



NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE

Minutes of September 2019 Commission Meeting

The National Commission on Military, National, and Public Service (the Commission) held a meeting on September 19-20, 2019, at its offices in Crystal City, VA. The entire meeting concerned 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.

Attendance

Commissioners present:

- Mr. Edward Allard
- Mr. Steve Barney
- The Honorable Dr. Janine Davidson
- The Honorable 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:

- The Honorable Mark Gearan

Staff present:

- Paul Lekas, General Counsel
- Peter Morgan, Director of Operations
- Jill Rough, Director of Research and Analysis
- Sandy Scott, Director of Government Affairs and Public Engagement
- Other Commission staff

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September 19, 2019

Business Meeting

The Commission convened in Crystal City at 0815 ET. All Commissioners were present, except for Vice Chair Gearan and Ms. Haines. Chairman Heck moved to close this and other business meetings to occur on September 19-20, 2019, because pre-decisional and organizational matters would be deliberated. A motion was made and seconded, and all Commissioners present agreed.

Chairman Heck reminded the Commission that it would consider and approve minutes from the July meeting at the October meeting.

Director of Research Dr. Jill Rough announced that Judson Crane, Research Lead for Selective Service, had assumed the duties of Deputy while Annie Rorem, Deputy Director of Research, was on maternity leave. She then introduced Alice Falk, the Commission's new copy editor.

Recap of Recent Stakeholder Meetings

Dr. Rough and General Counsel Paul Lekas then briefed the Commission on takeaways from recent meetings with stakeholders.

Mr. Lekas began by briefing the Commission on a meeting with senior Department of Defense (DoD) officials to review potential recommendations. The Honorable Jimmy Stewart, Performing the Duties of the Under Secretary of Defense for Personnel & Readiness, led the DoD contingent and Ms. Skelly led the Commission team. Mr. Lekas referred the Commission to a memorandum for the record with detail on the meeting and then summarized key points. Mr. Lekas explained that overall, the DoD team expressed support for the potential recommendations the Commission is considering and the direction in which the Commission appeared to be headed. DoD indicated strong support for maintaining a draft contingency mechanism and support for all potential Selective Service and national mobilization proposals shared by the Commission, including a potential recommendation to require women to register for Selective Service. DoD indicated it would not support expanding the JROTC and ASVAB programs absent increased funding and administrative support. Dr. Rough addressed DoD's struggles to administer the current ASVAB program and noted further that DoD does not support a rebranding of the ASVAB to emphasize career planning over military service. Ms. Skelly expressed concerns about the efficiency of DoD's administration of the current ASVAB program, noting that current efforts to develop an online version of the ASVAB could help to improve efficiency. Ms. James asked about DoD's views on the appropriate age range for critical skills. Mr. Lekas said they believe critical skills are not developed until the 25-35 year period and DoD would recommend that a draft include individuals up to age 35. A brief discussion on veterans' preference indicated that DoD would support more drastic reform than suggested by the Commission's potential recommendations.

Dr. Rough next briefed the Commission on a separate meeting with DoD focused on civilian personnel reform. DoD's Civilian Personnel Policy Director, who attended the other meeting, supported the Commission's potential proposals but, as with veterans' preference, felt that they

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were not sufficiently bold for the Title 5 reform that DoD believes is necessary. Brian Collins, Team Lead for Public Service, explained that DoD has proposed to Congress, so far without success, several aggressive legislative changes that would essentially exempt DoD from collective bargaining, permit DoD to establish its own pay systems, remove most veterans' preference restrictions, and completely overhaul the civilian hiring system. Mr. Lekas noted that DoD's proposals for substantial reform of veterans' preference and DoD's hiring authority were rejected by the HASC and the SASC. Staff and Commissioners expressed support for the more targeted approach the Commission plans to take with these reform proposals. Ms. James requested more information on whether the lack of support came from HASC or from other committees whose jurisdiction the bill fell under. Mr. Lekas said that staff would follow up.

Mr. Collins then briefed the Commission on a recent meeting with OMB's five-person, senior level hiring reform team. The OMB team is very excited about the Commission's direction and has encouraged Commission to go bold. They provided suggestions to improve potential recommendations and also encouraged the Commission to address the clearance process. With respect to the security clearance process, OMB was concerned that victory would be declared prematurely as DoD assumes all responsibility for the process, and Mr. Collins said that staff is considering including a few sentences about security clearance reform in the narrative without proposing a new recommendation.

Chairman Heck briefed the Commission on several recent engagement events. He gave a presentation to the Reserve Force Policy Board (RFPB), noting feedback from the RFPB expressing strong support for expanding and rebranding the ASVAB. In addition, Chairman Heck met with Congressmen Fred Upton and Joe Wilson, both of whom were receptive to the Commission's proposals. The prior evening, Chairman Heck attended the CNCS 25th Anniversary Gala which he described as a successful event and said that attendees were supportive of the Commission. Chairman Heck shared that Senator Coons attended the CNCS Gala where he spoke eloquently about national service. Chairman Heck recommended that Commissioners watch a video of his speech, which staff circulated after this session.

Mr. Allard requested guidance on sharing information about the Commission and its work in public events. Chairman Heck explained that he continues to speak in terms of the host of recommendations the Commission is considering, rather than by confirming any votes or any decisions made. Chairman Heck highlighted that the public comments will continue to come in until December 2019, so the Commission should not disclose that it has finalized any decisions. Staff indicated that this specific topic would be addressed in a session on Friday, September 20.

GPE shared their strategic communications plan to be discussed the next day. Mr. Allard saluted Sandy Scott, Director of Government Affairs and Public Engagement (GPE), and the whole GPE team for putting together a wonderful day of service on September 11 and suggested the Commission engage more with the service team he worked with.

Final Report Progress Review

Dr. Rough discussed the timeline for production of the final report. She explained that the Commission remains on track with the original research plan introduced in 2018. She reminded

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the Commission that November 10 remains the deadline to lock text to the final report to ensure production of final report copies by March 1, 2020. She noted that the Commission will begin discussion of graphics and elements in October and continue that discussion in November.

Mr. Scott then addressed questions about the size of the print run for the final report.

Color and Template

From 0830 to 0945 ET, the Commission discussed the color scheme for the final report as well as the template or layout of the pages. Dr. Rough shared copies of the sample templates with the Commissioners and introduced Laurel Prucha Moran, whom the Commission has retained to provide graphics support for the final report.

Dr. Rough reviewed different color schemes, one focused on red, white, and blue, and the other on blue and green. She also reviewed different template options for each color scheme.

With respect to color scheme, Commissioners considered, among other things, whether red would connote a warning; whether different color combinations would affect ease of reading for an older audience, in particular; whether the color scheme should align with that of the Interim Report; whether the color scheme should be unique. Commissioners generally felt that a white writing would be easier to read on a blue rather than a red background. Several Commissioners expressed support a color scheme built on shades of blue with red highlights.

With respect to templates, most Commissioners expressed support for strong banners to highlight section headings, shaded backgrounds rather than boxes for recommendations, two-column presentation of text with a one-column version available online, and a horizontal rather than a vertical design for page layout.

Chairman Heck moved for a vote on colors and templates. The Commission adopted by voice vote a red, white, and blue color palette, with minimal red and different shades of blue. As to the template, by separate voice votes, the Commission adopted the horizontal design for page layout; a strong banner for section headings; and shaded backgrounds rather than boxes to highlight recommendations.

Chairman Heck then adjourned the meeting until 1000 ET.

Final Report Text Review

The Commission reconvened at 1003 ET for a discussion of the draft final report text. Chairman Heck requested that Commissioners focus their feedback on format and overarching content and to avoid using the session to convey line edits.

The minutes that follow reflect the more material feedback shared by Commissioners during these sessions, and do not represent a comprehensive account of all items raised during these sessions. Research staff separately recorded all feedback for purposes addressing Commissioner comments and edits to the draft text.

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1. Commissioner Letter

The Commission began with a review of the draft Commission letter that would appear at the beginning of the final report. Ms. Haines arrived part way through this session.

Mr. Barney recommended that the letter not refer to disagreement among Commissioners. An alternative was suggested to highlight the wealth of background of views consulted in the decision-making process.

Commissioners also discussed whether “bipartisan” was an appropriate descriptor of the Commission and opted to replace this term with “nonpartisan” to reflect how Commissioners have approached their mandate and deliberations.

The Commission also discussed use of the term “Americans,” recognizing that the term was selected to convey inclusivity but could generate opposite reactions. Mr. Barney suggested, and other Commissioners agreed, to use variants such as “people” and “the American public” in different places. Commissioners discussed the word “citizen” and Dr. Rough confirmed that staff had made efforts to minimize use of this term, which was viewed as exclusionary.

The Commission discussed use of the first person and endorsed the first person for the letter when referring to the Commission and to the United States.

Mr. Khazei requested that the letter be revised to convey a greater sense of urgency, to highlight that the Commission represents the first time that military, national, and public service have been analyzed together, and to stress the Commission’s endorsement of an entirely new type of program promoting cradle-to-grave service. Ms. Skelly recommended a clear exposition of why service is important, geared at those readers who may not intuitively support service.

Chairman Heck and other Commissioners supported an approach that would address what service has accomplished, what more service can accomplish, and the opportunity presented by service.

Commissioners debated whether the Commission’s vision should be tied to creating an “expectation of service” rather than or in addition to creating or strengthening a “culture of service.” Consensus emerged around the phrase “culture of service.” Commissioners recognized that the objective should not be to “create” a culture of service given strong and widespread service experience of many Americans. Ms. Haines recommended using the terms “strengthen” and “cultivate” to describe Commissioners’ culture of service vision, which others voiced support for doing. Ms. Haines also recommended that the Commission emphasize the concept with capitalization, so that it would read as “Culture of Service” in the text of the report. Chairman Heck requested that the letter include a tribute to those who served.

2. Executive Summary

The Commission then discussed the draft executive summary. Several Commissioners expressed concern about adopting a negative tone. Chairman Heck concurred and recommended revising

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the text to focus on the potential of service. Ms. Haines suggested that focusing on how service can fix problems and address the needs of the nation would help to avoid a negative tone. She also recommended that the executive summary devote additional discussion to service and the needs of the nation.

Commissioners made further recommendations as to the content of the executive summary. Dr. Davidson recommended highlighting how the current system is broken in ways that reduce opportunity and equality for the underserved. Chairman Heck supported highlighting the Commission's unique cross-service integration proposals. Mr. Khazei recommended a focus on how service needs to be scaled to achieve its potential. He supported describing the Commission's overall approach for a service "moonshot" as one for a fundamentally new system of service. Mr. Kilgannon disagreed with the "fundamentally new system" formulation and supported Chairman Heck's view of focusing on tying together different streams of service.

Mr. Barney suggested the executive summary include a declaration that every American has a right to learn, explore, and choose their service paths. Dr. Rough warned that this could starkly contrast with the Selective Service portion of the report, which addresses a situation in which Americans do not have a choice. To address this, Dr. Davidson recommended highlighting how the pre-conscription steady state is voluntary. Mr. Barney and Chairman Heck agreed with Dr. Davidson and emphasized, with respect to military service, the need to promote a true all-volunteer force. They supported language to explain how the military is better described as an all-recruited force than an all-volunteer force because many Americans do not consider military service and do not volunteer to serve in the military.

Commissioners turned to the discussion of expanding administration to the ASVAB. Mr. Barney highlighted the career exploration aspect of the ASVAB—the ASVAB CEP. Chairman Heck recommended discussing efforts to increase awareness through expansions of JROTC and ASVAB administration, and then separately discussing the ASVAB CEP approach.

The Commission then adjourned for lunch until 1230 ET.

3. Introduction

The Commission reconvened at 1330 ET to discuss the draft introduction. Chairman Heck began by noting that while the Commission had explored the possibility of hiring an outside consultant to prepare this section, it had proved too challenging and he asked that Commissioners take a lead on rewriting the introduction based on their input.

Ms. James suggested including definitions for public and national service in a text box. Dr. Rough supported this idea and suggested adding a box with the statutory definitions of different service types based on the Commission's organic act.

Mr. Kilgannon raised a concern about the introduction's discussion of mandatory service. He felt this discussion seemed overly supportive of that proposal, one that the Commission did not adopt, and cautioned against descriptions that might promote unadopted proposals as quasi-recommendations. Commissioners recommended removing the discussion of mandatory service

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from the introduction and including information on mandatory service elsewhere in the report. Dr. Rough noted that the report as currently structured did not have an obvious home for this information and that she would consider an appropriate location. Chairman Heck recommended moving this discussion to the propensity chapter.

Mr. Khazei recommended more emphasis on the service moonshot. Based on earlier discussion with Mr. Kilgannon, he revised his description of this to mean a new system of service that builds on all of the great things that are already working in the country.

Dr. Davidson asked about the overarching purpose of the introduction. Dr. Rough responded that the introduction should set the stage for the chapters that follow; it should set out the boldest idea, explain the case for service generally, and connect these ideas to the Selective Service changes. Chairman Heck felt the introduction needs to explain the reason for the report.

Ms. James raised a concern about the phrase “without which the republic would be in danger” in the second paragraph, arguing against such an overly strong statement. She questioned whether the Commission has evidence to support this statement. Commissioners discussed this and Ms. Falk suggested a variant—“service is required to maintain a republic”—that would connect the sentiment to the pillar-and—architecture analogy used throughout the introduction. Ms. Skelly supported this approach and said without service we could be invaded.

Mr. Barney recommended that the introduction take a bolder stance on negative perceptions of government service. He recommended the introduction address head-on what he described as an ugly discourse that disparages and mischaracterizes public servants. He suggested stating that politically charged shutdowns are dangerous to morale, they are wrong, and they should not be tolerated. Dr. Davidson queried whether the Commission should call out political leadership and Congress on this, since the report is directed to them and shutdowns are their responsibility. Chairman Heck cautioned against this approach but was comfortable with noting that people can lead by example. Mr. Kilgannon added the essential role of elected officials in carrying out their responsibilities to protect taxpayers and hold federal employees accountable while also helping taxpayers to understand the value that government employees bring to national and local issues. Dr. Davidson and Mr. Barney emphasized that this is a barrier to service. Dr. Rough requested clarification of whether this is a new formal recommendation or just an idea to weave into the discussion. Mr. Kilgannon opposed making it a recommendation, especially in the introduction section, but approved weaving it into the narrative. He also cautioned against suggesting that taxpayers don’t understand things, when they may just value certain work differently.

Commissioners discussed the section of the introduction setting out the case for service. They identified discrete paragraphs that could be strengthened in part by referring to groups with which the Commission has interacted, such as the work being done in New Hampshire on the opioid epidemic, and the work of the Conservation Corps on national resource issues.

Ms. Haines recommended strengthening the case for service in the introduction by highlighting the potential for service to address a series of critical national and community needs in, for example, national security, education, disaster relief, and health. She referenced staff work products that highlight the potential impact that service can have in addressing the needs of the

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nation. For example, with respect to the educational needs of the nation, she noted that a staff product had identified how service could address the current teacher shortage. Mr. Khazei recommended including more statistics to elaborate on the nation's needs, such as graduation rates, different group's reading levels, the national parks' backlog, and others. Mr. Allard suggested identifying the future savings that service can produce.

Mr. Kilgannon recommended taking a less dystopian approach to the discussion of threats and dangers that appeared on page 5 of the draft. He recommended including positive examples, noting from Commission experience the efforts of the Jacksonville middle school, the Pennsylvania elderly care program, and Homeboys Industries in Los Angeles.

Chairman Heck ended the discussion by asking Commissioners to inform him by close of business the next day whether they will volunteer to rewrite the introduction.

4. Lead Service Authority

The Commissioners then turned to the section on the Commission's lead service authority (LSA) proposal. Mr. Khazei requested edits to further recognize prior efforts by different administrations and avoid unintentionally undermining good relations with stakeholders, particularly in the national service space. Mr. Kilgannon recommended changes to focus more on public servants and less on a faceless government agency. He felt this would convey better the relevance of the LSA proposal to help fix problems.

5. Civic Education

The Commission next discussed the civic education section of the final report. Ms. Haines suggested that the report explain the value of civic education in preparing Americans for citizenship and in promoting a culture of service by drawing, among other things, on the guiding principles adopted by the Ends, Ways, and Means Work Group. Dr. Davidson recommended shortening the background discussion on civic education and focusing that discussion on the value the Commission hopes to create rather than on current deficiencies in civic education. Mr. Khazei and Mr. Barney supported an approach that would tie the goals of enhanced civic education with positive momentum the Commission has observed, while also noting how civic education is essential for students in all areas: we want scientists to be strong citizens, too. Mr. Barney also recommended highlighting historical material supporting the view that a fundamental responsibility of government and education systems is to develop citizens.

6. Propensity to Serve Chapter

At 1420 ET, the Commissioners turned to the draft chapter on propensity to serve. Commissioners began by addressing the introduction to this section. Mr. Allard and Ms. Skelly recommended changes to soften language, such as changing the word "ignorance" to "lack of awareness." Chairman Heck directed staff to review the full report to identify other instances in which the Commission may appear to be overstating its case and to identify more appropriate synonyms to improve those descriptions.

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a. Military Service Section

Commissioners raised several edits to the military service portion of this chapter, focusing on tone and word choice. Ms. Skelly further recommended that parts of this section should be re-framed to focus on the changing nature of warfare rather than the correct size of the military, which she felt was beyond the scope of the Commission's mandate and did not accurately convey the approach the Commission had taken to addressing civil-military divide concerns.

Commissioners then discussed how to address public misperceptions about the military. Mr. Barney note that perceptions differ among audiences, including between older and younger generations. Dr. Davidson and Vice Chair Wada noted that LGBTQ issues factor into the perception of the military particularly among younger generations and should be noted.

Ms. James asked about data suggesting that current enlistment standards often disqualify underprivileged individuals. Dr. Rough and Mr. Crane explained the connections between poverty and obesity and between poverty and other factors. Vice Chair Wada added that the majority of people serving now are middle class, in part because of the challenges facing the bottom quintile of the population. Suggestions were made on how to clarify and strengthen this language.

Other recommendations included Mr. Kilgannon's request to frame military service in more of a positive light, focusing on how military service can make one healthier, provide an opportunity to see the world, and teach new skills; Mr. Allard's request to emphasize the import role that Members of Congress have in recruiting for the military; and Ms. James' request for a more robust description of the benefits of the ASVAB program.

b. National Service Section

Commissioners held a brief discussion about the national service section of the propensity chapter. Commissioners recommended that the discussion of CNCS be amended to include additional facts: that CNCS generates \$1.25 billion in matching funds; that the GAO has issued several reports critical of CNCS's grant management; and that CNCS is in the process of implementing a transformation and stability plan.

Additionally, Commissioners requested revisions to the draft to include additional data on how the benefits outweigh the costs of national service programs as well as references to national service programs that serve veterans and the military community.

c. Public Service Section

The Commission then discussed the public service section of the propensity chapter. Dr. Davidson began by referring to the Commission's earlier discussion about perceptions of Federal government employees and the U.S. government as an employer. She noted a discrepancy between this message and the Commission's recommendations and requested better integration of the core message with the recommendations. Ms. Haines concurred and recommended that to help accomplish this, the narrative could highlight relevant proposals that are detailed in the implementation annex.

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Following a discussion of discrete edits regarding word choice and tone, Commissioners asked that the report contain material, such as call-out boxes, to explain complex topics such as veterans' preference, USAJOBS, and competitive examination. Dr. Rough indicated that the report will contain explanatory information in call-out boxes and in other forms, noting that not all such material was included in the first provided to Commissioners.

Mr. Kilgannon requested that staff revisit the phrasing of a proposal adopted in July that would, in part, require OPM to issue detail on benefits to each Federal employee on an annual basis. Commissioners concurred that the text did not accurately reflect the adopted proposal and staff agreed to correct the error.

d. Cross-Service Initiatives Section

The only feedback provided on this section was from Ms. Haines, who noted that the title should say initiatives to "strengthen" the connections between services so as not to suggest there are no connections now.

At 1600 ET, the Commissioners took a 30-minute break.

7. Selective Service National Mobilization Chapter

a. Women Registration Section

The Commission reconvened at 1630 ET to discuss the Selective Service and national mobilization chapter of the final report. The discussion focused almost entirely on the proposed section addressing women and the Selective Service Section and the Commission's recommendation to require women to register.

Chairman Heck noted that, at the Chair's direction, Mr. Kilgannon had prepared additional views for this section, which were circulated to the Commissioners during the previous week. Chairman Heck had concerns regarding how the report section and the additional views relate to each other. He noted that he is trying to find a path forward that is acceptable to all, and his ideal would be not to include additional views. He then turned the floor over to the three Commissioners who voted against the proposal.

Mr. Kilgannon thanked the Commissioners for accommodating his additional views, and echoed Chairman Heck's concerns that it does not fit well with the current report. Ms. James reiterated this, noting that the report language attempted to lay out both sides of the argument to answer the question of whether women should be included in the Selective Service System. She noted that the current draft includes information to rebut arguments made in opposition to women registering but does not treat arguments in favor of registration in the same way. Mr. Barney recommended that the section on this proposal be rooted as much as possible in facts given the significant divide in the country on this topic and the need to garner support for other recommendations from members of Congress who oppose requiring women to register.

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Ms. Haines felt that the report should include the best arguments put forward in support of the proposal and offered two options for consideration. First, the report could address this topic in a simple and brief manner without any alternative views. The downside of this approach is that it would not reflect the work done by the Commission and would not contain all critical arguments on the topic. Second, the report could include additional views from both sides, noting that the current draft does not reflect all arguments she would make in support of the proposal. The downside of this approach is that it could undermine the perceived unity of the report and overshadow the Commission's work in other areas, thereby presenting messaging challenges.

Ms. James proposed a third way forward. She recommended that the report contain a description of the arguments in favor of the proposal, a description of arguments opposed, and then a straightforward recommendation statement. She argued that this approach would honor and validate the views shared by people who travelled or put forth effort to share their views. In her mind, this approach would not require additional views. Mr. Barney added that he would support laying out the pro and con arguments, as the Commission heard them, without an attempt to analyze or refute them. Chairman Heck noted that this approach would permit the use of empirical data on both sides as well as value judgments. Several Commissioners expressed provisional support for this approach. Dr. Rough cautioned that there would need to be clarity on what kind of information qualifies.

As an alternative, the Commissioners discussed a congressional committee bill report approach with alternative views. Chairman Heck raised a concern that it would become a tit-for-tat document, and so he would like to avoid refutations. Ms. Haines noted that the two documents need to have the same scope, which will require some coordination. Dr. Rough worried that trying to advocate without disputing the other side would lead to everyone being unhappy, using injury rates as an example. Chairman Heck raised the concern that if the pro/con approach does not work, the staff will not have time to try another option.

Commissioners generally agreed that they would like to avoid additional views, but they wanted to see what the next draft looked like before committing. Mr. Kilgannon made it clear his present intention to write separately no matter the approach. Ms. Haines said that she would want to include an alternative view if the Commission agrees that any other Commissioner may include one. Both Commissioners expressed that they have normative and personal views that they want to share, with which other Commissioners might not agree. Mr. Kilgannon said that he thinks everyone needs to be able to stand up and say how they voted and why. A few Commissioners said that they believed that additional views would help policymakers in their debate.

There were two short side comments:

- Dr. Rough clarified that the report does not now include public comment information, and she would not recommend it, but it does have recent survey data; and
- Mr. Barney asked that the report not speculate how SCOTUS would decide the currently pending lawsuits.

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Commissioners noted this topic will likely be the one most covered by the media once the Commission issues its final report. Based on outside interest as well as Commissioners' strong views on the topic, Commissioners felt comfortable not imposing a page limit on the discussion of this topic. Dr. Rough suggested dedicating a chapter to the topic. The Commission endorsed this approach. Chairman Heck directed staff to move forward with the pro/con approach and to consult with Mr. Kilgannon and Ms. Haines in the coming weeks regarding the new draft.

b. Other Selective Service and National Mobilization Topics

Ms. James expressed concern that the report did not address all views on the topic of whether the United States needs the Selective Service System, including those from some of the conscientious objectors and war resisters. Commissioners requested more of a pro/con approach to the discussion of a need for a draft contingency and also requested that the report address arguments for and against standing conscription also be included. After further discussion, it was clarified that these arguments should be shared but that the report should not remove the arguments, justifications, and advocacy in favor of the recommendations adopted by the Commission.

Commissioners raised several additional points with respect to this section of the report:

- Dr. Davidson noted that the national mobilization section had a lot of background information, and the bottom line could be moved more closely to the front.
- Ms. James confirmed that the nurse corps was established in 1901, which would require a change to the history of women in combat section.
- Ms. Haines requested that the report avoid using the term "draft mechanism" without also using the term "contingency." She said the title should be extended to convey the objective to "mobilize the nation in the event of a national emergency," recognizing that this phrase could be too long.
- Ms. Haines suggested that the headings be revised where possible to be more aligned with the Commission's objectives. For example, instead of "Make Service a National Priority" the title could be "Cultivate a Culture of Service" and so on.
- Ms. Haines suggested that the report avoid saying that X "must" happen and instead say that it should happen, so as to avoid a patronizing tone directed at the Congress or the President.
- Mr. Barney pointed to the discussion on a call for volunteers section and requested a clarification that it would not limit the President's constitutional authority to proceed with a draft.
- Mr. Barney also argued that the Commission should not endorse the position of some public hearing panelists that cyberwarfare will render geography obsolete.

Mr. Allard offered several line edits to clarify how the Selective Service System currently functions and several thoughts on how to ensure that the recommendations could be effectively implemented.

September 20, 2019

Business Meeting

Formal Recommendations

The Commission convened in Crystal City at 0805 ET. All Commissioners were present, except for Vice Chair Gearan. Chairman Heck introduced a session to review proposed amendments to the formal recommendations adopted in July.

Mr. Lekas led this discussion, facilitated by a handout that identified changes to the adopted recommendations. Noting that most changes were immaterial, such as to correct grammatical errors, Mr. Lekas reviewed the substantive changes proposed by staff.

The Commissioners considered changes to the formal recommendations that staff had proposed. Most recommendations were approved as staff requested, with some discussion and issues as follows, with recommendation identifiers referring to material provided to the Commission:

- Commissioners approved the report reading “recommend” instead of “encourage” everywhere.
- Commissioners discussed the difference between permissive TDY and proposal M-3a. Commissioners agreed to change the proposal to paid TDY.
- Ms. Haines made a typographical change and after discussion, “clerical workers” were changed to “chaplains,” as intended in M-5a.
- In N-3, Mr. Lekas highlighted a typo to be fixed.
- Ms. James proposed an actor change in N-3b which was approved.
- Commissioners suggested a shorter phrasing of P-3 that was approved.
- With P-4f, Commissioners agreed to stick with the proposal as approved after seeking clarification on the right oversight agency from Mr. Brian Collins, Team Lead for public Service.
- The CHCO Council as an actor was added to P-5a after discussion about its role.
- C-1 was approved with a minor word change to strike the word “on.”
- For all civic education recommendations, Commissioners requested a return to the longer formulations adopted in July rather than shorter forms of those recommendations.
- The issue of Opportunity Zones was discussed and Commissioners agreed to replace Opportunity Zones with alternative approach, based on the education laws, to identify high-need schools.
- Commissioners agreed on no less than 50% of funds under the Civic Education Fund and Service Learning Fund programs should go to programming in or for high-need schools.
- Mr. Lekas agreed to draft a proposal to identify a member of the National Security Council staff to serve as an interagency national mobilization coordinator.

Chairman Heck called for a vote on the passage of the recommendation amendments as a package. The Commission adopted all amendments unanimously.

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Table of Contents for Final Report

Dr. Rough led a discussion on the table of contents for the final report. She highlighted the new chapter on gender and asked Commissioners to consider the media response when deciding on the order of the final report. She also stated that the LSA proposal would need to be addressed before the propensity to serve chapter, as several proposals in propensity rely on the existence of an LSA.

Commissioners discussed the pros and cons of discussing Selective Service and national mobilization before addressing the propensity to serve topics. They considered whether flipping the order would look as if the Commission were attempting to bury the lead. Ultimately, a consensus emerged that the Selective Service and national mobilization chapters should follow the chapters addressing civic education, integrated proposals such as the LSA and service registration system, and the propensity to serve topics. Commissioners then approved the table of contents, revised based on discussion, without a vote.

GPE Update

Mr. Khazei, serving as liaison between Commission and staff on GPE strategy and planning, introduced a session to focus on the status of these efforts. He began by thanking the GPE team and GPE Director Sandy Scott for their efforts.

Mr. Scott then led discussion of the engagement plan for the next year. He recapped accomplishments of the first year, highlighting public meetings, stakeholder meetings, and public comments. He explained the shift that would come in Year Three and explained the rollout and the importance of a solid media strategy.

Ms. James asked if there was a place in the final report where the number of hearings and meetings could be included in the format in Mr. Scott's presentation. Staff said they would include it.

Mr. Scott reviewed the comprehensive plan for the next year including budget information, raising awareness, and specific action across multiple communication vehicles. He passed around information on the number of copies of the final report, the executive summary, and the legislative annex.

Ms. James asked if Mr. Scott envisioned asking stakeholders to write letters or op eds at the time of the final report release and if they could push for legislation. Deputy General Counsel Rachel Rikleen clarified that the Commission could not ask stakeholders to lobby or prepare them to lobby. Mr. Lekas and Vice Chair Wada agreed. Ms. Rikleen also clarified that Commission staff could not write op eds for other organizations. It is permissible, however, for stakeholder organizations or interested individuals to rely on the toolkits and other material that GPE plans to make available in preparing their own op-eds, for example.

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Dr. Davidson asked about letters of endorsement and statements for the record. Morgan Levey, External Relations Officer, said that the Commission are referencing many of them in the report and are continuing to ask for them.

Mr. McNichols, Deputy Director of GPE, then explained the status and plans for GPE's congressional engagement, including engagement with key jurisdictional committees, with issue caucuses, and with individual members of Congress. Mr. Barney suggested considering an advanced rollout of legislation to Congress because March 2020 would be too late for the FY21 NDAA. Ms. Rikleen noted that staff has already discussed waivers with staff of key jurisdictional committees in an effort to move proposals forward but has not addressed the specific content of proposals. Mr. McNichols also spoke about the possibility of working with OMB and DoD to move forward proposals for the FY21 NDAA.

Mr. Khazei asked if Mr. Barney, Vice Chair Wada, Ms. James, and Chairman Heck could discuss what recommendations could make it into the FY21 NDAA. Staff agreed to arrange a phone conference with these Commissioners to discuss.

Ms. Levey discussed promotion events for 2020. Ms. James asked about the Reagan Forum being an additional potential partner. Chairman Heck indicated no interest in working with the Reagan Forum as they had already pulled away twice from potential events with the Commission.

Commissioners requested that the week for the final report rollout be determined as soon as possible to help them to schedule availability. Staff noted that while it will be in March, they would need to wait until the congressional calendar is released to ensure that Congress will be in session.

Dr. Rough then discussed a strategy for working with the conscientious objector community. Commissioners discussed proactively sharing information with them. Mr. Allard highlighted that the SSS has several MOUs with faith-based objectors and felt that those organizations could be possible partners. Mr. Kilgannon and Mr. Barney recommended that in engaging with this community, the Commission make clear that it did not endorse the "check the box" recommendation that the community endorses because of a concern that it would actually hurt rather than help conscientious objectors.

Mr. McNichols then circulated a member list of Congress and asked people to indicate which members they knew.

Chairman Heck then dismissed the meeting until 1050 ET.

Information Sharing

The Commission reconvened at 10:55 ET.

Katie McSheffrey and Ms. Rikleen discussed the goals of information rollout and discussed the pros and cons of sharing information. Mr. Allard asked if there was a way for information to

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remain deliberative and Ms. Rikleen clarified that the privilege would cover intragovernmental communication and can extend to individual consultants and experts. Mr. Allard asked if the information could be shared with the individuals who appointed the Commissioners and Ms. Rikleen said there would have to be a clear reason to consult them. Ms. Rikleen also clarified that the risk was not with having to post it on the website but with having to release the document in response to a request.

Ms. James asked if the privilege would be broken if parts of the legislative package were shared and Ms. Rikleen said yes. Mr. Barney suggested a work around if the Chairman of a committee requested the legislation as part of an oversight request and Ms. Rikleen agreed. Ms. Rikleen also said that there would be attorney-client privilege that would apply if Mr. Lekas or Ms. Rikleen shared legislative drafts with those on the Hill.

Ms. Haines asked about the timeline of a request and answer for FOIA and Ms. Rikleen clarified that it took more than 30 days. Ms. Haines thus noted that in the last month before issuing the report, the question presumably becomes moot.

Ms. McSheffrey then discussed stakeholder examples, time frames, and information shared. She encouraged Commissioners to share any questions from the press with GPE so that they can prepare responses in the future. Ms. McSheffrey then discussed specifically what to do if Commissioners get a question from a reporter. Cristina Flores, Public Affairs Officer, also highlighted the importance of tracking all requests and ensuring that the Commission is speaking with one voice. Dr. Davidson wanted to be able to share talking points from the Interim Report rather than just directing requests to GPE. Staff said they would circulate them. Ms. Rikleen requested that Commissioners direct any questions from political campaigns, including Presidential campaigns, to Mr. Lekas and her.

Discussion on service registration system proposal

Naming Challenges

Mr. Scott initiated a discussion on how to refer to the Commission's proposed service registration system or service opportunity platform. He conveyed that the original reference is not functional, given the arguments made at the June hearing by the panelists that words like "registration" and "system" can have negative connotations. He presented two approaches: (1) a descriptive title, such as "service opportunity platform," or (2) a specific name, such as "ServeUS". Mr. Scott strongly recommended adopting a descriptive title, contending that it would be expensive and time-consuming to develop a specific name, given the legal and marketing challenges. He noted that others, such as Congress and the agency responsible for the SRS, could change the name.

Several Commissioners expressed support for providing a specific name, and offered ideas such as www.serve.gov, UServe, UService, Serve USA, Americans Serve, ServiceLink, or inspire2serve.gov. Commissioners argued that having a name will be easier to discuss with the public even if the name is ultimately changed by the authorities in charge of developing the system. Mr. Scott and supporting GPE staff reviewed several of these options to demonstrate

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why they would present challenges. For example, www.volunteer.gov is being used by the Park Service, serve.gov redirects to the CNCS website, and Serve America is associated with existing campaigns. Several Commissioners conceded that this is challenging.

Mr. Khazei suggested that the Commission buy the domain what a specific name now and link it to our website. Mr. Morgan, Director of Operations, clarified that the process for setting up a .gov website, which requires use of a government purchase card, which the Commission will have access to for only one year longer. He said the cost for one year would be about \$50,000. DoD, CNCS, or another Federal agency would need to take it over. Ms. Flores conveyed the public affairs' team's view that publicizing and pushing two websites would harm the overall effectiveness of the communication staff. She also expressed concern that another agency may not maintain the website once the Commission is done.

Mr. Barney felt that developing a name is not an effective use of staff time. He also felt that latching on to a name risks that some who do not like the name will not support the underlying program. He supported a more generic identification system. Ms. Skelly agreed and felt that the organization that creates the organization should come up with the name. Vice Chair Wada agreed as well and wanted to avoid site hogging. Chairman Heck affirmed that this is not our area of expertise. He contended that even if it is a placeholder, a specific name could be cumbersome for whoever takes this over.

Ms. James recommended that the Commission agree on a generic name that is less clunky than "service opportunity platform." Several Commissioners agreed that they did not like the word "opportunity." As an alternative, Chairman Heck offered "service platform." Several Commissioners seemed tentatively supportive, but they would like a marketing person to weigh in. In the end, Mr. Scott said that GPE would put a specific decision forward for a vote in October.

Mr. Khazei requested that the discussion of this proposal in the final report be reviewed for clarity. Ms. Haines asked if there is a legal risk of including the name in the report. Mr. Lekas clarified there was no legal risk. Vice Chair Wada thought promoting an app would be better than promoting a website. Chairman Heck said that is why the recommendation is to support a "platform," which permits flexibility.

Graphic Challenges

After a great deal of input and brainstorming with the graphics specialist, Dr. Rough stated that her recommendation for the service registration system proposal is not to use a graphic. The old picture was too confusing, as was evident at the June hearing, and the new options developed do not clarify much. If the platform existed, then screen shots of individual web pages could work, which would help to convey the user experience.

Commissioners conceded that depicting the entire system was hard to do in a way that is helpful for the reader. They discussed other graphic options to clarify the system, including an image of all the kinds of service that would be in the portal. Commissioners recommended creating an

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image as part of the Commission's supplemental material to help explain how the platform would operate but agreed not to include it in the report.

Finally, Dr. Davidson and Ms. Haines expressed a preference for the term "platform" and an aversion to the term "registrants." Everyone agreed.

At 1200, the Commissioners took a 15-minute break.

Executive Session

Commissioners held an executive session outside the presence of staff for approximately one hour.

Business Meeting

Legal and Ethics Briefing

At 1330 ET, the General Counsel presented a legal and ethics briefing. All Commissioners attended except for Vice Chair Gearan.

Mr. Lekas described the progress made on legislative drafting process, which includes completing initial drafts of 84% of the 82 proposals. He noted that Volume II of the Final Report will eventually contain draft legislation, section-by-section analysis, and redlines of the U.S. Code, where appropriate. He explained how proposals will be refined by the new legislative drafter and will be discussed with congressional and Federal agency staff.

As part of continuing ethics training, Ms. Rikleen provided a brief overview of the misuse of position rule and how it applies to supporting staff job searches. She explained that Commissioners may write official letters of recommendation for staff members, which permits them to use the office letterhead and reference their work at the Commission. She clarified that recommendation letters written for non-staff members should be discussed with her or Mr. Lekas if a Commissioner wants to write it in their official capacity. In response to Commissioner questions, she described various permissible ways Commissioners could support the job searches currently being done and she brainstormed ways to make those resources known to the staff.

Ms. Rikleen turned to the topic of the Hatch Act. She provided a general reminder of the limitations imposed by the Hatch Act on Federal employees, and noted that individuals may be contacted by partisan campaigns who are looking for assistance or support. She advised Commissioners to pass along those requests to herself or Mr. Lekas, who would direct those individuals to publicly available information on the Commission's website.

Mr. Lekas briefed the Commissioners on a recent Defense Advisory Committee on Women in the Service (DACOWITS) meeting where the Marine Corps presented on the current status of gender integrated training at the Parris Island Depot. The Marine Corps have maintained gender segregated entry level training at the platoon level and first integrate at the company level. They reported that this model has resulted in lower attrition rates for new female Marines compared

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with those for the Army's basic training, with the female Marine rates being comparable to those of male Marines. In response to Commissioner questions, Mr. Lekas noted that female recruits seem to leave due to injury, whereas the male recruits are more likely to leave due to mental health reasons, but that further information on female departures from the Marine Corps would be needed. Commissioners asked that more information be shared when it became available.

Finally, Mr. Lekas provided a short summary of the appeal brief filed by the Department of Justice in the Nat'; Coalition for Men v. Selective Service System before the 5th Circuit. He noted that the Government made three central arguments: (1) *Rostker v. Goldberg* is binding Supreme Court precedent; (2) under rational basis review, the Military Selective Service Act is constitutional; and (2) under heightened scrutiny review, the MSSA could still stand because Congress is studying this matter closely through the Commission. Mr. Lekas highlighted that the first argument is the strongest and, if the 5th Circuit agrees with it, would likely lead the case to be heard by the U.S. Supreme Court. Commissioners asked for clarification on the different levels of scrutiny and requested a summary of the amicus brief filed by the Eagle Forum Education & Legal Defense Fund. Mr. Lekas also explained that the response brief would not be filed until October, and the other major SSS case is still in the process of certifying the class.

Prepared by Paul Lekas, General Counsel

Adopted by the Commission on October 16, 2019