OFFICE OF THE SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1950

ADMINISTRATION AND
MANAGEMENT

July 19, 2010

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Uniform Formulary Beneficiary Advisory Panel*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Uniform Formulary Beneficiary Advisory Panel* (attached). The Panel will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Panel's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectively requests that the Committee Management Secretariat review and approve the proposed charter (attached). The proposed charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Len O'Reilly, at 703-601-6148.

James D. Freeman II
Deputy Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter

CHARTER
UNIFORM FORMULARY BENEFICIARY ADVISORY PANEL

1. Committee's Official Designation: The Committee shall be known as the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as "the Panel").

2. Authority: The Secretary of Defense, under the provision of 10 U.S.C. § 1074g(c), the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix) and 41 CFR § 102-3.50(a), established the Panel.

3. Objectives and Scope of Activities: The Panel shall provide independent advice and recommendations on the development of the uniform formulary, as set out in (4) below.

4. Description of Duties: The Panel shall provide the Secretary of Defense, through the Under Secretary of Defense (Personnel and Readiness), the Assistant Secretary of Defense (Health Affairs) and the Director TRICARE Management Activity, 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.

   The Under Secretary of Defense (Personnel and Readiness) or designated representative may act upon the Panel's advice and recommendations.

5. Agency or Official to Whom the Committee Reports: The Panel shall report to the Secretary of Defense, through the Under Secretary of Defense (Personnel and Readiness), the Assistant Secretary of Defense (Health Affairs) and the Director TRICARE Management Activity.

6. Support: The Department of Defense, through the Under Secretary of Defense (Personnel and Readiness) and the TRICARE Management Activity, shall provide support as deemed necessary for the performance of the Panel's functions, and shall ensure compliance with the requirement of the Federal Advisory Committee Act of 1972 and the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b).

   Additional information and assistance, as required, may be obtained from other DoD Components with contracting authority, support contractors, including DoD Federally Funded Research and Development Centers for studies and analysis support.

7. Estimated Annual Operating Costs and Staff Years: It is estimated that the annual operating costs, to include travel costs, meetings and contract support, is $126,849.00 The estimated annual personnel cost to the Department of Defense is 1.0 full-time equivalent (FTE).

8. Designated Federal Officer: The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in

accordance with established DoD policies and procedures. In addition, the Designated Federal Officer is required to be in attendance at all Panel and subcommittee meetings; however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the meeting.

9. Estimated Number and Frequency of Meetings: The Panel shall meet at the call of the Designated Federal Officer, in consultation with the Panel's chairperson. 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 shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense extends it.

12. Membership and Designation: The Panel, pursuant to 10 U.S.C. § 1074g(c)(2), shall be comprised of no more than fifteen members. The Panel membership shall include:

    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, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 and serve as special government employees. All panel members, including those appointed as experts and consultants under Section 3109, shall be appointed by the Secretary of Defense and their appointments shall be renewed on an annual basis.

    The Panel members shall select the Panels Chairperson from the total membership.

    With the exception of travel and per diem for official travel, Panel and subcommittee members shall serve without compensation.

13. Subcommittees: With DoD approval, the Panel is authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), and other governing Federal statutes and regulations.

Such subcommittees or workgroups shall not work independently of the chartered Panel, and shall report all their recommendations and advice to the Panel for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Panel; nor can they report directly to the Department of Defense or any Federal officers or employees who are not Panel members.

Subcommittee members, who are not Panel members, shall be appointed in the same manner as the Panel members. Subcommittee members, who are not full-time or permanent part-time government employees, shall be appointment by the Secretary of Defense according to governing DoD policies and procedures. Such individuals shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as special government employees, whose appointments must be renewed annually.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to section 2, General Record Schedule 26 and governing Department of Defense policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552).

15. Filing Date: