

Congress must act to stop these abuses. That is why today I am introducing legislation to limit the injustice of forced arbitration and protect Americans' right to seek justice in our courts. The Restoring Statutory Rights Act will ensure that critical State and Federal laws can actually be effective, by ensuring that citizens cannot be stripped of their ability to enforce their rights using our independent justice system. It will also ensure that when States take action to address forced arbitration, they are not preempted by an overbroad reading of our Federal arbitration laws.

This effort is supported by the Leadership Conference for Civil and Human Rights, the National Employment Lawyers' Association, Americans For Financial Reform, Alliance for Justice, Earthjustice and consumer groups such as Consumers Union, Public Citizen, the National Consumer Law Center, and Consumers for Auto Reliability and Safety. These groups and many others have worked tirelessly to highlight the injustice of forced arbitration and the unparalleled scope and number of people it affects.

All Senators should care about the implications of forced arbitration for statutes that this body writes, debates, and enacts into law. Senators should also care about their home States' ability to protect consumers from unconscionable contracts when their State chooses to act. I urge Members to support this bill.

Mr. LEAHY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to discuss the widespread and harmful impact of forced arbitration—mandatory arbitration. Last November, the New York Times published a three-part investigative series, which I recommend to every Member, on the pervasive use of forced arbitration—or mandatory arbitration. Mandatory arbitration is a privatized system of justice that corporations rely on when their customers or workers seek justice for being cheated, injured, or mistreated.

The series in the New York Times, while shocking, illustrates something that I have been saying for a long time: Mandatory arbitration agreements—forced arbitration agreements, which are often buried in the fine print of employment and service contracts, severely restrict Americans' access to justice by stripping consumers and workers of their legal rights and insulating corporations from liability. From nursing home contracts and employment agreements to credit card and cell phone contracts, corporate America uses forced arbitration clauses to rig the system against ordinary Americans in a wide variety of cases.

My staff recently heard from a Minnesota lawyer who represents families with serious injury and wrongful death claims. He told the heartbreaking

story of a man who suffered from dementia and was eventually checked into a nursing home. Twenty-one days after entering the home, it became clear to the man's family that his life was in danger; he was rapidly losing weight and had fallen into a coma. He was then sent to a hospital, where it was discovered that he was suffering from "profound dehydration." Unfortunately, the hospital could not correct the harm caused by the nursing home, and the man died shortly thereafter. He was 71 years old. Then, instead of being able to take the nursing home to court, the man's family was forced to settle their wrongful death claim through arbitration. When all was said and done, the arbitrators actually received greater compensation than the family, and the nursing home got away with a slap on the wrist.

Egregious cases like that of this Minnesota family are not rare. Time and again, arbitration clauses stack the deck in favor of big business and against consumers, as if the deck weren't stacked enough already. As the number of unbelievable stories grows, the need for reform has become clearer and more urgent. That is why I am proud to be joining Senator LEAHY, as well as Senators BLUMENTHAL, DURBIN, and WHITEHOUSE, in introducing the Restoring Statutory Rights Act to ensure that Americans can enforce their civil rights.

As Members of Congress, we have fought hard to pass legislation that will protect Americans from discrimination. This critical work is undermined, however, if we strip away their right to go to court and instead force these claims into a privatized justice system.

Remember that corporations can write the rules for the arbitration proceedings; everything can be done in secret, without public rulings; discovery can be limited, making it hard for consumers to get the evidence they need to prove their case; and there is no meaningful judicial review, so there is not much a consumer or an employee can do if the arbitrator gets it wrong. It is simply not fair.

I have also introduced with a number of colleagues my own bill, the Arbitration Fairness Act, which would fix these unfair practices by amending the Federal Arbitration Act to prohibit the use of mandatory, predispute arbitration agreements in consumer, employment, civil rights, and anti-trust cases. This bill gives Americans a real choice: If a consumer or worker wants to take his claim into arbitration, then, by all means, he is free to do so, provided that the corporation is willing to do so as well. However, if the consumer or employee wants to go to court, that option will once again be available.

To put it simply, both of these bills are about reopening the courthouse doors to American consumers and workers, because the courthouse doors never should have been closed in the first place.

I ask others to please join me in fighting back against mandatory arbitration and cosponsor the Restoring Statutory Rights Act and the Arbitration Fairness Act.

Mr. President, I yield the floor.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 362—RECOGNIZING THE CONTRIBUTIONS OF THE MONTAGNARD INDIGENOUS TRIBESPEOPLE OF THE CENTRAL HIGHLANDS OF VIETNAM TO THE UNITED STATES ARMED FORCES DURING THE VIETNAM WAR, AND CONDEMNING THE ONGOING VIOLATION OF HUMAN RIGHTS BY THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Mr. BURR (for himself and Mr. TILLIS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 362

Whereas the Montagnards are an indigenous tribespeople living in Vietnam's Central Highlands region;

Whereas the Montagnards were driven into the mountains by invading Vietnamese and Cambodians in the 9th century;

Whereas French Roman Catholic missionaries converted many of the Montagnards in the 19th century and American Protestant missionaries subsequently converted many to various Protestant sects;

Whereas, during the 1960s, the United States Mission in Saigon, the Central Intelligence Agency (CIA), and United States Army Special Forces, also known as the Green Berets, trained the Montagnards in unconventional warfare;

Whereas an estimated 61,000 Montagnards, out of an estimated population of 1,000,000, fought alongside the United States and the Army of the Republic of Vietnam (ARVN) forces against the North Vietnamese Army and the Viet Cong;

Whereas the Central Intelligence Agency, United States Special Forces, and the Montagnards cooperated on the Village Defense Program, a forerunner to the War's Strategic Hamlet Program, and an estimated 43,000 Montagnards were organized into "Civilian Irregular Defense Groups" (CIDGs) to provide protection for the areas around the CIDGs' operational bases;

Whereas, at its peak, the CIDGs had approximately 50 operational bases, with each base containing a contingent of two United States Army officers and ten enlisted men, and an ARVN unit of the same size, and each base trained 200 to 700 Montagnards, or "strikers";

Whereas another 18,000 Montagnards were reportedly enlisted into mobile strike forces, and various historical accounts describe a strong bond between the United States Special Forces and the Montagnards, in contrast to Vietnamese Special Forces and ARVN troops;

Whereas the lives of thousands of members of the United States Armed Forces were saved as a result of the heroic actions of the Montagnards, who fought loyally and bravely alongside United States Special Forces in the Vietnam War;

Whereas, after the fall of the Republic of Vietnam in 1975, thousands of Montagnards fled across the border into Cambodia to escape persecution;

Whereas the Government of the reunified Vietnamese nation, renamed the Socialist Republic of Vietnam, deeply distrusted the Montagnards who had sided with the United States and ARVN forces and subjected them to imprisonment and various forms of discrimination and oppression after the Vietnam War ended;

Whereas, after the Vietnam War, the United States Government resettled large numbers of Montagnards, mostly in North Carolina, and an estimated several thousand Montagnards currently reside in North Carolina, which is the largest population of Montagnards residing outside of Vietnam;

Whereas the Socialist Republic of Vietnam currently remains a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV), which continues to restrict freedom of religion, movement, land and property rights, and political expression;

Whereas officials of the Government of Vietnam have forced Montagnards to publicly denounce their religion, arrested and imprisoned Montagnards who organized public demonstrations, and mistreated Montagnards in detention;

Whereas some Montagnard Americans have complained that Vietnamese authorities either have prevented them from visiting Vietnam or have subjected them to interrogation upon re-entering the country on visits;

Whereas the Department of State's 2014 Country Reports on Human Rights Practices ("2014 Human Rights Report") documents that, despite Vietnam's significant economic growth, some indigenous and ethnic minority communities benefitted little from improved economic conditions, even though such communities formed a majority of the population in certain areas, including the Northwest and Central Highlands and portions of the Mekong Delta;

Whereas the 2014 Human Rights Report states that, although Vietnamese law prohibits discrimination against ethnic minorities, such social discrimination was longstanding and persistent, notably in the Central Highlands;

Whereas the 2014 Human Rights Report documents that land rights protesters have reported regular instances of government authorities physically harassing and intimidating them at land expropriation sites around the country;

Whereas, in its 2015 Annual Report, the United States Commission on International Religious Freedom (USCIRF) references the accounts of Montagnards, including children, fleeing persecution in Vietnam to seek refugee status in Cambodia, only to suffer harsh conditions while hiding in the jungles and forcibly returned to Vietnam by Cambodian officials;

Whereas USCIRF reports the Government of Vietnam continues to detain numerous prisoners of conscience and the number of new church registrations is exceptionally low when compared to the thousands of congregations that either choose to remain independent or are denied registration, leaving them no choice but to operate illegally;

Whereas the Department of State's 2014 International Religious Freedom Report documents that leaders of unregistered Protestant denominations continued to report that local authorities in the Central Highlands discriminated against their followers by threatening to exclude them from state programs if they did not denounce their faith and that students who were openly Protestant often suffered discrimination; and

Whereas USCIRF recommends that Vietnam be designated a Country of Particular Concern (CPC) as ongoing human rights violations "serve as a cautionary tale of the potential for backsliding in religious freedoms

when vigilance in monitoring such abuses ceases": Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the contributions of the Montagnards who fought loyally and bravely with United States Armed Forces during the Vietnam War and who continue to suffer persecution in Vietnam as a result of this relationship;

(2) condemns ongoing actions by the Government of Vietnam to suppress basic human rights and civil liberties for all its citizens;

(3) calls on the Government of Vietnam to allow human rights groups access to all regions of the country and to end restrictions of basic human rights, including the right for Montagnards to practice their Christian faith freely, the right to land and property, freedom of movement, the right to retain ethnic identity and culture, and access to an adequate standard of living; and

(4) urges the President and Congress to develop policies that support Montagnards and other marginalized ethnic minority and indigenous populations in Vietnam and reflect United States interests and commitment to upholding human rights and democracy abroad.

#### SENATE RESOLUTION 363—CONGRATULATING THE UNIVERSITY OF MOUNT UNION FOOTBALL TEAM FOR WINNING THE 2015 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION III FOOTBALL CHAMPIONSHIP

Mr. BROWN (for himself and Mr. PORTMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 363

Whereas, on December 18, 2015, the University of Mount Union Purple Raiders football team (referred to in this preamble as the "Purple Raiders") won the 2015 National Collegiate Athletic Association (referred to in this preamble as the "NCAA") Division III Football Championship with a 49 to 35 victory over the University of St. Thomas Tommies;

Whereas the head coach of the Purple Raiders led the team to a national championship win in his third year as the head coach of the Purple Raiders;

Whereas the University of Mount Union has won 12 national championships in NCAA Division III football;

Whereas the victory of the Purple Raiders broke their own record for the most national titles in football held by a program in any division;

Whereas the Purple Raiders defeated the 2014 national champion, the University of Wisconsin-Whitewater Warhawks, in the semifinal of the 2015 season, 36 to 6, to advance to the national championship game;

Whereas, in the 2015 national championship game—

(1) the running back of the Purple Raiders, number 34, rushed for 220 yards and 2 touchdowns on 25 carries;

(2) the quarterback of the Purple Raiders, number 11, threw for 201 yards and 3 touchdowns with zero interceptions;

(3) the wide receiver of the Purple Raiders, number 3, caught 5 passes for 127 yards, including a 63-yard catch;

(4) the freshman defensive back of the Purple Raiders, number 21, recorded the only interception by any player in the game;

Whereas, in the 2015 football season, the Purple Raiders—

(1) finished with a record of 14 wins and zero losses;

(2) continued a 103-game regular season winning streak, which began in 2005; and

(3) won the Ohio Athletic Conference championship, which was—

(A) the 24th consecutive Ohio Athletic Conference title won by the Purple Raiders; and

(B) the 27th conference title won by the Purple Raiders;

Whereas, in the 2015 football season—

(1) the junior offensive lineman of the Purple Raiders, number 52, was named the winner of the Division III Rimington Award, which is awarded to the most outstanding center in NCAA Division III football;

(2) the senior defensive lineman of the Purple Raiders, number 90, was named to the American Football Coaches Association Division III Coaches' All-America team;

(3) the senior linebacker of the Purple Raiders, number 4, a 3-time team captain, was named—

(A) a winner of the NCAA ELITE 90 award for the third straight year; and

(B) the Academic All-American of the Year for Division III football by the College Sports Information Directors of America; and

(4) the senior safety of the Purple Raiders, number 31, was named 1 of the 10 finalists for the Gagliardi Trophy, which is awarded to the top all-around player in NCAA Division III football;

Whereas the President and the director of athletics of the University of Mount Union have fostered a continuing tradition of athletic and academic excellence at the University of Mount Union;

Whereas the University of Mount Union has proven to be a perennial championship contender in NCAA Division III football; and

Whereas the marching band, cheerleaders, students, faculty, alumni, and fans of the University of Mount Union have supported the Purple Raiders through a season filled with triumph: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Mount Union Purple Raiders football team for winning the 2015 National Collegiate Athletic Association Division III Football Championship;

(2) recognizes the players, coaches, staff, and fans of the University of Mount Union Purple Raiders football team, whose hard work led to the team winning the 2015 National Collegiate Athletic Association Division III Football Championship; and

(3) respectfully requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to—

(A) the President of the University of Mount Union;

(B) the director of athletics of the University of Mount Union; and

(C) the head coach of the University of Mount Union football team.

#### SENATE RESOLUTION 364—RELATIVE TO THE DEATH OF MARLOW COOK, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF KENTUCKY

Mr. MCCONNELL (for himself, Mr. REID of Nevada, Mr. PAUL, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY,