Mr. Speaker, let us join in celebration and in recognition of all former and current residents of Spring Lake Village as we celebrate its 150th birthday.

STATE OF GUN VIOLENCE IN THE VIRGIN ISLANDS

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Mr. Speaker, every day, 100 Americans are killed with guns and hundreds more are shot and injured. That is 36,500 people a year who lose their lives to gun violence. The effects extend far beyond those casualties and shape the lives of millions of Americans who witness it, know someone who was shot, or live in fear of the next shooting. This senseless loss of life is all too common in the United States and its territories.

As of August 26, we have lost 26 lives to gun violence in the Virgin Islands. In 2018, the United Nations released a report naming the territory as the new murder capital in the Caribbean, with 52.64 murders per 100,000 people.

For the families, friends, and communities of victims in the Virgin Islands, this pain will never pass, just as it will not pass for the loved ones of thousands of other people who have died from gun violence in the U.S.

Time for action is overdue. Earlier this year, the House passed the Bipartisan Background Checks Act of 2019, requiring checks for all gun purchases. We need to push for universal background checks, assistance and increasing funds to border control for the Virgin Islands and Puerto Rico to stop guns coming into the territories, and enhanced treatment and resources for mental health.

I look forward to working with all to come up with some form of sensible gun law legislation.

□ 1215

RECOGNIZING BILL DUNN

(Mr. BURCHETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURCHETT. Mr. Speaker, I rise in recognition of my good friend, Bill Dunn, a colleague of mine from my time in the Tennessee General Assembly.

Representative Dunn and I served together in the State house starting when we were members of the same freshman class in 1995. Since that time, he has remained a strong champion for fiscal conservatism and the rights of the unborn.

Upon completing his current term, Representative Dunn will retire from his house seat after 26 years. Representative Dunn has been a diligent public servant, an excellent representative for his community, and, most importantly, an honorable family man.

He and his wife, Stacy, have raised a wonderful family of five children; and I have not checked lately to see how many grandchildren there are, but there are a bunch of them, I am sure. I am sure his retirement includes quality time with his family.

I wish Representative Dunn the best of luck in the next chapter of his life and thank him for his commitment to our home State of Tennessee.

Bill Dunn is a good guy.

PROVIDING FOR CONSIDERATION OF H.R. 1423, FORCED ARBITRATION INJUSTICE REPEAL ACT; WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. TORRES of California. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 558 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1423) to amend title 9 of the United States Code with respect to arbitration. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-32 modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of September 20, 2019, relating to a measure making or continuing appropriations for the fiscal year ending September 30, 2020.

SEC. 3. It shall be in order at any time on the legislative day of September 19, 2019, or September 20, 2019, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. CUELLAR). The gentlewoman from California is recognized for 1 hour.

Mrs. TORRES of California. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Arizona (Mrs. LESKO), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mrs. TORRES of California. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. TORRES of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Tuesday, the House Rules Committee met and reported a rule, House Resolution 558, providing for consideration of H.R. 1423, the FAIR Act, under a structured rule.

The rule provides for 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The rule also provides same day authority for a rule providing for the consideration of a fiscal year 2020 CR and provides blank suspension authority through the legislative day of Friday, September 20, 2019.

Mr. Speaker, 11 years ago, Kevin Ziober joined the United States Navy Reserve. In his own words, he did so to ''help protect America's liberties, freedoms, and security.''

From 2010 to 2012, Kevin worked diligently for a Federal contractor in my home State of California, helping to grow the company from 18 employees to more than 90.

When he found out that he would be deployed in November of 2012, his employer decorated the office with navy-color balloons and threw a surprise party in his honor.

Unfortunately, the real surprise was delivered to him 30 minutes after his party. Kevin was fired. His employer made it clear that his job would not be waiting for him when he got back from his deployment.

I wonder what my colleagues would do if forced with the same circumstance of choosing country over providing for their own families.

The Uniformed Services Employment and Reemployment Rights Act protects his rights as a reservist to deploy and keep his job.

When Kevin returned from serving his country in 2014 and tried to enforce this very right, his employer filed a motion to compel arbitration, and it was granted.

Six months into his tenure with the company, Kevin had been required to sign several documents as a condition of keeping his job. Those documents included a forced arbitration clause, which meant that Kevin would have no access to the Federal court system—no access. He would lose his right to a jury trial, to any meaningful appeal, and to a public or speedy proceeding of any kind.

Mr. Speaker, Kevin and the thousands of other Americans who have been forced into arbitration proceedings are why we are here today. We are here to ensure that Americans are not forced to unknowingly agree to surrender their constitutional rights.

Under the present system, when corporations harm workers and consumers, their cases are often funneled into the confidential quasi-legal arbitration system.

When thousands of Californians were charged early termination fees that were illegal under State law, DIRECTV responded by forcing individual customers into arbitration.

What exactly are consumers supposed to do when it costs more to pursue a case through arbitration than it would if they were looking to recover a small amount?

Instead of victims fighting their cases together, big corporations can get away with making millions illegally by harming average Americans. By allowing forced arbitration and preventing class action lawsuits, we incentivize this very bad behavior.

Mandatory arbitration has the potential to affect everyone. One story that haunts me is that of Sister Irene Morissette.

When she was 84 years old, Sister Irene, an elderly Catholic nun, moved to Chateau Vestavia, an assisted living facility outside of Birmingham, Alabama. While living at this facility, she was brutally raped at 84 years of age. The police found blood and semen on her bed and her clothing.

The medical examiner documented bleeding and injuries that indicated a rape had occurred, but after the police failed to bring a criminal case, Irene's family attempted to bring a civil suit against Chateau Vestavia. Instead of being able to pursue her case in court, she was forced to arbitration. Irene, unknowingly, had signed a forced arbitration clause buried in the documents required to live at the facility.

The arbitrator decided that, despite the physical evidence of rape, besides the blood and the semen on her clothing, the facility that was charged with keeping her safe could not and would not be held responsible.

Unfortunately, forced arbitration is common practice among large chain nursing facilities. Ninety percent of these large facilities require forced arbitration agreements.

Mr. Speaker, can you imagine trusting your loved one, your mom or a grandma, to be cared for at one of these facilities and then finding out that they have been brutally harmed and that you could not seek a fair recourse, no justice?

These facilities argue that if you refuse to sign a forced arbitration clause, you can just take your loved one, take your business somewhere else, go. But that choice isn't a viable choice, because the majority of these large facilities, as I stated, 90 percent of these large facilities require you to sign an arbitration agreement.

□ 1230

Many people don't have another option, at least not one if they want to live close to their loved ones or in their home State. So, seniors must sign away their right and be denied the opportunity to seek justice, just like Sister Irene.

What struck me the most about her story is why the arbitrator did not rule in her favor. The arbitrator said that Sister Irene did not sound upset enough in the audio recording to determine if she was really raped. What does that mean? How many times have men been judge and jury when deciding women didn't seem hurt enough, didn't fight back enough, didn't wear the right clothing, didn't scream loud enough, or didn't wear her own condom? Sister Irene was 84 years old, for God's sake. What does it take to find responsibility in an act of violence against an innocent nun?

I wonder how many other victims, who have been forced into arbitration, have heard similar statements of doubt from private arbitrators. The worst part is that we will never know. And why is that? Because most arbitration proceedings are not public. Nondisclosure agreements and gag orders often accompany mandatory arbitration. The #MeToo movement taught us a valuable lesson about nondisclosure agreements and forced arbitration. Without forced arbitration, we could have stopped Bill O'Reilly or Roger Ailes from assaulting women and spewing their hate on FOX News long ago. Doing away with forced arbitration means more victims can share their stories and prevent abusers from harming others.

What I hope these stories make clear is that arbitration, contrary to claims of my colleagues, does not work for everyone. In fact, for most Americans, it serves as a barrier to justice and a legal shield for corporations. It is a system that deters defendants from seeking justice and small payouts. It is a system that is fundamentally based on tricking Americans into giving up their rights.

That is why H.R. 1423 is so critically important. This bill would restore the rights of Americans by allowing them to make the choice for themselves about whether arbitration is right for them. Ultimately, that is what this bill is about: freedom to choose for every American.

If arbitration is the amazing system that my colleagues claim it is, then Americans will flock to pursue their claims through it. But if arbitration is, in fact, the barrier to justice that it appears to be for so many Americans, then this bill will allow them to choose for themselves how they want to pursue that justice. Voting for this rule is a step towards fighting the special interests that oppress our constituents.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair would advise Members to not traffic the well while another Member is under recognition.

Mrs. LESKO. Mr. Speaker, I thank Representative TORRES for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, we all want to protect innocent people, we all want to protect the little guy, and we all want to protect the elderly. That is why I would remind my colleague that courts can and have overturned unfair arbitration clauses, and, certainly, if criminal acts have been done, criminal charges should be pursued.

Today, we consider a bill that disregards private contracts and enriches the wealthiest trial attorneys. We consider a bill that my Democrat colleagues intended to protect the American people, but really it specifically carves out an application to labor unions. And why would it do that? Because the labor unions and trial lawyers are the Democrats' most ardent supporters and donors. We consider a bill that will hurt businesses and the very consumers and employees it seeks to protect.

The bill's proponents advance the idea that arbitration is unfair, coercive, and harmful, but that is far from the truth. In fact, I would like to read some of the things that the U.S. Supreme Court has said about arbitration agreements in various cases. They have said: The advantages of arbitration are many; it is usually cheaper and faster than litigation, it can have simpler procedural and evidentiary rules; it normally minimizes hostility and is less disruptive of ongoing and future business dealings among the parties; it is often more flexible in regard to scheduling of time and places of hearings and discovery devices; and the

U.S. Supreme Court in multiple rulings also further recognized that the informality of arbitral proceedings is itself desirable, reducing the cost and increasing the speed of dispute and resolution. And in other studies it has proven, over and over again in multiple studies, that arbitration actually has better results for the small guy, for the employee.

The bill's proponents advance the idea that arbitration is unfair, coercive, and harmful. But again, I repeat, that is far from the truth. Arbitration is an important option in our legal system. It allows us to resolve disputes without costly litigation. It is easier, faster, and cheaper.

Arbitration is well accepted and available to those who wish not to bring their disputes before Federal or State courts. It is a way to avoid the inflexibility, delays, and expenses of litigation. In fact, an employee can often set times better with arbitration than they do with a court hearing. It is especially useful in consumer disputes, which typically involve smaller claims.

Aside from benefits in cost and time, studies show that the results of arbitration are as good, or often better results than one would get in court.

To be fair, I don't believe that arbitration is always appropriate. For example, I, personally, do not agree with mandatory binding arbitration in situations involving sexual assault. I would be willing to work across the aisle with my Democratic colleagues on a tailored bill addressing the issue of sexual assault, but this bill is way too wide and targets arbitration across the board.

This bill would shut some Americans out of the justice system. Eliminating arbitration means that Americans, who can't afford courtroom lawyers' fees, may never receive justice. Allowing only those who can afford attorneys to obtain justice is not justice.

While shutting out some Americans from the justice system, this bill gives a massive handout to trial lawyers, who will greatly benefit from the huge increase in litigation costs. Money-hungry trial lawyers benefit from this bill, not everyday consumers and employees.

In fact, an amendment that was offered in Rules last night by Congressman SENSENBRENNER, who has been here for years and studied this topic, would have said, okay, arbitration stays in place, the status quo. But there is an option. If the trial lawyer can tell the consumer, the client, how much money it is going to cost to take it to court—and that is reasonable, and he had different ways that you would determine if the trial attorney fees were reasonable—then you can go ahead. My Democrat colleagues in the Rules committee rejected that amendment, a reasonable amendment.

I believe if this bill passes, we will see a rise in class action lawsuits and the abuse that comes from it. The rampant abuse in class action lawsuits is why companies have chosen mandatory binding arbitrations in the first place. If mandatory binding agreements are invalidated, there will be substantially more class action abuses.

Mr. Speaker, arbitration is beneficial. It saves time and money for both parties, and achieves just as good, if not better, outcomes for those involved.

Mr. Speaker, I urge opposition to the rule, and I reserve the balance of my time.

Mrs. TORRES of California. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. Mr. Speaker, I want to talk a little bit today about accountability. Accountability is something we teach our children. Let me burden you with a short story.

About 20 years ago, I am sitting in my kitchen. I think it was a Saturday morning. My son, Mattie, who is 4 years old, was in the middle of the kitchen floor and dropped a plate. It landed at his feet. He was wearing shoes. He looked up at me, I looked at him, and he said to me, Dad, I didn't do it.

Well, it is a funny story and it is cute, but the point is that you teach your children about accountability. You teach them to accept responsibility, to make things right that they have done wrong, and to move on with their lives.

My wife, Marion, and I have two boys, and we like to say we have done a marvelous job teaching them about accountability and taking proper responsibility.

But there is a poison in this country. There is a pestilence that has been occurring for at least a couple of generations. I want to say it started with the Watergate era back in the seventies, when people didn't want to take accountability and they didn't want to take responsibility. You heard phrases come up like ''plausible deniability.''

And then we went on into the corporate world and we had the Enron scandal. Rather than taking accountability and responsibility, standing up and admitting what they did and making it right, no, what did they do? They were shredding the documents as fast as they could shred them.

It is routine in this country now for people in positions of power and responsibility to say, ''mistakes were made,'' not ''I messed up.'' ''Mistakes were made.'' It is a pestilence in this country to deny accountability and responsibility. It is unacceptable.

The question is: What do we do to bring back accountability to the American culture? Well, the FAIR Act makes a big step in that direction. It invalidates forced arbitration clauses: the ones that show up in the boiler plate of the contracts that consumers sign with every agreement we have with a big corporation. It shows up in the fine print. And if you take the time to read it, it is not debatable, it is not negotiable. You have to sign it or else you have to not get the contract, not get the account.

□ 1245

Mr. Speaker, if you look at those contracts, it makes you waive your constitutional right, as Congresswoman TORRES just said.

We have a constitutional right to go to court to settle our disputes. Our Founding Fathers and people in the American Revolution fought and died for that constitutional right.

Mr. Speaker, with the stroke of a pen, you are allowed to give this away, even though it is in the fine print. Instead, you have to go to a rigged and secret arbitration process that the corporations control and usually win. It also means you can't band together with other claimants.

Think of what that means, Mr. Speaker. It means if you have an account with a big corporation and they decided to charge an extra $500 for the year, even though that is in violation of the contract, and it may be in violation of State law, who is going to bring a case for $500? A lawyer won't take that case. These clauses prohibit banding together in class actions and doing the cases together.

What does the upshot of that mean? It means that these corporations that do it act with impunity. They are immunized from accountability. They can do anything that they want without having to account for it in court.

This is a license to steal. It is wrong, and it goes against the American ideal of responsibility and accountability, what we try to teach our children. This is not something that really applies to small businesses. It applies to big corporations.

Eighty-one out of the Fortune 100 corporations use these forced arbitration clauses, and almost nobody goes to arbitration under them. Take Amazon Prime, for example. They have 101 million subscribers to Amazon Prime. In the last 5 years, there have been only 15 arbitrations. That is because it just doesn't make sense. The economics don't work. If you can't band together and do it as a class action, then it doesn't work.

Class actions keep American corporations accountable and responsible. That is why we don't want to shut them down.

My friend from across the aisle, the gentlewoman from Arizona, just said that this bill shuts some people out of the justice system and that it is an important option. It is not an option. That is the point of this bill. It is mandatory. It is forced. They don't have a choice. They go into a secret and rigged system.

Vote for the FAIR Act. I thank the gentlewoman, Mrs. TORRES, for yielding.

Mrs. LESKO. Mr. Speaker, I yield myself such time as I may consume.

I would also like to expand on several studies that have been done on this

issue throughout the years. One is the Searle study, another one done by the Consumer Financial Protection Bureau, and another one done by the U.S. Chamber Institute for Legal Reform. In all of these studies with different cases, it was found that employees were three times more likely to win in arbitration than in court. Employees, on average, won twice the amount of money through arbitration. In this U.S. Chamber Institute for Legal Reform report, it specifically said the employee won in arbitration an average of $520,630 versus in court, where the average was $269,885.

It also said arbitration disputes were resolved faster, on average: 569 days for arbitration; litigation, 665 days. Both seem long to me.

Mr. Speaker, 79 percent of arbitration cases were filed by employees who made less than $100,000.

What I am saying is, let's not throw out the baby with the bathwater. Arbitration has worked. It has worked for years. It has proven repeatedly that it is more cost-effective. In the cases of these studies, the employees actually got awarded more than they did, on average, when they went to court.

Let's not forget all of those people who have used trial attorneys. Mr. Speaker, you hear it over and over again, where the attorneys got all the money and the victims got hardly anything.

Mr. Speaker, I reserve the balance of my time.

Mrs. TORRES of California. Mr. Speaker, I yield myself such time as I may consume.

When Wells Fargo opened up 3.5 million fake accounts, including 178,972 from Arizona, Wells Fargo tried, since 2013, to use forced arbitration to block lawsuits, including a class-action case. These people were charged excess overdraft fees when their accounts were not overdrawn.

As it relates to labor, there are 60.1 million workers who make up a majority of nonunion private-sector employees who are subject to forced arbitration clauses. These employees are told that if they want the job or want to keep their current job, they must sign away their right to their day in court and submit to forced arbitration agreements.

In contrast, the collective bargaining process includes protections that are unavailable to many nonunion workers, such as rejecting unfair employment terms. In collective bargaining, both the company and the union are represented by counsel and can agree on arbitration before the dispute arises to an informed and transparent basis.

The collective bargaining process can also involve agreement over other important protections, such as truly neutral arbitrators, better procedures, and transparent decisionmaking.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. RASKIN), a distinguished member of the Rules Committee.

Mr. RASKIN. Mr. Speaker, have our colleagues across the aisle forgotten that the right to a jury trial was as essential a cause of the American Revolution as was representative democracy and the denial of voting rights itself?

John Adams said: ''Representative government and trial by jury are the heart and the lungs of liberty. Without them, we have no other fortification against being ridden like horses, fleeced like sheep, worked like cattle, and fed and clothed like swine and hounds.''

The massive suppression of trial by jury rights by British authorities was a critical cause of our Revolution. One of the charges that Thomas Jefferson leveled against the British in the Declaration of Independence was ''depriving us in many cases of the benefits of trial by jury.''

Now, today, we have not a foreign king and government trying to impose a closed Star Chamber on the American people but certain large corporations chartered by the States that seek to divest consumers and employees of their sacred trial by jury and due process rights by conditioning their employment or their market agreements on relegating them to closed-door binding arbitration sessions where all of their rights are vanquished and the whole process, from start to finish, is skewed in favor of the corporations that control and design the proceedings.

This legislation, the FAIR Act, vindicates the most essential rights of the American people.

Amazingly, the GOP floor leader admits that forcing victims of sexual harassment into compulsory arbitration proceedings is unfair and agrees with us that they should not be forced into compulsory arbitration. She would like us to strip everything else out of the bill and boil it down to that.

If it is not fair for victims of sexual harassment to be forced into forced arbitration, why is it fair for victims of racial harassment, consumer fraud, wrongful termination, or any of the other causes of action that she would exclude from the legislation?

I am glad that the gentlewoman agrees with us on the importance of not subjecting victims of sexual harassment to closed-door Star Chamber proceedings, but this concession from the minority gives away the whole game. If it is unfair to coerce them, it is unfair to coerce everyone else, too.

The key to understanding this legislation is that any consumer or employee who wants to enter into binding arbitration with a corporation can do so and is perfectly free to do so after a conflict has arisen, but it should not be compelled as a condition of employment, purchase, or rental, essentially elevating the power of corporations that have been chartered by the government over the essential constitutional rights of the people.

Mrs. LESKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, sometimes I don't understand why my Democratic colleagues put forward certain bills and not other bills, and this is not a bill that—I don't know about my colleagues, but I haven't had a lot of constituents talk to me about this bill and the need for it.

In fact, I have in front of me a recent poll that was done. It was conducted in March 2019. There were 1,000 registered voters who were polled. In that poll, it asked: ''Is arbitration viewed much more favorably than both class-action and individual lawsuits?''

On this, it said in all cases that arbitration was viewed more favorably by our constituents than individual lawsuits.

It goes on to break this down among Republicans, independents, and Democrats. In this case, Republicans thought that arbitration was a better format by 47 percent; independents, 36 percent; and half and half, another 36 percent. Democrats thought arbitration was better than going to court, 44 percent, and then another 34 percent added to 10 percent. Our constituents—and I may not be reading this right because it is in black and white instead of color. I will show it to the gentlewoman later.

If you add the two together, it clearly shows that Republicans, independents, and Democrats favor arbitration over going to court, and it is probably because of cases like this.

In fact, the Consumer Financial Protection Bureau found numerous problems in its study to be associated with reliance on class-action lawsuits for recovery on consumer claims. In addition, class-action lawsuits also have presented other problems, including scandal involving fabricated testimony bought and sold to support false claims.

For example, multiple renowned class-action lawyers have been exposed and convicted of such behavior. One of them, William Lerach of Milberg Weiss, told The Wall Street Journal that illegal kickbacks to people recruited to file class-action lawsuits is an industry practice. He and fellow trial lawyer Melvyn Weiss engineered a $250 million criminal scheme to pay people to sue companies, lied about it in court, and became Federal prisoners.

Another of American's most prominent trial lawyers, Richard Scruggs of Mississippi, pled guilty in March 2018 to bribing a State judge to obtain more legal fees.

I have already talked about how the U.S. Supreme Court, through multiple cases, has said that arbitration is a good practice, better in many cases than going to court. I have already talked about multiple studies that have studied the analysis between arbitration and court; that employees, on average, get awarded more money through arbitration than going to court; and that it helps employees and employers with flexibility of scheduling of time instead of going to court.

This has been a practice that has worked successfully for many years, and this is such a broad stroke that my Democratic colleagues are doing.

I continue to oppose it, and I reserve the balance of my time.

□ 1300

Mrs. TORRES of California. Mr. Speaker, I would like to inquire first from my colleague if she is prepared to close.

Mrs. LESKO. Mr. Speaker, I am.

Mrs. TORRES of California. Mr. Speaker, I reserve the balance of my time.

Mrs. LESKO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to ensure that, if you like your contract, you can keep your contract. My amendment would make this bill apply only prospectively, because in this bill it is retroactive unless the consumer chooses otherwise.

Americans enter into agreements with one another with the assumption that the law will not change the deal they made. This amendment would ensure that, if you like your contract and you are the small guy, you can keep your contract.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Arizona?

There was no objection.

Mrs. LESKO. Mr. Speaker, in closing, this bill will impose costly litigation on employees and consumers since arbitration offers a faster, cheaper, and easier way to resolve disputes. It also freezes out Americans who can't afford expensive lawyer fees from our justice system.

We should not be considering a bill that promotes injustice and inequality in our system. This bill is nothing but a giveaway to wealthy trial lawyers.

Mr. Speaker, I urge ''no'' on the previous question, ''no'' on the underlying measure, and I yield back the balance of my time.

Mrs. TORRES of California. Mr. Speaker, I yield myself the balance of my time.

Before I conclude, I would like to start by thanking Mr. JOHNSON and Mr. NADLER for bringing this critical piece of legislation to the floor.

Mr. Speaker, my colleagues have repeatedly argued that this legislation is for trial lawyers. Let me tell you about Allen.

Allen tried to hold American Express accountable for high swipe fees in a class action lawsuit with other small businesses. Instead, he was forced to go at it alone in arbitration, where he quickly found out that, even if he won his case, he would lose because it would cost much more to bring his claim than he could hope to ever recover. Allen lost his case after appealing all the way to the Supreme Court.

Recently, some very large companies like Walgreens, CVS, and Safeway have taken American Express to trial over the very same issue. The difference here is that they are large enough to have been able to negotiate contracts without forced arbitration clauses.

I have heard it said that the FAIR Act is bad for small businesses. It is quite the opposite. Corporate America claims the FAIR Act outlaws all arbitration clauses. That is simply not true. The FAIR Act does not apply to business-to-business arbitrations.

The bill protects workers, consumers, and small businesses with antitrust cases. Companies like Walmart or Exxon are not protected from forced arbitration under the FAIR Act.

I could share many more of these stories, but our time here is limited.

It shocks me that my colleague is so opposed to fair representation when our Founding Fathers recognized the importance of access to legal counsel, and every day on this very floor we pledge ''with liberty and justice for all''—for all.

I do agree with my colleagues, Mr. Speaker, that the biggest special interest at play here is the corporations that want to protect their top executives who sexually assault their employees; the cable companies who charge illegal fees, making millions in profits; the credit card companies that charge exorbitant fees, crippling small businesses; and many others that use forced arbitration to escape justice.

There are plenty of special interests that are fighting to keep using this broken system, and my colleague has tried to flip that narrative to make it seem as if the underdog will be hurt by this legislation—the underdog of billionaires. Nothing could be further from the truth.

Let's not forget whom this bill is for. This bill is about fighting for veterans like Kevin, for our loved ones in nursing homes like Sister Irene, for small businessowners and every other victim of forced arbitration.

Mr. Speaker, we have tossed around a lot of legal terms in this debate, but at its core, this bill is about justice.

In conclusion, I would like to tell about a horrific experience suffered by a customer of Massage Envy in L.A. County.

Lilly was sexually assaulted by a therapist, and after the assault, Lilly tried and tried to cancel her membership to this service, but the company repeatedly put roadblocks in her way. A year and a half later, she downloaded the Massage Envy app on her phone to cancel her membership. Hidden in the fine print of the app was a forced arbitration clause. Lilly filed a lawsuit.

Like hundreds of other women who have been assaulted, now Massage Envy is using forced arbitration to prevent Lilly from getting justice, attempting to force her and other women into arbitration to keep it a secret. Years later, she still has not seen an outcome.

By isolating survivors of sexual assault, wage theft, and discrimination and denying them the leverage of class action suits, we discourage other victims from coming forward. While the victims wait in limbo, navigating a potentially rigged arbitration system, their perpetrators are free to continue to rape, to continue to steal, and to continue their bad behavior.

Forced arbitration is bad for workers, small businesses, and consumers, and this bill is about giving Americans a chance to fight against powerful special interests.

Mr. Speaker, as my colleagues consider this legislation, I ask you: Will we continue to silence victims, or will we give them the freedom to make their own choice to fight against the injustice that they have suffered?

Mr. Speaker, I urge a ''yes'' vote on the rule and a ''yes'' vote on the previous question.

The material previously referred to by Mrs. LESKO is as follows:

AMENDMENT TO HOUSE RESOLUTION 558

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution, the amendment printed in section 5 shall be in order as though printed as the last amendment in part B of the report of the Committee on Rules accompanying this resolution if offered by Representative Lesko of Arizona or a designee. That amendment shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

SEC. 5. The amendment referred to in section 4 is as follows:

At the end of section 401 of chapter 4 of title 9 of the United States Code, as added by section 3 of the bill, add the following:

''(7) the term 'solicited party' means a contracting party asked to agree to a predispute arbitration agreement or to a predispute joint-action waiver; and

''(8) the term 'soliciting party' means a contracting party who asked a solicited party to agree to a predispute arbitration agreement or to a predispute joint-action waiver.''.

In section 402(a) of chapter 4 of title 9 of the United States Code, as added by section 3 of the bill, insert

''unless the solicited party seeks to enforce such agreement, or such waiver, against the soliciting party and the agreement or waiver was agreed to before the date of enactment of this Act'' before the period at the end.

Mrs. TORRES of California. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. LESKO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 9 minutes p.m.), the House stood in recess.

□ 1315

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 1 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 558;

Adoption of House Resolution 558, if ordered; and

Suspending the rules and passing H.R. 4285.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 1423, FORCED ARBITRATION INJUSTICE REPEAL ACT; WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 558) providing for consideration of the bill (H.R. 1423) to amend title 9 of the United States Code with respect to arbitration; waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules; and providing for consideration of motions to suspend the rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 228, nays 195, not voting 11, as follows:

[Roll No. 533]

YEAS—228

Adams
Aguilar
Allred
Axne
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DelBene
Delgado
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Engel
Escobar
Eshoo
Espaillat
Evans
Finkenauer
Fletcher
Foster
Frankel
Fudge
Gabbard
Gaetz
Gallego
García (IL)
Garcia (TX)
Golden
Gomez
Gonzalez (TX)
Gottheimer
Green, Al (TX)
Grijalva
Haaland
Harder (CA)
Hastings
Hayes
Heck
Higgins (NY)
Hill (CA)
Himes
Horn, Kendra S.
Horsford
Houlahan
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson (TX)
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Kim
Kind
Kirkpatrick
Krishnamoorthi
Kuster (NH)
Lamb
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee (CA)
Lee (NV)
Levin (CA)
Levin (MI)
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Luján
Luria
Lynch
Malinowski
Maloney, Carolyn B.
Maloney, Sean
Matsui
McAdams
McBath
McCollum
McGovern
McNerney
Meeks
Meng
Moore
Morelle
Moulton
Mucarsel-Powell
Murphy (FL)
Nadler
Napolitano
Neal
Neguse
Norcross
O'Halleran
Ocasio-Cortez
Omar
Pallone
Panetta
Pappas
Pascrell
Payne
Perlmutter
Peters
Peterson
Phillips
Pingree
Pocan
Porter
Pressley
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Ruppersberger
Rush
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schrader
Schrier
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shalala
Sherman
Sherrill
Sires
Slotkin
Smith (WA)
Soto
Spanberger
Speier
Stanton
Stevens
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Titus
Tlaib
Tonko
Torres (CA)
Torres Small (NM)
Trahan
Trone
Underwood
Van Drew
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson Coleman
Welch
Wexton
Wild
Wilson (FL)
Yarmuth

NAYS—195

Aderholt
Allen
Amash
Amodei
Armstrong
Arrington
Babin
Bacon
Baird
Balderson
Banks
Barr
Bergman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Collins (NY)
Comer
Conaway
Cook
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duffy
Duncan
Dunn
Emmer
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx (NC)
Fulcher
Gallagher
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Gosar
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grothman
Guest
Guthrie
Hagedorn
Harris
Hartzler
Hern, Kevin
Herrera Beutler
Hice (GA)
Higgins (LA)
Hill (AR)
Holding
Hollingsworth
Hudson
Huizenga
Hunter
Hurd (TX)
Johnson (LA)
Johnson (OH)
Johnson (SD)
Jordan
Joyce (OH)
Joyce (PA)
Katko
Keller
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Kustoff (TN)
LaHood
LaMalfa
Lamborn
Latta
Lesko
Long
Loudermilk
Lucas
Luetkemeyer
Marchant
Marshall
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
Meadows
Meuser
Miller
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (NC)
Newhouse
Norman
Nunes
Olson
Palazzo
Palmer
Pence
Perry
Posey
Ratcliffe
Reed
Reschenthaler
Rice (SC)
Riggleman
Roby
Rodgers (WA)
Roe, David P.
Rogers (AL)
Rogers (KY)
Rooney (FL)
Rose, John W.
Rouzer
Roy
Rutherford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Shimkus
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spano
Stauber
Stefanik
Steil
Steube
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Timmons
Tipton
Turner
Upton
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Weber (TX)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Wright
Yoho
Young
Zeldin

NOT VOTING—11

Abraham
Bass
Clyburn
Crawford
Cummings
Garamendi
Mast
McEachin
Ryan
Thompson (MS)
Webster (FL)

□ 1343

Messrs. GALLAGHER, COLE, FLORES, CRENSHAW, MURPHY of North Carolina, SMITH of New Jersey, and BILIRAKIS changed their vote from ''yea'' to ''nay.''

Mr. RUSH changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. LESKO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 196, not voting 10, as follows:

[Roll No. 534]

YEAS—228

Adams
Aguilar
Allred
Axne
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Case
Casten (IL)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Cisneros
Clark (MA)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (CA)
Craig
Crist
Crow
Cuellar
Cunningham
Davids (KS)