M. McCright (Michigan State) Riley E. Dunlap (Oklahoma State)

Beyond Misinformation: Understanding and Coping with the ''Post-Truth'' Era By Stephan Lewandowsky (GMU, University of Bristol), Ullrich Ecker (University of Western Australia), and John Cook (George Mason University)

Misinformation and Worldviews in the Post-Truth Information Age: Commentary on Lewandowsky, Ecker, and Cook By Ira E. Hyman (Western Washington University), & Madeline C. Jalbert (University of Southern California)

Routine Processes of Cognition Result in Routine Influences of Inaccurate Content By David N. Rapp & Amalia M. Donovan (Northwestern University)

The ''Echo Chamber'' Distraction: Disinformation Campaigns are the Problem, Not Audience Fragmentation By R. Kelly Garrett (Ohio State University)

Leveraging Institutions, Educators, and Networks to Correct Misinformation: A Commentary on Lewandosky, Ecker, and Cook By Emily K. Vraga (George Mason University) & Leticia Bode (Georgetown University)

Mr. WHITEHOUSE. Mr. President, I yield the floor.

NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, as the world knows by now, yesterday we had another hearing on the nomination of Judge Brett Kavanaugh to be a member of the U.S. Supreme Court. It was necessary to do so because an allegation had been made by Dr. Christine Ford to the ranking member, our friend Senator FEINSTEIN from California, dated July 30, but because Dr. Ford requested confidentiality and she wanted to remain anonymous, none of this was brought to anybody's attention until some time after the judge's original confirmation hearing occurred. The judge visited with 60-plus Members of the Senate, including the ranking member, and it was never mentioned to him. No questions were asked about it.

Contrary to her wishes, Dr. Ford was thrust into the national spotlight. She said she didn't agree to have her letter released to the press. She did not consent to having her identity revealed. She did not want to be part of what has turned into a three-ring circus. But, once there, when she asked to tell her story, we consented to doing that, and yesterday we heard from Dr. Ford as well as Judge Kavanaugh.

Judge Kavanaugh asked to be heard to clear his good name and speak directly to the American people, and he did so forcefully yesterday.

Now we have heard Dr. Ford's story, and we have heard Judge Kavanaugh's rebuttal. What we have learned is that there is no evidence to corroborate Dr. Ford's allegation. All of the people she said were there on the occasion in question said they have no memory of it or it didn't happen—no corroboration.

As we all watched Judge Kavanaugh defend his personal integrity in front of the Nation, we saw his righteous indignation. He choked back his tears and aimed his fury not at Dr. Ford—none of us did that—but, rather, at this unfair confirmation process, which, frankly, is an embarrassment to me and should be an embarrassment to the U.S. Senate. To take somebody who has requested confidentiality and leak that information to the press and then to thrust her into the national spotlight under these circumstances, I think, is an abuse of power. But having made that request, once she was in the spotlight, we felt it was very important to treat her respectfully and to listen to her story.

I told anybody who would listen that I wanted to treat Dr. Ford the same way I would expect that my mother or my sister or my daughters would be treated under similar circumstances. Conversely, I thought that we should treat Judge Kavanaugh fairly, too, just as we would our father, our brother, or our son. In other words, this is more than just about Dr. Ford; this is about Dr. Ford and Judge Kavanaugh.

We heard the judge respond with quite a bit of righteous indignation, as I said, talking about his family having been exposed to the vilest sorts of threats, including his two young daughters. I know it was a hard pill for many of our Democratic colleagues to swallow to hear the truth of what this terrible process has resulted in, both for Judge Kavanaugh and Dr. Ford, but too much was on the line for Judge Kavanaugh to withhold his defense of his good name. After all, his reputation is on the line, his family is on the line, and his family, including his wife and his two daughters, are all caught up in what must be a miserable experience.

Still, I am glad we held the hearing, and I am grateful to Rachel Mitchell for participating and asking her probing questions.

Some have questioned: Why would a Senator yield to a professional in the sexual abuse field to ask questions of Dr. Ford? Well, it was simply because we wanted to depoliticize that process and to treat Dr. Ford with respect and gently, recognizing that somehow, somewhere, she has been exposed to some terrible trauma. But it was important for Ms. Mitchell to ask questions and to get answers to those questions so we could do our job.

I appreciate Chairman GRASSLEY for doing his best to keep order in running the committee efficiently, as much as that is possible. At the first hearing, after Senators would speak over each other and would endlessly make motions that were out of order—when one Senator said, ''I am breaking the confidentiality rules,'' I said, ''This seems like a hearing by mob rule,'' not with the kind of demeanor and civility that you would expect from the U.S. Senate. I think Chairman GRASSLEY has done the best anybody could do under difficult circumstances.

As I said, this hearing was not easy for either Dr. Ford or for Judge Kavanaugh. It has been painful for everybody involved.

Thankfully, we are much closer to a resolution on this nomination. Today, there was a markup in the Judiciary Committee, and I am glad we were able to pass that nomination out of the committee to the Senate floor.

Some are saying that we are moving too fast. To them, I would say that it is pretty clear what the objective of the opponents of the nomination is. Their objective is delay, delay, delay. Some have said that their goal is to delay this confirmation past the midterm election, hope that the election turns out well for them, and essentially defeat the nomination and keep the Supreme Court vacancy open until President Trump leaves office.

First, there was the paper chase; they needed more documents or, perhaps, they said there were too many. But the question I always had is this: If you have already announced your opposition to the nominee, why do you need more information? Unless, of course, you are open to changing your mind—but it is clear that is not the game that they are engaging in here.

Now there are those who demand that the background investigation be opened into two new allegations that appeared following Dr. Ford's. Today, the majority leader and some of our colleagues have announced an agreement to extend the background investigation for up to another week for these witnesses to be interviewed by the FBI. But I would note that the most recent allegations are so absurd, are so fantastic that not even the New York Times would run a story about Judge Kavanaugh's time in college as reported by Ms. Ramirez. They worked hard to try to corroborate her story by interviewing dozens of potential witnesses. None of them would confirm or corroborate Ms. Ramirez's story, but they did find, as Ms. Ramirez was talking to one of those individuals who was interviewed, where she admitted that she may have misidentified Judge Kavanaugh. In other words, she admitted that she may have the wrong guy—not credible, not serious, but dangerous.

It is dangerous in the sense that some of our colleagues take the position that all you need to do is listen to an accusation, and that is enough to make up your mind. You don't need to listen to the other side. As Judge Kavanaugh said, in Dr. Ford's case, it didn't happen; he wasn't there. If you listen to just one side of the argument, I guess it does make making up your mind a lot easier because you don't actually have to think about it and you don't have to think about what a fair process is in order to decide whose arguments you believe or whether somebody has met the burden of showing evidence that their claim is actually true.

This has become so ridiculous that the newest claims made by a young woman named Julie Swetnick, who is represented by Stormy Daniels' lawyer, are riddled with holes. Why would a

woman continue to go to parties with high schoolers when she was in college, and why in the world would she go to not 1, not 2, but 10 of these alleged drug- and alcohol-infused parties where gang rape occurred? It is just outrageous—incredible.

We have encouraged all of these individuals, no matter how incredible the allegation may be, to work with the Judiciary Committee and submit to an interview with the bipartisan representation of the Judiciary Committee there. This is standard operating procedure for the Judiciary Committee. The basic background investigation is done by the FBI. But they are not investigating a crime; it is a background investigation in which they take notes on their conversations with witnesses. They don't tell you which witness to believe or what conclusions to draw from that. They send that to the Judiciary Committee, and the Judiciary Committee follows up with additional questions, if necessary. Lying to the FBI—just like lying to the committee—is actually a crime punishable by a felony, so both carry serious consequences and a serious warning to those who might try to lie their way into a background check.

What is so ridiculous about where we find ourselves is that in addition to Dr. Ford's confidential letter to the ranking member being released against her wishes and without her consent, contributing to this circus atmosphere as we continue to try to investigate some of these claims, the Democratic professional staff have been refusing to cooperate or participate, even as they continue to make more and more demands. It is clear that their appetite for delay is insatiable, and delay is their ultimate goal.

For those who continue to say that they want the FBI involved, I will tell them that the FBI has been and is involved. It has conducted its background investigations just as it did on the six previous occasions when Judge Kavanaugh was being vetted for other positions within the Federal Government. You heard that right: Judge Kavanaugh has been through six FBI background checks, and none of these matters have come up previously.

What we were doing yesterday with the hearing was part of our job, which is to continue the investigation. I think people have a very narrow idea of what an investigation entails. It is not just a background check by the FBI. It is the interviews by the professional staff on the Judiciary Committee, and those are the hearings like the one we had yesterday, all day, hearing from Judge Kavanaugh and Dr. Ford. That is our job; that is our constitutional role, to provide advice and consent.

Plus, if our colleagues across the aisle were really interested in a background investigation of Dr. Ford's complaints in a confidential manner, as she requested, they could have requested that be done and the results reported to us in a closed setting. What happened to Dr. Ford is inexcusable. To have a Senator sit on this allegation and refuse to turn it in to the committee so it could be investigated in a confidential way that would have protected her anonymity and would have allowed the committee to question both Judge Kavanaugh and her—that didn't happen, by design, perhaps because the goal really wasn't about giving Judge Kavanaugh or Dr. Ford a fair hearing. It was about delaying this confirmation vote.

When Judge Kavanaugh was interviewed about a week or so ago and again yesterday, he talked about a fair process—in other words, hearing from both sides of an argument. But under our constitutional system, if you are accused of a crime—and, believe me, Judge Kavanaugh has been accused of multiple crimes—you are entitled to the presumption of innocence. In other words, there is a burden to come forward with evidence to justify and support an accusation, and if you don't do that, your accusation is not enough to meet that burden.

Usually what we have are corroborating witnesses—other people present at the time who can corroborate what the allegation is. But all of the witnesses who have been identified by Dr. Ford cannot corroborate or confirm her allegation. They say that they have no memory of that or it simply didn't happen.

Even the Bible talks about the importance of corroborating witnesses. I didn't find this, but I vaguely remembered it, and someone on my staff pointed out Deuteronomy 19:15:

> One witness is not enough to convict anyone accused of any crime or offense they may have committed. A matter must be established by the testimony of two or three witnesses.

So this is a rule of ancient origin dating back to the Old Testament. That is what we are talking about today. When Dr. Ford comes with an accusation 35 or 36 years after the fact, and no one else can confirm her story, it is not enough to carry the day.

The other thing we need to be wary of is false choices. This is not a matter of he said, she said. Someone said this is a matter of he said, she said, they said: Dr. Ford said one thing; Judge Kavanaugh said another; the so-called corroborating witnesses said another. But what they said did not corroborate Dr. Ford's story. Just the contrary, they confirmed Judge Kavanaugh's denial of any participation in anything remotely like that which Dr. Ford alleges.

So after 36 years, as Ms. Mitchell was able to develop, we know, for perhaps obvious reasons, that Dr. Ford's account has some inconsistencies and some gaps regarding the timing, location, and details regarding these events. I think we need to listen to her. We need to take her story into account. As I said, I want to treat her the same way I would want my mother, sister, or daughters treated under similar circumstances. But we can't ignore the inconsistencies and the gap in her story and the fact that she has tried to tell it 36 years after the fact.

We also can't ignore the full-throated defense and the heartfelt denial of Judge Kavanaugh or the testimony that none of this is in the character of Judge Kavanaugh. We have heard that from people dating all the way back to 1982. Indeed, Ms. Mitchell—a professional prosecutor, prosecuting sex crimes in Arizona—told us last night that with her more than two decades of experience and the kind of case brought forward by Ms. Ford, she would not file those charges against a defendant because there simply is not enough evidence. In fact, the only witnesses identified by Dr. Ford denied the event actually occurred. As a matter of fact, she said that she couldn't even get a search warrant or arrest warrant in a case like this. If you can't identify the time or the place, you are not even going to be able to get a search warrant. You certainly can't show probable cause, which is required by law.

So here is where we are. If the allegations we discussed during yesterday's hearing remain uncorroborated and unproven, if it never came up in the context of six Federal background checks, if it has been explicitly denied by the nominee, if the three alleged eyewitnesses have no recollection of it or say that it didn't happen, if it conflicts with the account of some 65 women who knew the nominee to behave honorably in high school and countless more women who have known and interacted with Judge Kavanaugh since—the timing seems unusual, perhaps even politically motivated. And if our colleagues across the aisle chose not to act on this information once presented but rather to spring it on us and Judge Kavanaugh after the fact, there is no reason, in my mind, that we should not move forward with the nomination because we have seen what happens.

This is not just about Dr. Ford; it is about the subsequent allegations by Ms. Ramirez and additional allegations by Ms. Swetnick, each more salacious, each more incredible, and each more out of character with what we know about Brett Kavanaugh. And it is going to continue. The longer this nomination is unresolved, there are going to be more and more people coming out of the woodwork to make accusations that are uncorroborated and unprovable. You can imagine what this does to Judge Kavanaugh and his family as he is left hanging like a pinata, where people just come by and take another whack at him and his family.

We have to move forward. We can't establish a precedent by which a nominee can be derailed by a mere accusation that is unproven. We are never going to get good people to agree to serve in these important offices, and we can't allow the nomination process to be a drive-by character assassination that is unproven. The only ammunition our colleagues across the aisle

need in order to shoot down any figure at any time would be innuendo—innuendo, speculation, suspicion, unproven allegations, nothing more. We are not going to let that happen. We are not going to establish that precedent. It would be bad for the Senate. It would be bad for the United States of America.

Please don't misunderstand me. I am glad Dr. Ford had a chance to have her say. We owed her that much. I know it took some courage, and it is a reminder to all Americans that victims can and should be heard. As I said, I myself have two daughters. We all have a mother. Some are fortunate to have sisters or a spouse. This can be a very personal matter to every one of us. Yet we all know that all of us have fathers, and many of us have brothers. Some have husbands and sons. In other words, my point is, if this kind of uncorroborated allegation would seem so manipulated in exploiting vulnerable people who made accusations like this and we tolerate that, I think it will forever poison the confirmation process and discourage good people from coming forward.

We must always be fair to both the victims and those who stand accused. It has to be a two-way street. I have supported Judge Kavanaugh's nomination because I have known him since the year 2000. In my experience, he has always been an upstanding and certainly he is an incredibly well-qualified individual.

We have heard everybody—from his fellow lawyers to his law clerks, to women he has worked with, to former Presidents of the United States—say that. We know he has an incredible record on the DC Circuit Court of Appeals, where many of his decisions have been affirmed by the U.S. Supreme Court. I know he will judge fairly and carefully. I believe he belongs on the Nation's highest bench. In a few more days, after a few more delays, we will finally vote to put him there and say enough with the games.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DARK MONEY RULE

Mr. WYDEN. Mr. President, I am submitting two letters into the CONGRESSIONAL RECORD in order to clarify the application of the Congressional Review Act, CRA, to the recent rule Rev. Proc. 2018–38, issued by the Treasury Department and the IRS, to dramatically weaken the disclosure rules for large contributions to certain tax-exempt organizations, including many that engage in political activity, what I and others call the dark money rule. In doing so, I also want to take the opportunity to comment on the rule itself and on the inappropriate and irresponsible approach that the administration is taking to the application of the CRA to the dark money rule.

By way of background, in 1971, as part of a general effort to improve the ability of the IRS to assure that tax-exempt organizations are complying with the tax and election laws, the Treasury Department promulgated a legislative regulation requiring certain tax-exempt organizations to disclose to the IRS, as part of their annual filing, the identity of those who contribute $5,000 or more to the organization. This information is not made available to the public, except in certain cases, but it is can be used by the IRS, State tax administrators, and other Federal agencies.

In recent years, this disclosure requirement has become controversial. Some, particularly conservative groups, have called for the rule to be repealed in an attempt to keep donor information out of the hands of State tax administrators and law enforcement. Others have urged that the disclosure rules be strengthened. I am one of them. Following the 2010 Citizens United decision, more and more dark money has flooded into secretive tax-exempt organizations and into election campaigns in the form of such things as anonymous ''issue ads.'' I have urged that the contributor information be made available to the public and, further, that the IRS improve its application of the rules designed to prevent tax-exempt organizations from engaging in excessive political campaign activity under false pretenses of ''social welfare.'' For example, I have been particularly concerned about reports that a group that is tax exempt under Tax Code section 501(c)(4) that is associated with the National Rifle Association, which has engaged in extensive political activity, may have received large contributions from foreign sources.

In the midst of all of this controversy, on July 16, without any public notice and comment or any consultation with me as ranking Democratic member of the Finance Committee, the Treasury Department and the IRS issued Rev. Proc. 2018–38, which invokes a narrow provision that allows the Treasury Secretary to waive particular reporting requirements in appropriate situations, to effectively repeal the entire 1971 regulation requiring the disclosure of large contributions. Perhaps coincidentally and certainly ironically, this was done late in the evening of the day in which the Justice Department arrested an alleged Russian agent, Maria Butina, for attempting to influence American political discourse through a ''gun rights organization,'' later revealed to be the National Rifle Association, a 501(c)(4) dark money political organization.

This was an outrage. It was terrible policy and a terrible process. As I said at the time, the political brazenness of this action shocks the conscience. At a time when the U.S. intelligence community is warning that foreign actors are actively working to interfere in American elections, the Trump administration has decided to tie the hands of the only Federal agency with visibility into financial flows of foreign funds into dark money political organizations.

When the administration proposed the dark money rule, it submitted the rule to Congress for review under the CRA, which allows Congress to disapprove rules after they have been issued. The administration's submission to Congress explicitly states it was a ''Submission of Federal Rules under the Congressional Review Act.'' Senator TESTER and I were determined to invoke this process in order to overturn the dark money rule.

There was, however, a procedural problem. The CRA includes a ''clock,'' limiting the period for challenging a new rule, and, under the terms of the CRA, that clock begins on the later of the date the rule is submitted to Congress, and the date it is published in the Federal Register, ''if so published.'' In this case, apparently for the first time, we were dealing with a rule that had been submitted to Congress for review under the CRA but not published in the Federal Register because this is the sort of material that the IRS publishes in the Internal Revenue Bulletin IRB, rather than in the Federal Register. This created a technical question about how to apply the CRA time clock to the IRS rule. To be clear, the question was not whether the CRA applied to the dark money rule, but rather, when the clock for congressional review began.

After consulting with the Parliamentarian, who advised that the CRA process would be clarified if the IRS would confirm, in writing, that the rule would not be published in the Federal Register, I sent Acting IRS Commissioner David Kautter a brief letter asking him to do so. This seemed to me to be a very straightforward request. The IRS's own internal procedure manual makes clear that matters that are issued as ''revenue procedures'' are published in the IRB rather than the Federal Register. Further, an IRS official had informally confirmed by email that would be the case here. On top of that, the dark money rule was in fact published in the IRB on July 30.

I ask unanimous consent that my August 21, 2018, letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
Washington, DC, August 21, 2018.

Hon. DAVID KAUTTER,
Acting Commissioner and Assistant Secretary of the Treasury for Tax Policy, Internal Revenue Service, Washington, DC.

DEAR ACTING COMMISSIONER KAUTTER: As you know, on July 26, the Treasury Department and IRS submitted to the Senate,