

Charter
Uniform Formulary Beneficiary Advisory Panel

1. Committee's Official Designation: The committee will be known as the Uniform Formulary Beneficiary Advisory Panel ("the Panel").
2. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 1074g(c)(1) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established this non-discretionary Panel.
3. Objectives and Scope of Activities: The Panel shall provide advice and recommendations on the development of the uniform formulary, as set out in paragraph four below.
4. Description of Duties: As directed by 10 U.S.C. § 1074g(c)(1), the Panel shall provide the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), the Assistant Secretary of Defense for Health Affairs (ASD(HA)), and the Director, Defense Health Agency (DHA), independent advice and recommendations on the development of the uniform formulary. The Secretary of Defense shall consider the comments of the Panel before implementing the uniform formulary or implementing changes to the uniform formulary.
5. Agency or Official to Whom the Committee Reports: The Panel reports to the Secretary of Defense and/or the Deputy Secretary of Defense, through the USD(P&R), the ASD(HA), and the Director, DHA. The USD(P&R), or designated representative, pursuant to Department of Defense (DoD) policy, may act upon the Panel's advice and recommendations.
6. Support: The DoD, through the Office of the USD(P&R) and the DHA, shall support the Panel and shall ensure compliance with requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$53,000.00. The estimated annual personnel cost to the DoD is 0.3 full-time equivalents.
8. Designated Federal Officer: The Panel's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD officer or employee, designated in accordance with established DoD policies and procedures.

The Panel's DFO is required to be in attendance at all meetings of the Panel and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Panel's DFO, a properly approved Alternate DFO duly designated to the Panel according to established DoD policies and procedures, must attend the entire duration of all of the Panel or subcommittee meetings.

The DFO, or the Alternate DFO, calls all Panel and subcommittee meetings; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing

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regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Panel meets at the call of the Panel's DFO, in consultation with the Panel's Chair. The estimated number of Panel meetings is four per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Panel terminates upon rescission of 10 U.S.C. § 1074g(c).
12. Membership and Designation: Under the provisions of 10 U.S.C. § 1074g(c)(2), the Panel shall be composed of no more than 15 members. The Panel shall include members that represent:
 - a. Non-governmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries;
 - b. Contractors responsible for the TRICARE retail pharmacy program;
 - c. Contractors responsible for the national mail-order pharmacy program; and
 - d. TRICARE network providers.

The appointment of Panel members will be authorized by the Secretary of Defense or the Deputy Secretary of Defense and administratively certified by the USD(P&R), as the Sponsor, for a term of service of one-to-four years, with annual renewals, in accordance with DoD policies and procedures. Members of the Panel who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Panel members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. No member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service on the Panel, to include its subcommittees, or serve on more than two DoD federal advisory committees at one time.

Consistent with Deputy Secretary of Defense policy, the USD(P&R) may appoint the Panel's Co-Chairs from among the membership previously approved according to DoD policies and procedures and in doing so, shall determine the term of service for the Panel's Co-Chairs, which shall not exceed the member's approved term of service.

All members of the Panel are appointed to provide advice on the basis of their best judgment without representing any particular points of view and in a manner that is free from conflict of interest.

Except for reimbursement of official Panel-related travel and per diem, Panel members serve without compensation.

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13. Subcommittees: DoD, when necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Panel. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the Panel's Sponsor.

Such subcommittees will not work independently of the Panel and shall report all of their recommendations and advice solely to the Panel for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Panel. No subcommittee or any of its members can provide updates or reports, verbally or in writing, on behalf of the Panel, directly to the DoD or any Federal officers or employees. If a majority of Panel members are appointed to a particular subcommittee, then that subcommittee may be required to operate pursuant to the same notice and openness requirements of the FACA which govern the Panel's operations.

Pursuant to Secretary of Defense policy, the USD(P&R) is authorized to administratively certify the appointment of subcommittee members if the Secretary of Defense or the Deputy Secretary of Defense has previously authorized the individual's appointment to the Panel or another DoD advisory committee. If this prior authorization has not occurred, then the individual's subcommittee appointment must first be authorized by the Secretary of Defense or the Deputy Secretary of Defense and subsequently administratively certified by the USD(P&R).

Subcommittee members will be appointed for a term of service of one-to-four years, subject to annual renewals, according to DoD policies and procedures; however, no member shall serve more than two consecutive terms of service on the subcommittee, without Secretary of Defense or Deputy Secretary of Defense authorization. Subcommittee members, if not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members.

Consistent with Deputy Secretary of Defense policy, the USD(P&R) may appoint the subcommittee's Chair from among the membership previously authorized by the Secretary of Defense or Deputy Secretary of Defense and in doing so, shall determine the term of service for the subcommittee's Chair, which shall not exceed the member's approved term of service.

Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Panel, and he or she does so in a manner that is free from conflict of interest.

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With the exception of reimbursement for travel and per diem as it pertains to official travel related to the Panel or its subcommittees, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule, as well as the appropriate DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date: August 1, 2016