

By: Kuempel

H.C.R. No. 167

CONCURRENT RESOLUTION

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

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

18           WHEREAS, The Defense Department Inspector General found that  
19 the Air Force had on four occasions failed to submit the shooter's  
20 fingerprints to the FBI; in addition, it twice neglected to send his  
21 final disposition report; if these requirements had been met, the  
22 shooter would not have been able to pass federally mandated  
23 background checks in order to purchase the weapons he used in the  
24 Sutherland Springs murders; these failures had drastic

1 consequences and should not have occurred, and no excuse exists for  
2 the Air Force's failures to submit the shooter's fingerprint  
3 records and his final disposition report to the FBI; nevertheless,  
4 the Air Force has not responded to claims for compensation filed  
5 under the Federal Tort Claims Act, and survivors and surviving  
6 families have received no remedy through the courts to date and face  
7 extended uncertainty regarding the ultimate outcome of protracted  
8 litigation against the United States while their needs remain  
9 unmet; and

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

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

23 RESOLVED, That the 86th Legislature of the State of Texas  
24 hereby urge the United States Congress to pass legislation  
25 compensating the survivors and surviving families of the Sutherland  
26 Springs mass shooting for damages due to the failure of the U.S. Air  
27 Force to report the shooter's conviction to the FBI National Crime

1 Information Center Database; and, be it further

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