



**NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE**  
**FIRST AMENDED AND RESTATED BUSINESS RULES**  
**ADOPTED BY THE COMMISSION ON APRIL 19, 2018**

These Business Rules establish certain governing rules and principles (“Business Rules”) for the operation of the National Commission on Military, National, and Public Service (the “Commission”), created by the National Defense Authorization Act for Fiscal Year 2017. These Business Rules shall supersede all previous Business Rules issued by the Commission.

**Article I – Commission Composition and Leadership.**

Section 1 – Members. The Commission is comprised of eleven Commissioners, each a member of the Commission.

Section 2 – Commission Leadership. The Commission is led by one Chair and assisted by the Office of Vice Chair. The Office of Vice Chair is comprised of one Vice Chair for National and Public Service, and one Vice Chair for Military Service.

Section 3 – Subcommittees. The Commission may establish subcommittees comprised of its members as deemed appropriate by a majority of the Commission’s members.

Section 4 – Quorum. Six (6) members of the Commission shall constitute a quorum. A quorum shall be required to vote on any matter. A lesser number than a quorum may hold hearings or meetings.

Section 5 – Voting. Any member may request a vote on any matter. Absent such request, the Chair, in consultation with the General Counsel, shall determine which matters are subject to a vote by Commissioners. Except as set forth in Article I, Section 7, any matters subject to vote may be decided by a majority of the Commission’s members physically or electronically present at the time such vote is taken. Any Commissioner not physically or electronically present at a meeting where a vote is to be taken may vote by proxy.

Section 6 – Voting by proxy. Any Commissioner may vote by proxy if unable to be physically or electronically present for a meeting at which a vote will be taken. A proxy may be either specific or general. A specific proxy provides the proxy holder with specific instructions on how the proxy owner wishes to vote. A general proxy authorizes the proxy holder to vote on any matter that may be undertaken at a meeting. To be eligible to vote by proxy, a Commissioner must provide his or her proxy in writing to any other Commissioner prior to the vote or votes at

issue. A copy of the writing shall be furnished to the General Counsel prior to the vote or votes at issue.

#### Section 7 – Approval of Certain Matters Requiring More than a Majority Vote.

- a. For each matter set forth in this Section, Commissioners shall endeavor to reach a consensus decision. If Commissioners are unable to reach a consensus decision and cannot resolve any objection through deliberation, the Commission shall require a vote of at least eight (8) of its Commissioners physically or electronically present or voting by proxy to decide such matter. Each such vote shall commence upon motion of any Commissioner.
- b. Matters to be decided according to the provisions of this Section include:
  - i. Approval of a definition of a key term associated with the Commission’s work;
  - ii. Determination that a particular matter is appropriate for the Commission to render recommendations;
  - iii. Closing of a recommendation alternative;
  - iv. Re-opening of a closed recommendation alternative; and
  - v. Approval of the Commission’s final recommendations.

#### Section 8 – Work Groups.

- a. The Commission shall have three Work Groups composed of Commissioners, each aligned to a work stream of the Research, Analysis, and Writing Directorate of the Commission’s staff. Each Work Group shall be responsible, among other things, for the review of research, analysis, policy proposals, and recommendations related to the subject area of the respective Work Group.
- b. The Selective Service Work Group shall be chaired by the Vice Chair for Military Service and shall have four additional members.
- c. The Propensity to Serve Work Group shall be chaired by the Vice Chair for National and Public Service and shall have four additional members.
- d. The Ends, Ways, and Means Work Group shall have three members from each of the other two Work Groups, including a chair to be chosen by the Commission Chair.
- e. Any Commissioner may attend meetings of any Work Group but may not participate in any vote held by a particular Work Group unless he or she is a member of that Work Group.

### **Article II – Meetings.**

Section 1 – In general. The Commission intends to hold business meetings and public meetings. Business meetings will be closed to the public. Business meetings will address organizational and/or pre-decisional, deliberative matters. Public meetings will be open to the public and will generally involve information gathering from sources outside the Commission.

Section 2 – Scheduling meetings. The Commission shall hold meetings upon the call of the Chair or a majority of the Commission’s members.

Section 3 – Business meetings. The Commission intends to convene business meetings approximately once per month, with each meeting covering portions of two days. Each business meeting shall be led by the Chair or, in the Chair’s absence, either or both of the Vice Chairs. Business meetings shall occur on the third Thursday and Friday of each month. Commission staff shall circulate deliverables and read ahead material at least sixty hours prior to each meeting.

Section 4 – Public meetings. The Commission may elect to hold public meetings in addition to or instead of regular business meetings as determined by the Chair or a majority of the Commission’s members.

Section 5 – Executive Session. At the conclusion of each meeting, members of the Commission shall convene an Executive Session. No staff or members of the public may be present at the Executive Session.

Section 6 – Matters appropriate for meetings. The Commission may discuss any matter or business relevant to the work of the Commission at a meeting. The Commission may invite individuals or organizations to make presentations and/or respond to questions at a meeting.

Section 7 – Minutes. The General Counsel shall prepare minutes of each Commission meeting. Minutes shall be made available to the public on the Commission’s website to the extent such minutes or portions thereof would be releasable under the Freedom of Information Act.

### **Article III – Hearings.**

Section 1 – In general. The Commission shall conduct hearings on the recommendations it is taking under consideration. Hearings involve consideration by the Commission of preliminary recommendations upon which a vote may be taken. Any hearing, except a hearing in which classified information is to be considered, shall be open to the public.

Section 2 – Notice. Any hearing open to the public shall be announced on the Commission’s website or another Federal website at least fourteen (14) days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed.

Section 3 – Transcription. All hearings shall be transcribed by a court reporter. Transcripts shall be made available on the Commission’s website.

### **Article IV – Commission Staff.**

Section 1 – Executive Director. The Commission staff shall be headed by an Executive Director, who will report directly to the Chair.

Section 2 – General Counsel. The Commission staff will also have a General Counsel, who will report to the Executive Director and to the Chair.

Section 3 – Executive Committee. The executive committee of the Commission staff shall include the Executive Director, the General Counsel, the Director of Operations, the Director of Governmental & Public Engagement, and the Director of Research and Analysis.

#### **Article V – Members as Special Government Employees.**

Section 1 – Special Government Employee Status. Each member is considered a Special Government Employee (SGE). An SGE is a government employee retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days. In the case of the Commission, each Commissioner will serve with compensation.

Section 2 – Payment for SGE service. As SGEs, each member is entitled to payment from the government at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission, except that the Chair shall be entitled to pay under level III of the Executive Schedule.

Section 3- Actual performance of Commission duties. The Commission has agreed on guidelines for determining when a Commissioner has engaged in the actual performance of duties vested in the Commission. Pursuant to these guidelines:

- a. A member will record a day of service for any day on which an official action is performed. This includes attending any Commission meeting or hearing or engaging externally regarding the Commission’s business.
- b. A member will record a day of service for travel required to attend a Commission meeting or hearing, except that a member should not record a day of service for travel if the travel could have occurred without undue convenience on the same day as the meeting or hearing.
- c. A member will not record a day of service for any day consisting of purely administrative tasks, such as arranging travel or scheduling meetings.
- d. A member will not record a day of service for any day on which the member performed a de minimis amount of work related to Commission business, unless such work included a Commission meeting or hearing or engaging externally regarding the Commission’s business. For purposes of these Business Rules, “de minimis” means less than sixty (60) minutes.

#### **Article VI – Pay and Travel Process for Commissioners.**

Section 1 – Travel process, in general. All travel requests will be done in accordance with the Joint Travel Regulation and standard operating procedures adopted by the Commission.

Section 2 – Pay process, in general. All requests for payment will be done in accordance with standard operating procedures adopted by the Commission.

## **Article VII – Use of Personal Email**

Section 1 – In general. Once official Commission email accounts become available, members and staff will use official email accounts for official Commission business except when official email accounts are not available.

Section 2 – Handling communications from non-official email accounts. Once official Commission email accounts are established, any communications received on or sent from a non-official email account will be (a) copied to an official Commission email account or (b) forwarded to an official Commission email account within twenty (20) days.

## **Article VIII – Changes to Business Rules.**

Any or all of these Business Rules may be amended or removed and additional Business Rules may be added upon vote of a majority of the Commission’s members.