



March 15, 2022

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

The Honorable Kevin McCarthy
Republican Leader
U.S. House of Representatives
Washington, DC 20515

Dear Speaker Pelosi and Republican Leader McCarthy:

I write to express the opposition of the National Retail Federation (NRF) to H.R. 963, the Forced Arbitration Injustice Repeal (FAIR) Act, which would effectively prohibit the inclusion of arbitration provisions in private contracts. **Please note that NRF will consider votes for and co-sponsorship of the FAIR Act and related amendments as part of the Retail Opportunity Index for our voting scorecard.**

NRF is the world's largest retail trade association, representing discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants and internet retailers from the United States and more than 45 countries. Retail is the nation's largest private-sector employer, supporting one in four U.S. jobs — 52 million working Americans. Contributing \$3.9 trillion to annual GDP, retail is a daily barometer for the nation's economy.

If enacted, this legislation would amend the Federal Arbitration Act to provide that no pre-dispute arbitration agreement would be enforceable with respect to an "employment dispute, consumer dispute, or civil rights dispute." It would further provide that no pre-dispute joint-action waiver would be enforceable if one or more of the parties waive their right to participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum.

Since 1925, federal law has regarded the arbitration process as a fair and viable means of resolving disputes between businesses, consumers and employees. Pre-dispute arbitration clauses in contracts are common, cost-effective and mutually beneficial; such clauses help parties on all sides avoid lengthy, complicated and expensive litigation. Passage of this legislation will only benefit trial lawyers, who stand to benefit financially from the resultant increase in class action lawsuits.

Employers support allowing the inclusion of arbitration provisions in contracts, as such provisions have been and remain a reasonable and fair form of dispute resolution. As such, we urge you to oppose H.R. 963.

Sincerely,

A handwritten signature in black ink that reads "David French". The signature is stylized and cursive.

David French
Senior Vice President
Government Relations

cc: Members of the U.S. House of Representatives