

through the New Testament, I bump into passages like Second Corinthians, chapter 5, where Paul wrote to us and said we have the ministry and the message of reconciliation.

Now, I understand that Paul first meant that was an ability to be able to come to God and be reconciled to God. And I do believe firmly that every individual can be reconciled with God, and I am glad to share that message of ministry. But I also believe it is a challenge to each of us to work toward reconciliation. Where relationships are broken, we are the reconcilers, and we have a ministry and a message of reconciliation.

My friend Robert Turner is the pastor of Vernon A.M.E. Church, in the heart of Greenwood. He and I were visiting last week on the phone, talking through the things coming up in the days ahead. As I was chitchatting with my friend, he said: I have to tell you about my sermon that I preached a couple of weeks ago.

So I said: Tell me all about it.

Pastor Turner said: I preached on Matthew, the tax collector, also called Levi.

And we spent some time talking about that.

And he said: What I told my congregation was that Jesus called Matthew, the tax collector, to be one of his disciples, but he also called Simon the Zealot to be one of his disciples.

Now, you may not know, but the tax collectors were loyal to the Romans. They were Jews who were loyal to the Roman authority, and the zealots were Jews who were adamantly opposed to the Roman authority. So, literally, Jesus grabbed two people from opposite political perspectives—opposite, if I can say it, political parties—and he grabbed both of them and said: I want you to be my disciple.

And Pastor Turner said: There is a lot that we can learn from Jesus, beginning with what Jesus said: Everyone is welcome, from every political perspective, to come and follow Him.

Pastor Turner, you are spot on. My friend, keep preaching it. But excuse me for noticing, Jesus is the one who set the example, and he called all of us to be able to follow it.

Now, I have to tell you, Pastor Turner and I don't agree on everything. We may not even vote alike, though, honestly, I have never asked him how he votes. But he is my friend, and he is my partner of reconciliation.

For 6 years, I have asked people across Oklahoma, when May the 31st comes and the Nation stops and asks, "What has changed in the last 100 years?" We should be prepared to answer. That weekend is here, and each of us should be able to answer that for our lives and for our families.

Let's finish the work. We are not done on racial reconciliation. Let's finish the work, starting with our own families, our own communities, and our own lives.

God help us to carry on the ministry and the message of reconciliation.

With that, I yield the floor.

#### ENDLESS FRONTIER ACT— Continued

The PRESIDING OFFICER (Ms. HASSAN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, before I begin, let me just say a word of thanks to my two colleagues from Oklahoma for this moment that we have had on the Senate floor.

I was privileged to be waiting to give my remarks to hear them speak, and I thought this was a wonderful moment. We have our challenges around here, but if we had more moments like this, we would get through our challenges better. I congratulate and thank both of my colleagues.

#### U.S. SUPREME COURT

Madam President, there is a scheme afoot, a scheme I will be talking about in weeks ahead—a long-running, right-wing scheme to capture the Supreme Court.

Special interests are behind the scheme. They control it through dark money—hundreds of millions of dollars in anonymous hidden spending. We will dwell in later speeches on how the scheme operates.

This first speech seeks its origins. The scheme is secret, and because of its secrecy, it is hard to know exactly where the story should begin.

The one place you could begin is with a corporate lawyer—the Virginian Lewis Powell. An authorized biography of Lewis Powell by his fellow Virginian, renowned UVA law professor John Jeffries, reveals Powell to be a tough and incisive lawyer, willing and able to make sharp, even harsh, decisions, but a man of courtly and decent matters, well settled in the White male social and corporate elite of Richmond, VA. There he developed his legal and business career through the 1950s and 1960s.

A successful corporate law practice often entailed joining corporate boards. Richmond was a home to Big Tobacco, and Powell's legal career led him on to Richmond's tobacco and other corporate boards.

Richmond was Virginia's sibling rival to Charlottesville, which could boast of Thomas Jefferson's nearby Monticello, his renowned University of Virginia, and all the cultural and academic vibrancy bubbling around that great university. Richmond—Richmond was the working sibling, hosting the State's capitol and its political offices and serving as its corporate center.

Powell was an ambitious Richmond corporate lawyer, and the turbulence of the 1960s was broadly distressing to America's corporate elite. The civil rights movement disrupted Jim Crow across the South, drawing out and exposing to the Nation the racist violence that had long enforced the social and legal norm of segregation and upsetting America's all-White corporate suites and boardrooms.

Anti-war protesters derided Dow Chemical Company's manufacture of

napalm and scorned the entire military-industrial complex. Women's rights protesters challenged all-male corporate management structures. The environmental movement protested chemical leaks, toxic products, and the poisons belching from corporate smokestacks. Public health groups began linking the tobacco industry to deadly illnesses, and lead paint companies to brain damage in children.

Ralph Nader criticized America's car companies for making automobiles that were "Unsafe at Any Speed" and causing carnage on America's highways. America's anxious corporate elite saw Congress respond with new and unwelcome laws and saw courts respond with big and unwelcome verdicts. Something had to be done.

Powell's prominence in Virginia's civic, legal, social, and corporate circles had brought him attention in Washington, DC. And a new client of his, the Washington, DC-based U.S. Chamber of Commerce, asked Powell for his help. The Chamber commissioned from Powell a secret report, a strategic plan for reasserting corporate authority over the political arena.

The secret Powell report, titled "Attack on American Free Enterprise System," was telling. It was telling, first, for the apocalyptic certainty of its tone. Powell's opening sentence was: "No thoughtful person can question that the American system is under broad attack." By that, he meant the American economic system, but that assertion was footnoted with the parallel assertion that—and I am quoting him again—"The American political system of democracy under the rule of law is also under attack."

This was, Powell asserted, "quite new in [American history]."

"Business and the enterprise system are in deep trouble," he wrote, "and the hour is late."

The secret Powell report was an alarm.

The report is populated with liberal bogeymen: the bombastic lawyer William Kunstler; the popular author of "The Greening of America," Charles Reich; the consumer advocate Ralph Nader, whom Powell said there should be, and I am quoting here, "no hesitation to attack."

Against them, Powell set establishment defenders like columnist Stewart Alsop and conservative economist Milton Friedman. Powell cloaked the concerns of corporate America as concerns of "individual freedom," a rhetorical framework for corporate political power that persists to this day.

The battle lines were drawn. Indeed, the language in the Powell report is the language of battle: "attack," "frontal assault," "rifle shots," "warfare." The recommendations are to end compromise and appeasement—his words: "compromise" and "appeasement"—to understand that, as he said, "the ultimate issue may be survival"—and he underlined the word "survival"

in his report—and to call for “the wisdom, ingenuity and resources of American business to be marshaled against those who would destroy it.”

Well, for this, you had to have a plan, and the Powell plan was to go big. Here is what he said:

“Strength lies in organization, in careful long-range planning and implementation, in consistency of action over an indefinite period of years, in the scale of financing available only through joint effort, and in the political power available only through united action and national organizations.”

Powell recommended a propaganda effort staffed with scholars and speakers, a propaganda effort to which American business should devote “10 percent of its total advertising budget,” including an effort to review and critique textbooks, especially in economics, political science, and sociology.

“National television networks should be monitored in the same way that textbooks should be kept under constant surveillance,” he said. Corporate America should aggressively insist on the right to be heard, on “equal time,” and corporate America should be ready to deploy, and I am quoting him here, “whatever degree of pressure—publicly and privately—may be necessary.” This would be “a long road,” Powell warned, “and not for the fainthearted.”

In his section entitled “The Neglected Political Arena,” Powell recommended using political influence to stem “the stampedes by politicians to support any legislation related to ‘consumerism’ or to the ‘environment.’” And, yes, Powell put the word “environment” in derogatory quote marks in the original.

“Political power,” Powell wrote, “is necessary; . . . [it] must be assiduously cultivated; and . . . when necessary . . . must be used aggressively and with determination.” He concluded that “it is essential [to] be far more aggressive than in the past,” with “no hesitation to attack,” “not the slightest hesitation to press vigorously in all political arenas,” and no “reluctance to penalize politically those who oppose” the corporate effort. In a nutshell, no holds barred.

And then came the section of the secret report that may have launched the scheme to capture the court. It is called “Neglected Opportunity in the Courts.” This section focused on what Powell called “exploiting judicial action.” He called it an “area of vast opportunity.”

He wrote: “Under our constitutional system, especially with an activist-minded Supreme Court”—I will intervene to say, of course, we have today, as a result of the scheme, the most activist-minded Supreme Court in American history, but back to his quote—“especially with an activist-minded Supreme Court, the judiciary may be the most important instrument for social, economic and political change.”

Powell urged that the Chamber of Commerce become the voice of American business in the courts, with a “highly competent staff of lawyers,” if “business is willing to provide the funds.” He concludes: “The opportunity merits the necessary effort.”

The secret report may well have been the single most consequential piece of writing that Lewis Powell ever did in a long career of consequential writings. The tone and content of the report actually explain a lot of decisions in his future career. Yet this secret report received no attention—not even a passing mention—in Professor Jeffries’ detailed, authoritative, and authorized Powell biography.

The secret chamber report was not disclosed to the U.S. Senate in Senate confirmation proceedings when, shortly after delivering his secret report to the U.S. Chamber of Commerce, Lewis Powell was nominated to the U.S. Supreme Court by President Richard Nixon.

The secret report was dated August 23, 1971. Two months later, on October 22, Nixon nominated Powell to the Supreme Court. Lewis Powell was sworn in as an Associate Justice of the Supreme Court on January 7, 1972, less than 6 months after this secret report was delivered to the chamber.

To be continued.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Ohio.

SAFEGUARDING AMERICAN INNOVATION ACT

Mr. PORTMAN. Madam President, I rise today in strong support of the Safeguarding American Innovation Act. This is legislation that has been included in the substitute amendment to the bill we are working on this week, called the Endless Frontier Act, or as it has now been called, the U.S. Innovation and Competition Act.

Well, if our goal is to increase U.S. competitiveness and encourage more U.S. innovation, we have to not only invest in research and innovation, we have to be sure that we are keeping our investment in research and intellectual property from being taken by our competitors and used against us. That is what this legislation does.

By the way, that is just common sense, or so you would think, but that is not what we found during a bipartisan investigation during the Permanent Subcommittee on Investigations. Instead, during a yearlong inquiry, we uncovered that our government and our research institutions over the last couple of decades have permitted China to take advantage of a lax U.S. approach to safeguarding our taxpayer-

funded innovation, be it in our college campuses or in our research labs, nor was law enforcement, principally the FBI, doing anything significant to combat this threat. In fact, at our hearing on the report about 18 months ago, the FBI admitted in sworn testimony that they have been asleep at the switch, essentially.

Our PSI investigation detailed the rampant theft of U.S. taxpayer-funded research and intellectual property by China by way of their so-called China recruitment programs, mainly the Thousand Talents Plan. China uses these plans to systematically find promising researchers and promising research that China is interested in, and they recruit those researchers.

These programs have not been subtle. The Thousand Talents Plan is perhaps the best understood of these programs, although there are actually a couple hundred of them. Our PSI investigation documented how the Thousand Talents Plan was used to target and steal taxpayer-funded research and IP for at least two decades in this country, and much of that research and innovation was taken from our labs to China and went directly into fueling the rise of the Chinese economy and the Chinese military.

While this is what China has done and continues to do, this is really about us. We have to get our own house in order. Specifically, we found that the Chinese Government has targeted promising U.S.-based research and researchers. Often, this research is funded by U.S. taxpayers. We spend about \$150 billion a year on taxpayer-funded research in places like the National Institutes of Health, the National Science Foundation, and the Department of Energy for basic science research. And with this legislation we are talking about tonight on the floor, the Endless Frontier Act, we are talking about a huge increase in the amount of Federal spending for this kind of research.

The annual \$150 billion that has gone out over the years has been a good investment of taxpayer dollars, I believe. Why? Because it has led to some amazing things, from cures for everything from viruses to particular kinds of cancer, to technologies that support our defense base, to manufacturing technology that has made us more efficient as a country. But it is not good if the U.S. taxpayer is paying for this good research, and then China is taking it to fuel their own economic and military rise.

China has not just stolen some of the research funded by U.S. taxpayers; China has actually paid these grant recipients to take their research over to China at Chinese universities—again, universities affiliated with the Chinese Communist Party. They have been very clever about it. They want to be sure that China is a stronger competitor against us, and they take the research delivered from the United States to what is referred to as shadow

labs in China, where they replicate the research.

Rather than pointing the finger at China, we ought to be looking at our own government and our own institutions and doing a better job with the things we can control. Again, let's get our own house in order. We have made some progress in doing that.

Following our November 2019 PSI investigation I talked about and the report we issued, in December of 2020, John Demers, the Assistant Attorney General for National Security and head of the Justice Department's China Initiative, announced that more than 1,000 researchers affiliated with China's military left the United States following a crackdown on recipients of taxpayer-funded Federal grants concealing their affiliation with China's Thousand Talents Program. One thousand researchers left the United States.

That news followed multiple guilty pleas and a string of arrests of academics affiliated with American universities for alleged crimes related to concealing their participation in China's talent recruitment programs while accepting American taxpayer funds and taking research to China.

After two decades of allowing this activity to go on, over the past 18 months, we have finally begun to crack down. In my own State of Ohio, in my home State, there have been some researchers who have been arrested. However, as our investigation found and law enforcement told us, the Federal Government is limited in the actions they can take under current law. It is our responsibility in Congress to change that.

All of the arrests in connection with the Thousand Talents Plan have been related to peripheral financial crimes, like wire fraud and tax evasion, not the core issue of the conflict of commitment, conflict of interest, the taking of American taxpayer research, and also taking money from China. Why? Because it is not currently a crime to knowingly hide foreign research funding on a Federal grant application, as an example. In other words, if you are performing research funded by the U.S. taxpayer and also being paid by China to do the same research, there is no law that states you have to disclose that funding from China. That is just wrong.

Since our report, the National Institutes of Health has started to require that that information be disclosed. The NIH is alone so far in requiring that. But even there, there is still no law requiring disclosure.

The arrests made since our PSI report have not been about that core issue of researchers hiding foreign funding from China and stealing our research. So we need to change the laws so we can give our law enforcement community the tools they need to go do the job that all of us expect is being done.

The Safeguarding American Innovation Act goes directly to the root of

this problem and makes it punishable by law to knowingly fail to disclose foreign funding on Federal grant applications. While this is a criminal statute, it is really about transparency, which is a core tenet of the U.S. research enterprise.

Our bill also makes other important changes informed by our investigation. It requires the Office of Management and Budget, OMB, in the executive branch to streamline and coordinate grant-making between the Federal Agencies so there is more continuity, accountability, and coordination when it comes to tracking the billions of dollars of taxpayer-funded grant money that is being distributed.

Again, the underlying legislation here in the Chamber tonight is about more money going into research. Let's be sure that there is transparency and that we know how it is being distributed. We found in our investigation that this kind of coordination and transparency was sorely lacking and long overdue.

Our legislation also allows the Department of State to deny visas to foreign researchers coming to the United States who they know are going to exploit the openness of our research enterprise to acquire sensitive and emerging technologies against the national security interests of the United States and to benefit an adversarial foreign government.

This may surprise you, but the State Department can't do that now. It is a loophole in the law. In finalizing our language for the substitute, we worked very closely with career State Department employees, who were desperate to get this authority to keep, say, members from the People's Liberation Army, who are definitely connected with the Chinese military, from coming over here and attending conferences where sensitive, export controlled technology is being talked about and distributed.

Our bill also requires foreign institutions and universities to tell the State Department whether a foreign researcher will have access to export controlled technologies and also to demonstrate to the State Department that they have a plan to prevent unauthorized access to any export controlled technologies at the research institution.

That is really important. It seems like basic information that the State Department would get here, that would have been provided all along, but it hasn't been. Providing this information as part of the visa process should also help streamline the process for the State Department and for these research institutions. I think it is good for both to make sure that this is clear and we know what the rules are.

We also require increased transparency in reporting foreign gifts and contracts at our colleges and our universities. Those schools are now going to need to report any foreign gift or contract worth \$50,000 or more. The

current threshold is \$250,000. More transparency is a good thing.

We also empower the Department of Education to work with these universities and research institutions to ensure that this can be complied with in a way that doesn't create undue red-tape and expenditures. That is not the idea. The idea is to have transparency but have it be something that is efficient. But we also allow the Department of Education for the first time to fine universities that repeatedly fail to disclose these gifts. We have actually found that about 70 percent of universities weren't following the current law, partly because there was no fine. There was really no accountability.

All of the changes that I have outlined are necessary to help keep America on the cutting edge. In order to be globally competitive, we have to be more effective at pushing back against the specific threat from China and from other nations, like Russia, Iran, and North Korea, looking to steal our research and our intellectual property.

Until we start to clean up our own house and take a firmer stance against foreign influences here in this country trying to take our research, we are going to keep losing the innovations that we create here, and we will be less competitive. That is why the Safeguarding American Innovation Act is so important to be included in this bill.

I will finish by noting that this has been truly a nonpartisan effort—not just bipartisan but nonpartisan—from the start. We wanted to ensure that, in a thoughtful, smart, and effective way, we were responding to the very real threat that we identified from China and other foreign adversaries.

I want to commend my partner in our PSI investigation and cosponsor of our legislation, Senator TOM CARPER. I also want to thank the Presiding Officer tonight for her role in this, for her contributions and her support. I also want to say that I appreciate Senators PETERS and SCHUMER and their staff for working with us to finalize the language, as well as the State Department and other officials from the Trump administration and the Biden administration who provided important assistance.

Safeguarding American innovation is always a good idea, but it is particularly important in the context of the legislation before us that provides exceptionally large amounts of Federal money for research to make us more competitive. I support that research, but I don't want the taxpayer funds to go in the front door and then to have the research go out the back door to China or other adversaries. That is not what this should be about, and thanks to this legislation being included in this law, I feel confident that it will not be about that.

I yield back my time.

THE PRESIDING OFFICER. The majority leader.

S. 1260

Mr. SCHUMER. Madam President, in a moment, I will file cloture on both

the substitute amendment of the competition bill and on the motion to proceed to the House-passed legislation to create an independent commission to investigate and report on the attack of January 6, setting up a potential vote this week.

On the competition bill, this legislation is the product of at least half a dozen Senate committees, working for months—months—in a bipartisan way. That means that every single Member of the Senate has had their fingerprints on it in one manner or another.

The Senate has been making great progress so far this week. To borrow an expression that might appeal to my colleague and partner from Indiana, Senator YOUNG, we are approaching the final straightaway of the race. We have completed a very efficient series of votes on six amendments this afternoon, five of which were sponsored by Republicans. That is in addition to four amendment votes we have already held and literally dozens—dozens—of bipartisan amendments that were added to the bill before it even reached the floor.

This is regular order in action. Members on both sides have clamored that we bring bills to the floor, debate them, and ask for amendments. That is what is happening here. This is a bipartisan bill that came out of committees with overwhelming votes—21 to 1 in Foreign Relations and 22 to 4 in Commerce, with a lot of bipartisan input in both committees and throughout—and now we are debating it on the floor.

I believe the depth of bipartisanship on this bill reveals two things: one, just how much of a hunger there is on both sides of the aisle to tackle the issue of American leadership in the 21st century. It also shows a hunger to work in a bipartisan way, and we hope that our colleagues will understand that as we seek now to invoke cloture on the bill after we do several more amendments.

With the finish line in sight, we need to continue working together to see this bill through. As I said, we will consider a few more amendments tomorrow and Thursday, including a managers' amendment, before final passage. If both sides continue to work in good faith to schedule amendment votes, which has been the hallmark so far, there is no reason we can't finish the competition bill by the end of the week. And we will look for a signal from our Republican friends that, when we cooperate, we will move forward and not move to block or delay unnecessarily.

Now, of this bill, again, I cannot say how important it is to the future of America. Investing in science and innovation has been a hallmark of why this country has led the world in economic growth, in good-paying jobs, in creating a brighter, sunnier, happier America. Our failure to invest could lead to a real decline—a cloudiness over America and its future. We have to move forward, and that is why this

bill has gotten such great support. This is not a minor bill. Just because there is not partisan fighting doesn't mean it is not one of the most important bills we have passed in a very long time, and we will look back in history and say that this was a moment when America got a grip back on itself and moved forward after several years of languishing, at best.

#### JANUARY 6 COMMISSION

I am also going to move to file cloture on the motion to proceed to the House-passed legislation to create an independent commission to investigate and report on the attack of January 6, setting up a potential vote this week. We all know the commission is an urgent, necessary idea to safeguard our democracy. What happened on January 6 was a travesty—a travesty. It risked America in ways we haven't seen in decades, maybe even in our history altogether.

In the wake of January 6, unfortunately, too many Republicans in both Chambers have been trying to rewrite history and sweep the despicable attack on our democracy under the rug. If people believe the Big Lie—if they believe that this election was not on the level, spread by the Big Lie of Donald Trump and his legions in the press—our democracy erodes. At the core of this democracy is the belief that we vote; the process is fair; and then whoever is fairly elected we respect as our leader. That has not happened for the first time in a long time.

I so respect our two Republican colleagues on the other side of the aisle who say they will vote for this proposal. I hope many more will. We have to get it passed. Each Member of the Senate is going to have to stand up and decide: Are you on the side of truth and accountability or are you on the side of Donald Trump and the Big Lie?

We cannot let this lie fester. We must get at the truth. We must restore faith in this grand, wonderful, beautiful, evolving experiment—the greatest democracy that has ever been seen on Earth. We can't let that go away. By sweeping all of this under the rug and by having so many people believe the lies, we could see the Sun begin to set on America. I hope that doesn't happen. I pray that doesn't happen. I don't believe it will happen because I believe we will rise to the occasion and get at the truth.

#### ORDER OF BUSINESS

Madam President, now I ask unanimous consent that when the Senate resumes consideration of S. 1260 on Wednesday, May 26, the following amendments be called up and reported by number: Durbin, 2014; Kennedy, 1710; Sullivan, 1911; further, that at 12 noon tomorrow, Wednesday, May 26, the Senate vote in relation to the Sullivan amendment and at 2:30 in relation to the Durbin and Kennedy amendments, with no amendments in order to these amendments prior to a vote in relation to the amendment, with 60 affirmative votes required for the adoption, with

the exception of the Sullivan amendment, and 2 minutes of debate equally divided prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Schumer substitute amendment No. 1502 to Calendar No. 58, S. 1260, a bill to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Charles E. Schumer, Jacky Rosen, Patrick J. Leahy, Brian Schatz, Richard J. Durbin, Benjamin L. Cardin, Robert P. Casey, Jr., Christopher A. Coons, Gary C. Peters, Angus S. King, Jr., Sheldon Whitehouse, Chris Van Hollen, Maria Cantwell, Mazie Hirono, Tammy Duckworth, Tina Smith, Ben Ray Lujan.

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Charles E. Schumer, Jacky Rosen, Patrick J. Leahy, Brian Schatz, Richard J. Durbin, Benjamin L. Cardin, Robert P. Casey, Jr., Christopher A. Coons, Gary C. Peters, Angus S. King, Jr., Sheldon Whitehouse, Chris Van Hollen, Maria Cantwell, Mazie Hirono, Tammy Duckworth, Tina Smith, Ben Ray Lujan.

#### NATIONAL COMMISSION TO INVESTIGATE THE JANUARY 6 ATTACK ON THE UNITED STATES CAPITOL COMPLEX ACT—MOTION TO PROCEED

Mr. SCHUMER. Madam President, I move to proceed to H.R. 3233.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

Motion to proceed to Calendar No. 60, a bill (H.R. 3233) to establish the National Commission to Investigate the January 6 Attack on