

**ATTORNEY-CLIENT COMMUNICATION  
DELIBERATIVE & PRE-DECISIONAL  
FOR OFFICIAL USE ONLY – NOT FOR RELEASE**



**NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE**

**Minutes of September 2017 Commission Meeting**

The National Commission on Military, National, and Public Service (the Commission) held a meeting on September 19-21, 2017. The meeting occurred at The Pentagon in Arlington, Virginia. The meeting concerned organizational and other pre-decisional and deliberative matters and was closed to the public pursuant to Public Law 114-328, section 554(b)(3). The Commissioners agreed to make a separate version of these minutes available to the public to ensure transparency.

**Attendance**

Commissioners present:

- Mr. Steve Barney
- The Honorable Janine Davidson
- The Honorable Mark Gearan
- Ms. Avril Haines
- The Honorable Dr. Joseph Heck
- Ms. Jeanette James
- Mr. Alan Khazei
- Mr. Thomas Kilgannon
- Ms. Shawn Skelly
- The Honorable Debra Wada

Commissioners absent:

- Mr. Edward T. Allard III

Others present:

- Kent Abernathy, Executive Director
- Paul Lekas, General Counsel
- Gregory Brinsfield, Director of Operations
- LTC Marc Austin, OUSD(P&R), Office of Manpower & Reserve Affairs

**ATTORNEY-CLIENT COMMUNICATION  
DELIBERATIVE & PRE-DECISIONAL  
FOR OFFICIAL USE ONLY – NOT FOR RELEASE**

**Swearing In**

On September 19, 2017, the ten present Commissioners and the three present staff members completed onboarding paperwork and were sworn in as officials of the U.S. government. The swearing in was conducted by representatives of the Department of Defense.

**After-Action Report: CNCS Symposium**

LTC Austin briefed on issues raised at the AmeriCorps State & National Symposium, held on September 12-14, 2017. LTC Austin, Mr. Kilgannon, and Ms. Skelly attended two meetings as part of the Symposium, one with governor-appointed state service commissioners, and the other with the steering committee of Voices for National Service. Mr. Brinsfield and Mr. Lekas attended the latter session. Participants in both Symposium sessions expressed enthusiasm for and a willingness to assist the Commission.

Commissioners considered themes emerging from the Symposium sessions, including: the rural vs. urban divide with respect to service; the propensity of Americans to serve at different stages of life; barriers to service; effects of education, socio-economic status, and other conditions on the propensity to service; identifying examples of success in service efforts, such as disaster relief; assessing perceptions and stereotypes regarding service. Commissioners recommended maintaining a record of these and other ideas for further consideration.

**Administration Update**

Mr. Abernathy presented Commissioners with a proposed staff organizational chart. Commissioners provided input on staff organization, including the importance of diversity in building the staff; the need for an archivist; and the need for a digital media specialist. Commissioners also discussed different reporting lines for the General Counsel, and decided that the General Counsel should report to the Executive Director with a dotted line to the Chair.

Mr. Abernathy discussed efforts made to identify suitable candidates for two senior-level positions, one to oversee and manage the research, analysis, and writing of the Commission's reports; another to oversee and manage governmental affairs, public affairs, and external engagements. Commissioners agreed to make efforts to identify additional candidates for both positions by 29 September.

**Legal and Ethics**

Mr. Lekas provided Commissioners with a preliminary briefing on various legal and ethical issues applicable to the Commission and to Commissioners' status as Special Government Employees (SGEs). Topics included reporting and financial disclosures; ethical rules regarding outside activities, conflicts of interest, and gifts; the Hatch Act; use of social media; records retention; and the use of personal media. Mr. Lekas recommended that until official accounts are established, Commissioners consider copying the General Counsel or Executive Director on email communications to preserve privilege where applicable and/or facilitate records

**ATTORNEY-CLIENT COMMUNICATION  
DELIBERATIVE & PRE-DECISIONAL  
FOR OFFICIAL USE ONLY – NOT FOR RELEASE**

management. Mr. Lekas agreed to provide complete briefings on these topics at subsequent Commission meetings.

With respect to issues regarding Commissioners' status as SGEs, as set forth below, the Commission requested that clear guidance be provided by the General Counsel and memorialized in the Commission's Business Rules.

Mr. Lekas also led a discussion about the establishment date of the Commission, given ambiguity in the enabling statute on this topic. Commissioners discussed four possible establishment dates: December 23, 2016, the effective date of the enabling statute; May 5, 2017, the appropriation date; August 1, 2017, the date funds became available to the Commission; and September 19, 2017, the date on which Commissioners were sworn in. Mr. Lekas explained that various stakeholders had been using the May 5, 2017 date, and it was noted that this date appeared in the questionnaires distributed to various federal agencies, which were to be completed by December 5, 2017 – six months after the putative establishment date, per statute. Ms. Haines and others encouraged consideration of later dates because the Commission could not conduct any official work until funds were available to the Commission and Commissioners were sworn in. Commissioners requested the General Counsel to consider the issues further. Commissioners agreed to consider early engagement with SASC and HASC counsel to memorialize the Commission's establishment date determination.

**Budget and Operational Support**

Mr. Brinsfield briefed the Commission on issues related to budget and operational support.

Commissioners discussed budgetary constraints, particularly with respect to civilian hiring costs. Those costs could be higher than estimated if the Commission would have responsibility for benefits. Mr. Brinsfield agreed to follow up on this question.

Commissioners considered ways to manage personnel costs. Suggestions included hiring junior analysts for the Research, Analysis, and Writing teams; making use of the Commission's authority to accept detailees on a non-reimbursable basis; reaching out to FFRDCs for assistance; onboarding individuals based on the Intergovernmental Personnel Act; hiring Hill staffers; and pursuing public-private partnerships.

Commissioners requested an updated budget estimate that included projections based on Commission's work plan. Specifically, Commissioners requested a budget to prepare an interim report that would be published in approximately twelve months. Commissioners also requested staff to develop a pricing menu for categories of events the Commission may convene, including large and small public meetings, public hearings, and the like.

Commissioners recognized that the current \$15 million budget could constrain the Commission's operations, but agreed to hold off on requesting a budget increase until the FY 2019 legislative cycle. At that time, the Commission would have a track record and be in a better position to advocate for increased funding. Notwithstanding budget constraints, Dr. Heck recommended

**ATTORNEY-CLIENT COMMUNICATION  
DELIBERATIVE & PRE-DECISIONAL  
FOR OFFICIAL USE ONLY – NOT FOR RELEASE**

that the Commission seek to save money each year to further the Commission's congressional engagement strategy.

Mr. Brinsfield then briefed Commissioners on operational support matters, including personnel and hiring; budget management; travel management; pay management; document management; contracting; support services arrangements with other federal agencies; and a proposed concept for information technology needs and services.

**Business Rules**

Commissioners discussed guidelines and rules to govern Commission business.

Commissioners agreed, for the near term, to hold regular meetings covering two days each approximately once per month on the Thursday and Friday of the third week of each month. The Thursday sessions would run from 0900-1800 ET and the Friday sessions from 0800-1600 ET. Commissioners set out the following schedule for upcoming meetings: October 19-20; November 16-17; December 21-22; January 18-19; February 15-16; and March 15-16.

Commissioners requested that the staff provide readahead material approximately three days ahead of each meeting. Particularly in light of concerns about service limits for SGEs, Commissioners also requested that the staff coordinate email communications and provide material for Commissioner review on a particular day each week.

Commissioners also discussed creating a reading room or shared work space that could be used to access documents. They asked that going forward, the staff package any relevant press coverage, public comments, social media coverage, and other material in a manner appropriate for Commissioner consumption.

Commissioners addressed the differences between meetings and hearings. While neither term is defined in the enabling statute, each has its own procedural requirements. Commissioners had divergent views about the characteristics of hearings and meetings and tasked the General Counsel with resolving those views.

Commissioners considered whether to adopt a business rule regarding dissenting opinions, ultimately deciding to defer a decision on this matter. Commissioners agreed to strive for unanimity so long as doing so would not water down any recommendations.

Commissioners agreed to adopt a business rule permitting vote by proxy without physical presence.

Commissioners discussed the role of the Chair. They agreed that the Chair should be the public face of the Commission, with either or both of the Vice Chairs to serve in the Chair's absence.

Commissioners tasked the General Counsel with evaluating the requirements for SGEs and proposing clear guidelines regarding what sorts of actions constitute official actions for purpose of determining days of service and requesting payment from the government.

**ATTORNEY-CLIENT COMMUNICATION  
DELIBERATIVE & PRE-DECISIONAL  
FOR OFFICIAL USE ONLY – NOT FOR RELEASE**

Commissioners agreed to include an executive session at the close of each Commission meeting.

Commissioners also raised whether to generate a publicly-available after-action report for any non-public meetings. This issue remains open and will be addressed at a future meeting.

**Enabling Statute**

Mr. Lekas led a discussion of the substantive mandate of the Commission as set forth in the enabling statute and further guided by the Presidential principles.

Commissioners made several noteworthy observations during this exercise. Staff will maintain a record of these observations. For present purposes, these Minutes include key observations about statutory terms and definitions that may inform the Commission's work.

- The term military service is defined in part as “active service.” Commissioners agreed that the National Guard and Reserves should be within the scope of the Commission's mandate.
- The term military service is defined in part as “uniformed services.” That phrase captures not only the Army, Navy, Air Force, and Marines, but also the Coast Guard, NOAA, and certain public health officials.
- The definitions of military, national, and public service are linked to positions of “employment.” Commissioners deliberated whether this term should be interpreted to capture positions subject to wage and hour laws or, more generically, employment in terms of utilization. As discussion ensued, Commissioners agreed to consider a more expansive definition of the term. Commissioners noted that the Presidential Principles invoke the term “volunteer” or “volunteerism” in several places, suggesting the President's interest in viewing employment in a more expansive manner.
- The term national service is defined to include state and federal employment, but not local government. Commissioners agreed local government service should not be excluded from the Commission's mandate.
- The term residents includes permanent residents, i.e., green card holders, along with citizens.
- The phrase critical skills is defined by the Presidential Principles to include more skills than identified in the statute itself.

Commissioners agreed in the importance of being clear on how the Commission views the statutory terms and definitions, particularly where the Commission chooses to diverge from apparently clear language and/or define ambiguous terms in a particular way. Commissioners also recommended a briefing by the White House on the scope and content of the Presidential Principles.

**Strategic Planning**

**ATTORNEY-CLIENT COMMUNICATION  
DELIBERATIVE & PRE-DECISIONAL  
FOR OFFICIAL USE ONLY – NOT FOR RELEASE**

The Commissioner's review of the enabling statute was followed by a discussion, led by Mr. Abernathy, about strategic planning. The deliberations also served as a brainstorming session, generating additional notable points for further work and consideration. These include:

- Preparing an interim report that sets out the scope of the Commission's investigation, assesses the existing research, establishes definitions, and sets expectations (*see infra*);
- Conducting a deep dive into existing data, studies, and research on issues within the Commission's mandate;
- Developing a conversation at various levels to learn why people do and do not serve;
- Considering whether to broaden and rebrand the Selective Service System to cover more than simply registration for a potential draft;
- Examining the stream of services now available, to include PeaceCorps, AmeriCorps, City Year, Teach For America, and others;
- Engaging experts to brief the Commission on issues under the Commission mandate;
- Assessing military recruiting model and whether to apply a similar approach in the public service space;
- Developing partnerships with other organizations;
- Obtaining, analyzing existing data from various sources to include CNCS, DoD;
- Assessing trend lines, gender breakdowns, and other demographic information relevant to the propensity to serve and barriers to service; and
- Identifying models of success and best practices in different areas of service.

Commissioners then deliberated and ultimately agreed on the following vision statement, mission statement, and key objectives to guide the Commission's work:

*Vision Statement:*

- *Every American, inspired and eager to serve.*

*Mission Statement:*

- *This Commission will listen to the public, learn from those who serve, and recommend to the President, Congress, and the American people ideas to foster a greater ethos of military, national, and public service to strengthen American democracy.*

*Key Objectives:*

- *Determine if a military draft or draft contingency remains a necessary component of our national security.*
- *Determine if modifications to the Selective Service System are needed.*

**ATTORNEY-CLIENT COMMUNICATION  
DELIBERATIVE & PRE-DECISIONAL  
FOR OFFICIAL USE ONLY – NOT FOR RELEASE**

- *Determine ways to increase participation in military, national, and public service by individuals with skills critical to address the national security and other public service needs of the nation.*
- *Identify barriers to participation in military, national, or public service.*
- *Identify and assess the inherent value of service.*
- *Assess the need, value, and feasibility of a mandatory service requirement for all Americans.*
- *Determine ways to increase the propensity for Americans, particularly young Americans, to serve.*

**Interim Report**

Commissioners decided in favor of the Commission issuing an interim report in approximately twelve months. They requested that the individual chosen to serve as Staff Director – later redesignated as the Director of Research and Analysis – present the Commission with a proposed methodology for preparing an interim report and lead a discussion regarding same. The staff agreed to target November for this presentation.

**External Affairs & Engagement**

Mr. Abernathy led a discussion about external affairs and engagement. Commissioners expressed interest in exploring partnerships with think tanks, media organizations, academic institutions, foundations, and others. They believe we should tap into the expertise of these organizations and work together with them to vet ideas and recommendations. Commissioners offered to pursue their own networks to develop contacts at various organizations. Staff will maintain a database with relevant Commissioner contacts.

With respect to congressional engagement, several Commissioners expressed strong views that Congress should be engaged on a regular basis and should be kept apprised of the Commission's work to avoid surprises. Such engagement should include not only the HASC and SASC, but also leadership for other committees that the Commission's mission touches, including HOCR, House Education and Workforce, House Ways and Means, and so on.

Ms. Skelly emphasized the importance of managing official correspondence.

Commissioners also considered a proposed roadmap. Commissioners requested staff to develop a five-phase roadmap that includes the initial stand-up, an official roll-out date in early 2018, an interim report in fall 2018, a final report in November or December of 2019, and congressional hearings in January 2020. The roadmap should also include public outreach events in each phase, based on a public outreach strategy tied to the purpose of each phase.

**Election of Leadership**

**ATTORNEY-CLIENT COMMUNICATION  
DELIBERATIVE & PRE-DECISIONAL  
FOR OFFICIAL USE ONLY – NOT FOR RELEASE**

Commissioners deliberated the position of Chair and considered the various roles and functions that the Chair would perform. Commissioners also considered different candidates for the role of Chair.

On September 21, 2017, in the presence of ten Commissioners, more than the six required to constitute a quorum, Mr. Steven Barney moved the Commission to vote by unanimous consent for Dr. Joseph Heck to serve as Chair of the Commission. The motion was seconded, and Commissioners voted by unanimous consent to elect Dr. Heck as Chair.

Upon his election, Dr. Heck moved the Commission to establish Vice Chair as an office that could be composed of one or more Commissioners. Commissioners voted unanimously to approve the motion.

Dr. Heck then moved to create two positions within the Office of Vice Chair: Vice Chair of Military Service and Vice Chair of National and Public Service. Commissioners voted unanimously to approve the motion.

Dr. Heck then nominated Ms. Debra Wada to serve as Vice Chair of Military Service and Mr. Mark Gearan to serve as Vice Chair of National and Public Service. The motion was seconded and Commissioners voted unanimously in support of both nominations.

**Executive Session**

At the close of the September meeting, Commissioners convened an executive session outside the presence of staff. Thereafter, Dr. Heck briefed Mr. Abernathy and Mr. Lekas on several due-outs from the executive session.

Prepared by Paul Lekas, General Counsel

Adopted by the Commission on October 19, 2017