

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 advisory 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 and 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.

Panel members who are not full-time or permanent part-time federal civilian officers or employees, or active duty members of the Armed Forces, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee members. Those who are full-time or permanent part-time federal civilian officers or employees, or active duty members of the Armed Forces, shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee 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 expected to be 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 informing subsequent policy decisions.

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

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 the points of view described above.

Potential candidates are identified when the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) requests recommendations from senior officers and political officials within DoD and from former and current Panel members. Once potential candidates are identified, the Designated Federal Officer, in consultation with the USD(P&R), reviews the credentials of each individual and narrows the list of candidates. During his or her review, the USD(P&R) strives to achieve a balance between the professional credentials of the individuals and the near-term subject matter to be reviewed by the Panel to achieve expertise in points of view regarding anticipated topics.

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Once the USD(P&R) has narrowed the list of candidates and before formal nomination to the Secretary of Defense, the Deputy Secretary of Defense, or the Chief Management Officer of the Department of Defense (CMO) (“the DoD Appointing Authorities”), the list of potential candidates undergoes a review by the DoD Office of the General Counsel, the Office of Special Assistant to the Secretary of Defense for White House Liaison, and the Office of the Advisory Committee Management Officer to ensure compliance with federal and DoD governance requirements, including compliance with the Panel’s charter and membership balance plan. Following this review, the USD(P&R) forwards the list of nominees to the Advisory Committee Management Officer for approval by the DoD Appointing Authorities.

Following approval by the DoD Appointing Authorities, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

All committee member appointments are for a one-to-four year term of service, with annual renewals, as determined by the DoD Appointing Authorities. No individual may serve more than two consecutive terms of service on the Panel, including its subcommittees, or serve on more than two DoD federal advisory committees at one time, unless approved in advanced by the DoD Appointing Authorities.

Panel membership vacancies will be filled in the same manner as described above. Individuals being considered for appointment to the Panel, or any subcommittee, may not participate in any Panel or subcommittee work until his or her appointment has been approved by the DoD Appointment Authorities and the individual concerned is on-boarded in accordance with DoD policy and procedures.

6. Subcommittee Balance: The DoD 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/Updated: August 1, 2020