

**Membership Balance Plan**  
**Uniform Formulary Beneficiary Advisory Panel**

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 1074(c)(1) and in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix) and 41 C.F.R. § 102-3.50(a), established the Uniform Formulary Beneficiary Advisory Panel (“the Panel”), a statutory committee.
2. Mission/Function: Pursuant to 10 U.S.C. § 1074g(c)(1), the Panel shall provide independent advice and recommendations on the development of the uniform formulary.
3. Points of View: The Panel, pursuant to 10 U.S.C. § 1074g(c)(2), shall be composed of no more than 15 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.

Panel members 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.

The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals and bases its selection on this review and the subject matters being handled by the Panel. The DoD has found that viewing the complex issues facing the DoD through a multidisciplinary advisory committee provides the DoD and, more importantly, the American public with a broader understanding of the issues on which subsequent policy decisions will be based.

The Panel’s membership is not static and the Secretary of Defense may change the membership based upon work assigned to the Panel of the Secretary of Defense, the Deputy Secretary of Defense, or the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) as the Sponsor. The DoD, unless otherwise provided by statute or Presidential directive, does not use representative members on DoD established or supported advisory committees.

Each member, based upon his or her individual and professional experience, provides his or her best judgement on the matters before him or her and does so without representing any particular point of view and in a manner that is free from conflict of interest.

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4. Other Balance Factors: N/A
5. Candidate Identification Process: The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals with extensive professional experience in organizations that represent the views and interests of a large number of eligible covered beneficiaries; contractors responsible for the TRICARE retail pharmacy program; contractors responsible for the national mail-order pharmacy program; and TRICARE network providers as required by 10 U.S.C. § 1074g(c)(2).

Potential candidates are identified when USD(P&R) requests recommendations from senior career and political officials within DoD and from former and current Panel members. Once potential candidates are identified, the Designated Federal Officer, in consultation with USD(P&R), will review the credentials of each individual and narrows a list of candidates. During the review, he or she strives to achieve a balance between the professional credentials of the individuals and the near-term subject matters to be reviewed by the Panel to achieve expertise in points of view to be represented and functions to be performed.

Once the USD(P&R) has been narrowed the list of candidates and before formal nomination to the Secretary of Defense or the Deputy Secretary of Defense, the list will undergo a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer (ACMO) to ensure compliance with Federal and DoD governance requirements, including compliance with the Panel's statute, charter, and membership balance plan. Following this review, the USD(P&R) discusses his or her potential nominees with the Secretary of Defense or the Deputy Secretary of Defense and requests authorization to proceed with the nominations. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense may invite or approve the appointment of individuals to a DoD advisory committee. .

The USD(P&R) is authorized to administratively certify the appointment of Panel members that were previously authorized by the Secretary of Defense or the Deputy Secretary of Defense. Consistent with the Deputy Secretary of Defense policy and the authority delegated to the ACMO by the Assistant Deputy Chief Management Officer, the ACMO is authorized to administratively certify the annual renewal of appointment of Panel members previously approved in accordance with DoD policies and procedures.

Following Secretary of Defense or Deputy Secretary of Defense authorization and the USD(P&R)'s subsequent administrative certification of the appointment, the candidates are required to complete the necessary appointment paperwork, to include meeting the appropriate ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

Panel members will be appointed for a term of service of one-to-four years, subject to annual renewals, in accordance with DoD policies and procedures. 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.

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Membership vacancies for the Panel will be filled in the same manner as described in the previous seven paragraphs above.

6. Subcommittee Balance: The DoD has determined that subcommittees will not be authorized for this Panel.
7. Other: As nominees are considered for appointment to the Panel, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: August 1, 2018