

**President's Commission on
Combating Drug Addiction and the Opioid Crisis**

By-Laws and Operating Procedures

(As adopted on June 15, 2017)

The following By-Laws and Operating Procedures (the By-laws) will govern the operations of the President's Commission on Combating Drug Addiction and the Opioid Crisis (the Commission).

Section I: Purpose, Organization, and Operation

The purpose of the Commission is to study the scope and effectiveness of the Federal response to drug addiction and the opioid crisis and to make recommendations to the President for improving that response. The Commission shall provide its interim and final findings and recommendations to the President. The Commission has been formed by the authority vested in the President of the United States by the Constitution and the laws of the United States of America. The Federal Advisory Committee Act (Pub. L. 92-463), as amended (FACA), governs the creation and operation of advisory committees within the Executive Branch of the Federal Government. In the event of any inconsistencies between the By-Laws and FACA (including its implementing regulations), the Commission will carry out its Charter in accordance with FACA (including its implementing regulations).

Section II: Authority

The Commission was established by Executive Order 13784 of March 29, 2017, and a charter filed with the General Service Administration's Committee Management Secretariat and approved on April 24, 2017.

Section III: Membership

(A) In General. The Commission shall be composed of members appointed by the President. The membership of the Commission shall be fairly balanced in its membership in terms of the points of view represented and the functions to be performed by the Commission.

(B) Chair. The President shall designate a Chair of the Commission from among the Commission's members.

(C) Executive Director. The Director of the Office of National Drug Control Policy (ONDCP) will designate an Executive Director of the Commission who is a full-time employee from ONDCP who will supervise staff and coordinate administrative support for the Commission. The Executive Director will work at the direction of the Chair on all Commission related matters.

(D) Designated Federal Officer. The Designated Federal Officer (the DFO) will be a full-time officer or employee of the Federal Government appointed by the Director of ONDCP or the President. The DFO will approve or call all Commission meetings, prepare all meeting agendas, attend all meetings, and adjourn any meeting when the DFO determines adjournment to be in the public interest. Should the Chair designate any subcommittees, the DFO will similarly approve or call all subcommittee meetings, prepare all subcommittee meeting agendas, attend all subcommittee meetings, and adjourn any subcommittee meeting when the DFO determines adjournment to be in the public interest. An alternate may represent the DFO.

Section IV: Meetings

(A) In General. The Commission shall meet as frequently as needed and called and approved by the DFO. The Chair will preside at all Commission meetings, unless the Chair directs the DFO to preside in accordance with FACA. Members who cannot attend meetings in person may participate by means of conference telephone or similar communications equipment if all Members can hear one another at the same time and members of the public entitled to hear them can do so.

(B) Notice. A notice of each Commission meeting will be published in the Federal Register at least 15 calendar days before the meeting, except in exceptional circumstances. The notice will include (1) the name of the Commission; (2) the time, date, place, and purpose of the meeting; (3) a summary of the agenda; (4) a statement as to whether all or part of the meeting is open to the public and, if any part is closed, a statement as to why, citing the specific exemption(s) of the Government in the Sunshine Act (5 U.S.C. § 552b(c)) (GISA) as the basis for closure; and (5) the name and telephone number of the DFO or other ONDCP official who may be contacted for additional information concerning the meeting.

(C) Agenda. The Chair shall establish the agenda for all Commission meetings. The DFO will prepare and distribute the agenda to the members before each meeting and will make available copies of the agenda to members of the public. Items for the agenda may be submitted to the Chair by any Member. Items may also be suggested by any member of the public.

(D) Quorum. Commission meetings will be held only when a quorum is present. For this purpose, a quorum is defined as a simple majority of the Members (including the Chair) then serving on the Commission.

(E) Open Meetings. Unless otherwise determined in advance, all Commission meetings will be open to the public either in person as space permits or through electronic means as permitted by FACA and its implementing regulations. Once an open meeting has begun, it will not be closed for any reason. However, if, during the course of an open meeting, matters inappropriate for public disclosure arise during discussion, the Chair shall order such discussion to cease and will schedule the matter for closed session in accordance with FACA. All materials brought before, or presented to, the Commission during the conduct of an open meeting will be available to the public for review or copying at the time of the scheduled meeting. All such materials also will be made available on the Commission's website as soon as practicable.

(F) Activities Not Subject to Notice and Open Meeting Requirements. Consistent with 41 CFR 102-3.160, the following activities of the Commission are excluded from the procedural requirements contained in Sections IV(B) and (E):

- (1) Preparatory work. Meetings of two or more Commission Members or subcommittee members convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for a Commission meeting, or to draft position papers for deliberation by the Commission; and
- (2) Administrative work. Meetings of two or more Commission Members or subcommittee members convened solely to discuss administrative matters of the Commission or to receive administrative information from a Federal officer or agency.

(G) Closed Meetings. Meetings of the Commission will be closed only in limited circumstances and in accordance with applicable law. Where the DFO has determined in advance that a Commission meeting will disclose matters inappropriate for public disclosure, an advance notice of a closed meeting will be published in the Federal Register in accordance with GISA.

(H) Hearings. The Commission may hold hearings to receive testimony or oral comments, recommendations, and expressions of concern from the public. The Commission may hold hearings at open meetings or in closed session in accordance with the standards in these By-laws for closing meetings to the public. The Chair may specify reasonable guidelines and procedures for conducting orderly hearings, such as requirements for submitting requests to testify and written testimony in advance and placing limitations on the number of persons who may testify and the duration of their testimony.

(I) Minutes. The DFO will prepare minutes of each meeting, distribute copies to each Member, and ensure that the Chair certifies the accuracy of all minutes within 90 calendar days of the meeting to which they relate. Minutes of open or closed meetings will be available to the public, subject to the withholding of matters which are exempt from disclosure under the Freedom of Information Act (5 U.S.C. § 552) (FOIA). The minutes will include: (1) the time, date, and place of the Commission meeting; (2) a list of the persons who were present at the meeting; (3) an accurate description of each matter discussed and the resolution, if

any, made by the Commission regarding such matter; and (4) copies of each report or other document received, issued, or approved by the Commission at the meeting.

(J) Public Comment. Members of the public may attend any meeting that is not closed to the public and may, at the determination of the Chair, offer oral comment at such meeting. The Chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the Commission at any time.

Section V: Voting

(A) In General. When a decision or recommendation of the Commission is required, the Chair shall request or accept a motion for a vote. Any Member, including the Chair, may make a motion for a vote. No second after a proper motion will be required to bring any issue or recommendation to a vote. A quorum must be present when a vote is taken.

(B) Voting Eligibility. Only the Members, including the Chair, may vote on a motion.

(C) Voting Procedures. Votes will ordinarily be taken and tabulated by a show of hands.

(D) Reporting of Votes. In reporting the results of Commission voting, the following terms will apply:

- (1) Unanimous decision. Results when every voting member, except abstentions, is in favor of, or opposed to, a particular motion;
- (2) General Consensus. Results when two-thirds of the total vote cast are in favor of, or are opposed to, a particular motion; and
- (3) General Majority. Results when a majority of the total votes cast are in favor of or are opposed to a particular motion.

Section VI: Subcommittees

Subcommittees composed of members designated by the Chair may be established by the Chair in consultation with the Executive Director and the DFO to perform specific functions within the Commission's jurisdiction. The Chair will notify the Executive Director and the DFO upon the establishment of each subcommittee and will provide the Executive Director and the DFO with information on its name, membership, function, and estimated frequency of meetings. Subcommittees must not incur costs or expenses without prior consultation with the Executive Director and express written authorization of the Chair. Subcommittees must not provide any information to any entity without written authorization of the chair. Subcommittees must report any findings, conclusions, or recommendations to the Commission, and must not provide any information directly to the President.

Section VII: Administrative Support

ONDCP shall, to the extent permitted by law, provide administrative support for the Commission with the approval of the Director of ONDCP.

Section VIII: Funding

ONDCP shall, to the extent permitted by law and consistent with the need for funding determined by the President, make funds appropriated to ONDCP available to pay the costs of the activities of the Commission.

Section IX: Records

The records of the Commission and its subcommittees shall be handled in accordance with General Records Schedule 6.2 and approved agency records disposition schedules. These records shall be available for public inspection and copying, subject to applicable exemptions.

Section X: Reports to the President

Within 90 days of the date of the Executive Order establishing the Commission, the Commission shall submit to the President a report of its interim findings and recommendations. The Commission shall submit to the President a report of its final findings and recommendations on or before October 1, 2017, unless the Chair provides written notice to the President that an extension is necessary. The Director of ONDCP will be responsible for ensuring that the requirements of section 6(b) of FACA are fulfilled.

Section XI: Termination

The Commission shall terminate 30 days after it presents its final report to the President, unless the Commission's term is extended by the President prior to that date.

Section XII: Amendment of By-Laws

Amendments to the By-laws must conform to the requirements of FACA and the Executive Order and charter establishing the Commission and be agreed to by two-thirds of the Members. The DFO must ensure that all Members receive a copy of the proposed amendment before any vote is taken on it.