalia wrote

many of these decisions which were unfair or onerous to consumers.

But we are not giving up. We are pushing back hard against these mandatory arbitration contracts.

Congress barred forced arbitration clauses in residential mortgage terms.

Military members now have the right to go to court for disputes involving many types of loans.

Small-business auto dealers can choose to go to court when locked in disputes with the big auto manufacturers. Unfortunately, most auto dealers have deprived their own customers of this benefit.

The Consumer Financial Protection Bureau is working on a rule that could curb mandatory arbitration in consumer contracts. The CFPB could restore our ability to join our claims together to hold financial companies accountable when they break the law.

But there is still more work to do. The Securities and Exchange Commission has the authority to eliminate forced arbitration clauses that brokerage firms and financial advisors require their customers sign. But the SEC hasn't acted.

Therefore, I have sponsored legislation, the Investor Choice Act, (HR. 1098). My bill restores the rights of investors who are simply trying to save for retirement and other life goals. The bill says investors must have access to court to seek justice if advisors and brokers, who typically have the incentive to charge outsized commissions and fees, do not act in their customers' best interests. The bill has 21 cosponsors.

I am also a proud cosponsor of the Arbitration Fairness Act, Mr. JOHNSON's bill eliminates forced arbitration for all consumer and worker disputes;

I am also a cosponsor of the Court Legal Access & Student Support (CLASS) Act. This bill bans forced arbitration and class action prohibitions from college enrollment contracts.

Minnesota's own attorney general Lori Swanson has been a leader in trying to level the playing field for all Minnesotans. She worked to stop a corrupt arbitration provider from operating its business against consumers across the country; and she has urged federal regulators to eliminate arbitration clauses from nursing home contracts.

In closing, let me say, my colleagues and I are not seeking to do away with arbitration as a way for parties to work out their problems. We just think arbitration should be voluntary not mandatory.

I simply ask "If arbitration is so fair, why force it? Why not present it as an alleged "fair" option when a dispute has arisen—where both parties can consider all alternatives and agree on an appropriate forum?"

We know why: Because companies like forced arbitration clauses because they are a perfect tool to avoid liability for their actions.

If you want a fair system, if you want people to be able to accumulate wealth, then we need to stop these forced mandatory arbitration clauses in consumer and investor contracts.

HONORING MR. ROY DEDA UPON HIS RETIREMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2016

Mr. VISCLOSKY. Mr. Speaker, today, I am pleased to applaud Mr. Roy Deda and wish him well upon his retirement. Roy has dedicated his life to public service through his career with the United States Army Corps of Engineers (USACE). He has served in numerous capacities throughout his illustrious career and is retiring from his position as the Deputy for Project Management for the Chicago District. I am grateful for his expertise and leadership, and I honor him for his many years of outstanding service to the community of Northwest Indiana and beyond.

In 1975, Roy earned his Bachelor of Science degree in civil engineering from the University of Notre Dame. He began an internship with the Chicago District that same year. Mr. Deda worked in various positions in the Construction-Operations Division for the Chicago District until 1983, when he became a civil engineer for the North Central Division's Construction and Operations Directorate. In 1993, Roy was named chief of the Construction-Operations Division for the North Central Division and then for the Great Lakes and Ohio River Division. In 1988, he returned to the Chicago District, where he took over as the chief of the Chicago District's Construction Operations Division. As the Deputy for Project Management for the Chicago District since 2002 Roy has excelled in his responsibilities and will be greatly missed upon his retirement. In addition to his remarkable work with the Army Corps, Mr. Deda is also a member of the Society of American Military Engineers, the American Society of Civil Engineers, and is involved with the National Ovarian Cancer Coalition.

During his tenure with the USACE—Chicago District, Roy Deda has been particularly instrumental in the development and implementation of projects within Indiana's First Congressional District, projects that have changed the landscape of this region. Under his leadership, the levees along the Little Calumet River were constructed, and to date, the obligation to pay substantial flood insurance premiums have been removed for more than 4,000 home and business owners. The dredging of the Indiana Harbor Ship Canal, a project many in the community believed would never occur in their lifetime, is underway and will increase the efficiencies of the canal waters and significantly improve the quality of the water entering Lake Michigan. Federal, state, and local partners are working to restore the Grand Calumet River, one of our country's most polluted waterbodies, thanks to the research undertaken by the USACE under Mr. Deda's oversight.

Finally, residents of Northwest Indiana are able to recreate and enjoy the beauty of Lake

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Michigan through the Portage Lakefront Park, which Roy Deda helped spearhead. The scope of the Portage Lakefront Park project has been further expanded to include the restoration of an additional sixty-nine acres recently acquired by the City of Portage. Thanks to Roy's direction, the Portage Lakefront Park embodies the essence of the Lake Michigan Waterfront Authority, the intent of which is to increase public access to the Lake Michigan shoreline in Indiana. The success of these transformational projects improve the quality of life in Northwest Indiana and increase opportunities for economic development in our region, and for that I am grateful for Mr. Deda's exceptional work and dedication to bring these initiatives to fruition.

Mr. Speaker, I ask that you and all our colleagues join me in commending Roy Deda for his exceptional career, and in wishing him well as he spends time with his friends and family in retirement, including his children Erin and Donald. Roy's work and life of dedicated public service will enrich generations to come, and for his many contributions, he is worthy of the highest praise.

ENCOURAGING NATO PARTICIPATION FROM MEMBER NATIONS

HON. BRADLEY BYRNE

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2016

Mr. BYRNE. Mr. Speaker, I rise today to highlight a disturbing trend that deserves increased scrutiny in the wake of Russia's growing aggression in the Baltics, Ukraine, Eastern Europe, and the South Caucasus. Recently, NATO Secretary-General Jens Stoltenberg met with members of the Senate Armed Services and Foreign Relations Committees to discuss how to counter an assertive Russia, a phenomenon he describes as "a chief threat."

To be sure, recent events have led some to question the relevance of the NATO alliance. Indeed, that the U.S. accounted for more than 72 percent of NATO members' total defense expenditures, spending about \$649.9 billion last year, exemplifies the need to reform the 28-member defense alliance to restore it to a body that collectively wields the power to deter aggression and secure peace.

Currently, only 5 members of the 28 nation alliance spend the NATO recommended 2 percent of their gross domestic product on defense. This statistic is troublesome and indicative of a vastly disproportionate burden sharing that has existed for far too long and has potentially compromised NATO's effectiveness.

Perhaps as a result, Putin has successfully increased pressure on NATO's perimeter in an attempt to solidify control of the "Near Abroad." Moscow's invasion of Georgia in 2008 set in motion what has become an increasingly obvious pattern. Russia's annexation of Crimea in 2014, ongoing military campaign in the eastern part of Ukraine, and most recently, its confrontation with Azerbaijan through its proxy Armenia, epitomize Polish Minister of Foreign Affairs Witold Waszczykowski's characterization: Russia is "an aggressive neighbor that is openly proclaiming the redrawing of the borders of Europe."

As NATO members in Central, Eastern and Southern Europe continue to face antagonism from Russia, including a substantial military buildup in Armenia where it has deployed advanced fighter aircraft and attack helicopters to bases in Armenian territory just 25 miles from the Turkish border, the time to address the systemic issues that have plagued the NATO alliance is now.

European countries must step up to the plate to counter aggression and send a clear message to Russia that their actions will not be allowed to continue.

CELEBRATING THE 75TH ANNIVERSARY OF THE UNIVERSITY OF MARY WASHINGTON'S FEDERAL DEPOSITORY LIBRARY PROGRAM

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2016

Mr. WITTMAN. Mr. Speaker, I rise today in recognition of the University of Mary Washington celebrating their 75th anniversary as a Federal Depository Library on Thursday, March 10. The public has a right to information contained in Government documents, which have been published at public expense and the Government has an obligation to ensure the availability of, and access to, these documents at no cost. Federal Depository Libraries serve that goal by providing free, ready, and permanent public access to Federal Government information for present and future generations. UMW has shown true service to the community by highlighting the diversity and excellence of government information. I am thrilled to have the UMW Federal Depository Library Program as a part of the First District and want to again congratulate them on this amazing achievement.

RECOGNIZING THE CONTRIBUTIONS OF THE ALUMINUM INDUSTRY

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2016

Mr. RYAN of Ohio. Mr. Speaker, I rise today, two days prior to Earth Day, in my capacity as a member of the bipartisan Congressional Aluminum Caucus, to note the many ways in which the aluminum industry has contributed to the environmental goals we all share.

The list of contributions the aluminum industry has made to protect our nation's air and land is long, but allow me to mention just two ways in which aluminum deserves recognition on Earth Day.

Let's start with recycling. The aluminum industry's record as a contributor to driving up the nation's recycling rate is formidable. In the United States, 70 percent of all aluminum produced is recycled. And recycling that aluminum requires only 8 percent of the energy it took to make it the first time.

Because the metal is infinitely recyclable, as well as durable, a remarkable 75 percent of all aluminum ever made is still in use. Recycled

aluminum is so valuable that it more than pays for itself in the consumer recovery stream.

We all benefit from clean air, and aluminum has a lot to be proud of here, too. As auto companies commit to increased fuel economy, many are realizing that using aluminum in the bodies of cars and trucks significantly increases performance because it's strong and light weight.

This, in turn, means that drivers go further on a tank of gas, saving vast amounts of money over the life of a vehicle. It means that a lighter weight vehicle will be responsible for reduced greenhouse gases and increased fuel efficiency, which benefits everyone. And aluminum is increasingly being used in modern building construction, which in turn makes buildings more energy efficient.

I am proud to have major aluminum plants in my district that generate \$755.7 million in economic output. It creates great jobs, and is putting into commerce a material that is being used increasingly in all aspects of our lives from cars, planes and buildings and construction.

On this day, when we take note of the great strides we have made in protecting the planet, but also realize the work ahead of us, I wanted to take special note of the contributions made by my friends in the aluminum industry. I applaud their efforts.

JOHN ENGLANDER TESTIMONY TO HOUSE SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

HON. ALAN S. LOWENTHAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 2016

Mr. LOWENTHAL. Mr. Speaker, I submit the July 28, 2015 testimony of John Englander to the House Subcommittee on Energy and Mineral Resources.

Chairman Lamborn, Ranking Member Lowenthal, and members of the Committee: I am John Englander, an oceanographer, independent consultant, and author of the book, *High Tide On Main Street: Rising Sea Level and the Coming Coastal Crisis*. (2nd Ed, 2013, The Science Bookshelf)

Thank you for inviting me to comment on the implementation of the Coastal Zone Management Act. Your oversight of that important legislation is a good opportunity to consider the profound changes in the coastline that are just beginning to occur and will almost certainly accelerate in the decades ahead. I believe that looking forward to new perspectives about our coastal zone management is a truly important role for your subcommittee and the Natural Resources Committee and deserves a high priority.

Throughout human civilization we have recognized the highly dynamic aspects of the broad coastal zone, particularly the varying tides and storms, and shoreline erosion or accretion. Yet, it was generally assumed that the base sea level was rather stable. That was a commonsense belief as the fundamental height of the ocean had changed little in all of recorded human history, going back some five or six thousand years.

Understanding of the ice age cycles, however, gives a critical perspective that is key to recognizing the new era we are now entering. Thus I would like to briefly explain the ice ages and the implications for future sea level change, as that will directly impact how we define and manage the coastal zone.