May 26, 1999

Former Attorney General Dan Morals then issued a legal opinion directing Texas colleges to adopt race-neutral policies for admissions, financial aid and scholarships. Legislators asked new Attorney General John Cornyn for a second opinion. His office helped university officials write the appeal submitted Tuesday.

According to University of Texas System Regent William G. Oxford, the Hopwood ruling left Texas at a competitive disadvantage with other public universities in recruiting students. The appeal argues that limited consideration of race in admissions is necessary to overcome the effects of past discrimination. It also says the school has a compelling interest in a racially and ethnically diverse student body.

A state Comptroller’s Office study released in January showed a drop in the number of minorities applying for, being admitted to and enrolling in some of the state’s most selective public schools.

TEACHER SUSPENDED AFTER RICHELIEU RACIAL SLUR REASSIGNED

LORAIN, OH.—A teacher suspended for repeating a student’s racial slur disparagingly was reassigned today to observe a veteran teacher in another school.

Terence Traut, 28, a seventh-grade math teacher at Lorain Middle School, was reassigned to Whittier Middle School.

“Some of our master teachers, who have been in the district for 19 to 20 years, have been involved in difficult student situations,“ school spokesman Ed Branham said. “Hopefully, he can learn through observing teachers with strong classroom management skills.”

He was assigned to his home, with pay, since April 1 and was suspended last week. It was not clear how long he would be observing another teacher.

Traut could not be reached for comment today. Messages were left at his new school and at his home.

Traut, who is white, became upset when he heard a black and a Hispanic student call each other “nigga,” slang popularized by some rap musicians but derived from the similar-sounding slur.

As the principal for the principal’s office, Traut repeated the word and told the class that it was stupid to use such language. He repeated the comment disparagingly when one of the boys returned.

The 11,000-student district 25 miles west of Cleveland is about half white, 25 percent black and 25 percent Hispanic.

The city chapter of the National Association for the Advancement of Colored People wanted Traut’s dismissal and said any use of a racial slur by a teacher was inappropriate.

The school board said it might consider dismissing Traut, depending in part on his willingness to apologize.

EXTENSIONS OF REMARKS

The school shootings in Jonesboro, Edinboro, Fayetteville, Springfield, Richmond, West Pacucha, Littleton and most recently, Converse, should be a wake up call for this body to act.

Gun related violence has plagued our nation and jeopardized the safety of our children.

The American people are demanding action by this body, and the people want a safe environment in our nation’s urban and rural areas for our children.

Each day in America, thirteen children under the age of 19 die from gunfire. In 1996, 4,643 children were killed by firearms. Firearms cause 1 of every 4 deaths of teenagers from the ages of 15 to 19. In addition to this, firearms are the fourth leading cause of accidental death among children from the ages of 5 to 14.

The rate of gun related crimes is increasing. From 1984 to 1994, the firearm homicide death rate for youths from the ages of 15 to 19 has increased 222%, while the non-firearm homicide death rate decreased 12.8%.

It is our responsibility, as parents and leaders to protect our national children. These statistics illustrate the need for stronger measures from Congress. Yet, despite the statistics and recent developments, which clearly prove that there is a problem with firearms, many Members of Congress refuse to push forward substantive gun legislation.

To address this problem, I have re-introduced my bill, the Firearm Child Safety Lock Act of 1999. My bill, H.R. 1512, the Firearm Child Safety Lock Act of 1999, will prohibit any person from transferring or selling a firearm, in the United States, unless it is sold with a child safety lock.

In addition, this legislation will prohibit the transfer or sale of firearms by federally licensed dealers and manufacturers, unless a child safety lock is part of the firearm.

A Child Safety Lock, when properly attached to the trigger guard of a firearm, will prevent a firearm from unintentionally discharging. Once the safety lock is properly applied, it cannot be removed unless it is unlocked. Public support for child safety locks is strong. 75% of Americans have voiced support for mandatory trigger locks.

This legislation will protect our children and increase the safety of firearms.

However, child safety locks are not enough. We must determine why young people commit these horrible acts of violence. We must take the proper steps to educate and counsel our children, to prevent future acts of violence. We must be proactive and diligent in our efforts to help our children and stop these violent acts.

My bill, H.R. 1512, also has an education provision which provides for a portion of the firearms tax revenue to be used for education on the safe storage and use of firearms. The mental health of our children must also be addressed.

We must determine what the problems are. Find solutions to those problems, and then act.

We can address this issue without violating the second amendment to the Constitution. The right of the people to keep and bear arms, shall not be infringed. The right to life without fear will be preserved by this legislation and other necessary legislation that should be passed by Congress.

We must have the courage to stand firm and take steps to avoid the continued senseless bloodshed in the lives of children around this country. This bill and our efforts can do just that, we can protect our children and protect their future. In doing so, we are protecting ourselves.

INTRODUCTION OF THE RENTAL FAIRNESS ACT

HON. ED BRYANT
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 1999

Mr. BRYANT. Mr. Speaker, I rise to introduce the “Rental Fairness Act of 1999.” This measure addresses two important issues. First, the impact of state vicarious liability laws on interstate commerce and motor vehicle renting and leasing consumers across the nation. Second, the question as to whether vehicle renting companies must be licensed to sell insurance products to their customers—insurance that is optional but very important to many car and truck rental customers who are under insured or have no insurance at all.

Title I of the Rental Fairness Act will, for a limited period of 3 years, adopt a federal presumption that companies that rent motor vehicles need not be licensed to sell insurance products to their customers for the term of the rental. Recently, class action lawsuits have been filed in three states accusing these rental companies of selling insurance without a license—despite the fact the these companies have been offering these products to their customers for almost three decades.

For many car and truck rental customers, these supplemental insurance purchases are not just a luxury—they are a necessity. For customers who carry minimal automobile insurance, or no insurance at all, the insurance products offered by car and truck rental companies are an important and inexpensive method of buying short-term, comprehensive insurance to protect themselves against accidents or theft. If this federal presumption is not adopted, these companies may cease to offer these products altogether—leaving many customers with no means of protecting themselves from potential liability during the rental of a motor vehicle.

The car and truck rental industry already has undertaken a huge effort to clarify their need to be licensed under each state’s insurance laws on a state-by-state basis. To date, twenty-four states have clarified, either through regulation or legislation, their positions on this issue. Until the other states can act on this issue, Title I will offer this industry protection from these types of class action lawsuits.

Title I in no way undermines the primacy of the states in regulatory insurance. In fact, it specifically restates the primary role of the states in insurance regulation. Title I of the Act has the support of the trade associations represented by insurance agents because these groups realize the rental companies do not compete directly with insurance agents on these types of face-to-face, rental transaction-specific insurance sales.
Title II of this act will pre-empt the laws of a small number of states that impose unlimited vicarious liability on companies that rent or lease motor vehicles. Normally under our system of jurisprudence, defendants in lawsuits are held liable based upon their actions or inactions only. Unfortunately, a small number of jurisdictions—six states and the District of Columbia—ignore his general principle this minority of states subject rental and leasing companies to unlimited liability for accidents caused by their customers that involve the company vehicles—despite the fact that the company was not at fault for the accident in any way. This type of vicarious liability—liability without fault—holds these companies liable even when they have not been negligent in any way and the vehicle operated perfectly.

The measure I am introducing prevents states from holding companies liable for accidents involving their vehicles based solely upon their ownership of the vehicles. The bill makes clear that rental and leasing companies would still be liable if they negligently rent or lease the vehicle. The bill also would hold the companies liable if the vehicle did not operate properly. It makes clear that these companies are not, under this bill, excused from meeting state minimum insurance requirements on their motor vehicles.

Forty-four states have discarded the unfair and outdated doctrine of vicarious liability for companies that rent or lease motor vehicles. This proposed legislation would put attention on the one of the impact the policies of these small number of states have on interstate commerce. These vicarious liability states impose what amounts to a tax on rental and leasing customers nationwide. Rental and leasing companies must attempt to recover the roughly $100 million they annually pay on vicarious liability claims from customers nationwide—not just from citizens in vicarious liability states. Smaller rental and leasing companies and licensees of the larger systems have been driven out of business by just one vicarious liability claim.

In addition, vicarious liability discourages competition in these states. There are motor vehicle rental companies that will not do business in these states for the fear of being held vicariously liable—reducing competition in these states and impacting all customers that rent or lease in these states. Finally, vicarious liability establishes an absurd legal disconnect. If a vehicle is purchased from a bank or finance company, then there is no vicarious liability. However, if that same vehicle is leased, vicarious liability applies.

For these collective reasons, Title II of the Act and the reforms it implements are long overdue. Everyone, companies and individuals alike, should be held liable only for harm they caused or could have prevented. The only way these companies can prevent this harm would be to go out of business. This is an absurd expectation that will be remedied by this bill.

I look forward to hearings on this matter and working with my colleagues to ensure its passage.