86R29917 KSM-F

By:  Kuempel H.C.R. No. 167

CONCURRENT RESOLUTION

WHEREAS, Many survivors and parents, spouses, and children of survivors and deceased victims of the 2017 mass shooting in Sutherland Springs continue to suffer the aftereffects of this crime and their resulting injuries and have unmet needs such as medical care, therapy, psychological treatment, and loss of earning capacity and financial support, and they suffer from physical and emotional impairment, as well as loss of physical function and use of limbs and systems; and

WHEREAS, The deadliest mass shooting in the state's history, the Sutherland Springs attack was perpetrated by a former member of the United States Air Force who should have been prevented from purchasing or possessing firearms; the shooter had been convicted of domestic violence in a court-martial, and under the Brady Handgun Violence Prevention Act, his name was required to be entered into the FBI National Crime Information Center Database; this database allows the National Instant Criminal Background Check System to flag prohibited purchases of firearms; and

WHEREAS, The Defense Department Inspector General found that the Air Force had on four occasions failed to submit the shooter's fingerprints to the FBI; in addition, it twice neglected to send his final disposition report; if these requirements had been met, the shooter would not have been able to pass federally mandated background checks in order to purchase the weapons he used in the Sutherland Springs murders; these failures had drastic consequences and should not have occurred, and no excuse exists for the Air Force's failures to submit the shooter's fingerprint records and his final disposition report to the FBI; nevertheless, the Air Force has not responded to claims for compensation filed under the Federal Tort Claims Act, and survivors and surviving families have received no remedy through the courts to date and face extended uncertainty regarding the ultimate outcome of protracted litigation against the United States while their needs remain unmet; and

WHEREAS, The Secretary of the Air Force acknowledged before the Judiciary Committee of the United States Senate that, despite a DOD IG audit in 2015 that revealed the Air Force had failed to report 30 percent of the disqualifying information under the Brady Act and Air Force regulation to the FBI, the Air Force failed to make the agreed upon changes retroactive and failed to report this shooter's criminal history to the FBI on four different occasions; and

WHEREAS, In the years to come, many survivors and surviving families will continue to struggle with medical expenses, impairment, and physical and emotional suffering, as well as the loss of earning capacity and income, and they are entitled to relief; now, therefore, be it

RESOLVED, That the 86th Legislature of the State of Texas hereby urge the United States Congress to pass legislation compensating the survivors and surviving families of the Sutherland Springs mass shooting for damages due to the failure of the U.S. Air Force to report the shooter's conviction to the FBI National Crime Information Center Database; and, be it further

RESOLVED, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.