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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, we lift our hearts to You. Lord, please shower Your mercy on our Nation, as we seek to deal with the Las Vegas mass shooting. Please show mercy to the victims and their families. Lord, in spite of this horrific act, give us faith to believe that evil will not ultimately prevail in our world. May this tragedy motivate us to plant and water seeds of peace as we cultivate a greater respect for the laws of seedtime and harvest. Cut in pieces the cords of wickedness that seek to bind us.

Today, guide our Senators and use them as ambassadors of reconciliation in our Nation and world.

Eternal God, although we walk in the midst of trouble, stretch forth Your hands and revive us with Your might.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

MOMENT OF SILENCE FOR THE VICTIMS OF THE LAS VEGAS ATTACK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate now observe a moment of silence for the victims of the Las Vegas attack.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate will now observe a moment of silence for the victims of the attack in Las Vegas.

(Moment of silence.)

The PRESIDING OFFICER (Mr. YOUNG). The majority leader is recognized.

LAS VEGAS MASS SHOOTING

Mr. MCCONNELL. Mr. President, the news we awoke to this morning was heartbreaking. What happened in Las Vegas is shocking, it is tragic, and for those affected and their families, it is devastating. It is hard to even imagine their pain. I hope they will know that we are praying for them now. I hope they will find strength in the love and kindness of those around them in these hours of such darkness and pain. I hope they will see that our country is standing by their side today.

Many Americans are still in shock. Others have begun to wonder why someone would do something this terrible. Investigators will continue their dedicated work in search of answers, but what is clear now is that this is a moment for national mourning and for prayer.

Just a moment ago, President Trump led the country in observing a moment of silence. As he noted this morning, we are all grateful for the courageous efforts of the first responders. They always put their lives on the line to save others. They do so with a selflessness that reminds us of the inherent courage and mercy that remains possible within each of us—light amidst the dark, hope in times of terrible grief.

The same is true of the national spirit of compassion that shines through our country in the moments when it is needed most. Whether it is lining up to donate blood or signing up to volunteer

their time, our fellow Americans are always there to offer what they can when others are in need.

We thank these Americans and law enforcement and the first responders for everything they have done. We thank them for their efforts that continue now.

We again send our condolences to everyone affected by this terrible tragedy.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Pai nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2016.

The PRESIDING OFFICER. The Senator from Utah.

LAS VEGAS MASS SHOOTING

Mr. HATCH. Mr. President, there are a number of issues I wish to speak on today, but first I wish to extend my most sincere condolences to the victims of violence in Las Vegas.

What we witnessed last night was a tragedy without precedent. Today, our thoughts are with all those folks who have lost—the families, loved ones, and

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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friends whose lives will never be the same as a result of this shooting.

Our hearts are with all of you, and so are our prayers. We love you. We stand by you today. We ask that God will stand by you always.

REMEMBERING ELDER ROBERT D. HALES

Mr. President, I wish to pay tribute to Elder Robert D. Hales, a member of the Quorum of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints.

With his family gathered around his bedside, Elder Hales passed away peacefully yesterday afternoon in between sessions of LDS General Conference. More than a beloved leader, he was a caring family man, a powerful role model, and a close friend whom I will miss dearly. Today, I wish to pay tribute to Elder Hales as we remember a life well-lived.

Elder Hales was born on August 4, 1932, to Rulon and Vera Hales. He grew up on Long Island in a diverse neighborhood, which allowed him to become familiar with a variety of different cultures. Although raised on the east coast, Elder Hales always maintained strong western roots. He would speak fondly of the summers he spent in Utah bailing hay, riding horses, tending sheep, and herding cattle in the mountain pastures. Although Elder Hales would later become an accomplished businessman, he was no stranger to manual labor, and he credited his early days working on the farm as the source of his strong work ethic.

During his teenage years, Elder Hales distinguished himself as a student and excelled as a pitcher for his high school baseball team.

After enrolling at the University of Utah, he returned home to New York for the summer and met Mary Crandall. It was love at first sight. They married a year later in the Salt Lake Temple on June 10, 1953.

Following his graduation from college, Elder Hales joined the U.S. Air Force, where he served as a fighter pilot. His squadron's motto was "Return With Honor." In his own words, "The motto was a constant reminder to us of our determination to return to home base with honor after we had expended all of our efforts to successfully complete every aspect of our mission."

"Return With Honor" would become the credo by which Elder Hales lived his life, expending every effort as a faith leader, father, and friend to better himself, bless others, and build the Kingdom of God.

Yesterday afternoon, after decades of dedicated service as a minister of Jesus Christ, he completed his mortal mission and returned with honor to our heavenly home. The challenge he leaves behind is for all of us to do the same.

To the very end, Elder Hales was a model of selfless service. Even in his later years, beset by illness and old age, he continued to carry out the responsibilities of his apostolic office without hesitation and without com-

plaint. Elder Hales decided when he was still a young man that he would never let anything get in the way of his church service.

Following his career in the Air Force, Elder Hales enrolled at Harvard Business School, where he was called to serve as Elders Quorum president, one of the most demanding leadership positions in the LDS Church. Because of his heavy course load, Elder Hales could have easily declined the calling, but he gladly accepted it. His wife Mary guided him in making this decision. When Elder Hales said he might fail his classes if he agreed to serve as the Elders Quorum president, Mary said:

Bob, I would rather have an active priesthood holder than a man who holds a master's degree from Harvard. We'll do both.

With Mary's unwavering support, Elder Hales served successfully as an Elders Quorum president in addition to earning his MBA. He would later go on to work as a high-level executive at multiple national corporations.

From this formative experience, Bob and Mary learned that God would provide for them as long as they put the gospel first. That is why Elder Hales did not hesitate to leave his business career behind when he was called to serve as a mission president and later as an apostle in the Church of Jesus Christ of Latter-day Saints.

Elder Hales provided a model of servant-leadership for all of us to follow. He was a true disciple of Jesus Christ, putting the welfare of others before self and the Kingdom of God above all. He was gracious and loving, thoughtful and kind. In all things, Elder Hales exemplified humanity and humility, which was the hallmark of his life.

While millions of us grieve his passing, we take peace and comfort in knowing that his service continues on the other side.

I knew him very well, played golf with him, thought he was one of the great men in my life. I am going to pay tribute to him and his family here today in front of the whole United States Senate and the country. He was one of the most worthwhile people I ever met. We are going to miss him.

REFORM OF CRIMINAL INTENT REQUIREMENTS

Mr. President, with the time I have remaining, I wish to address an issue that remains critically important as well—overcriminalization and the need to reform criminal intent requirements in our Federal criminal code.

Like many of my colleagues, I believe Congress has criminalized far too much conduct and has mandated overly harsh penalties for too many crimes. A number of my colleagues have sought to address these problems by cutting prison sentences, altering statutory minimums, or releasing prisoners early for good behavior. But as we seek to reform the criminal justice system, we must be careful not to overlook one of the major roots of the problem: the lack of adequate criminal intent requirements in Federal statutes.

"Mens rea" is a Latin phrase meaning guilty mind. One of the time-honored, fundamental features of our criminal law is that for a person to be found guilty of a crime, he or she must have committed the act with criminal intent or mens rea. In the English common law, this principle was summarized in the idea that the act is not culpable unless the mind is guilty. Mens rea requirements protect individuals who commit an illegal act without knowing that their action was wrong or unlawful.

To give an example, a person who mistakenly retrieves the wrong coat from a coatroom does not become a thief merely because he took something that wasn't his but looked like his. Only if he knows that the coat belongs to someone else does he commit a criminal act.

Unfortunately, many of our current criminal laws and regulations contain inadequate mens rea requirements, and some contain no mens rea requirement at all. This leaves individuals—innocent individuals—subject and vulnerable to prosecution for conduct they believed to be lawful at the time.

In recent years, as Congress and Federal agencies have criminalized more behavior, they have often been vague about mens rea requirements or even silent about mens rea altogether.

In a 2014 Tennessee Law Review article, Michael Cottone investigated how many Federal criminal statutes there are in the U.S. code. Mr. Cottone explained that "tellingly, no exact count of the number of federal statutes that impose criminal sanctions has ever been given." Most scholars agree that there are approximately 5,000 Federal statutes that impose criminal sanctions, but those criminal statutes do not include the nearly 300,000 Federal regulations that also carry criminal penalties.

With so many criminal laws on the books, it is far too easy for Americans to break Federal laws unwittingly, with no understanding whatsoever that their behavior happens to be illegal. For example, did you know it is a Federal crime to write a check for an amount of less than \$1 or that it is a Federal crime to allow a pet to make a noise that frightens wildlife on Federal land? Even more incredibly, did you know it is a Federal crime to keep a pet on a leash that exceeds 6 feet in length on Federal land?

These are only a few examples of unlawful activities that reasonable people could not reasonably be expected to know. What is worse, many of these unlawful activities are punishable by time in prison. This is not only ridiculous, but it is immoral. The lack of adequate mens rea requirements in our Federal criminal code subjects innocent people to unjustified punishment.

To address this issue, I reintroduced the Mens Rea Reform Act of 2017. Today I wish to express my sincere appreciation to the Heritage Foundation and the Federalist Society for highlighting the need for mens rea reform