

Membership Balance Plan
Uniform Formulary Beneficiary Advisory UFBAP

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. §1074(c) 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 (UFBAP) as a non-discretionary advisory committee.
2. Mission/Function: Pursuant to 10 U.S.C. §1074g(c)(1), the UFBAP shall review and comment on the development of the uniform formulary. The UFBAP will meet after each Pharmacy and Therapeutics Committee quarterly meeting.
3. Points of View: Pursuant to 10 U.S.C. §1074g(c)(2), the UFBAP shall be composed of no more than 15 members and shall include members that represent:
 - a. Nongovernmental 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 DoD, in evaluating candidates for the UFBAP, considers the candidate's educational and professional experiences concerning the subject matters anticipated to be tasked to the UFBAP. 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 are based. Membership shall be fairly balanced to provide a variety of background, experience, and thought in support of the UFBAP's mission. The UFBAP's membership balance is not static and the Secretary of Defense or the Deputy Secretary of Defense ("the DoD Appointing Authority") may change the membership based upon work assigned to the UFBAP by the DoD Appointing Authority or the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), as the UFBAP's Sponsor.

UFBAP members who are not full-time or permanent part-time Federal civilian officers or employees, or active duty members of the Uniformed Services, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee members. UFBAP members who are full-time or permanent part-time Federal civilian officers or employees, or active duty members of the Uniformed Services, shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee members. The DoD, unless otherwise provided for by statute or Presidential directive, does not use representative members on DoD Federal advisory committees. All members of the UFBAP are appointed to exercise their own best judgment on behalf of the DoD, without representing any particular points of view, and to discuss and deliberate in a manner that is free from conflicts of interest.

4. Other Balance Factors: N/A
5. Candidate Identification Process: The DoD, in selecting potential candidates for the UFBAP, reviews the educational and professional credentials of individuals with extensive professional experience in the areas described in section 3 above.

Potential candidates are identified when the Designated Federal Officer (DFO) requests recommendations from senior officers and political officials within DoD and from former and current UFBAP members. Once potential candidates are identified, the DFO, in consultation with the Director, Defense Health

Membership Balance Plan
Uniform Formulary Beneficiary Advisory UFBAP

Agency (DHA) and the Assistant Secretary of Defense for Health Affairs (ASD(HA)), reviews the credentials of each individual and narrows the list of candidates. Once the list of candidates is finalized, it is reviewed by the USD(P&R) in consultation with the Special Assistant to the Secretary of Defense for White House Liaison. The USD(P&R), in his or her review, strives to achieve a balance between the professional credentials of the individuals and the near-term subject matter to be reviewed by the UFBAP to achieve a membership that is diverse and inclusive, both in terms of the points of view to be represented and the functions to be performed by the UFBAP.

Before formal nomination to the DoD Appointing Authority, the list of potential candidates undergoes a review by the DoD Office of General Counsel and the DoD Advisory Committee Management Officer (ACMO) to ensure compliance with Federal and DoD governance requirements, including compliance with the UFBAP's statute, charter, and membership balance plan. As part of DoD's governance review, the DoD ACMO prepares the DoD Appointment Approval Instrument for submission by the Director of Administration and Management (DA&M) to the DoD Appointing Authority. Individuals are appointed to the UFBAP for a term of service of one-to-four years, with annual renewals, and no members unless approved by the DoD Appointing Authority, may serve more than two consecutive terms of service on the UFBAP.

Following approval by the DoD Appointing Authority, each member must complete and submit all appropriate appointment paperwork, to include financial disclosure or other ethics requirements stipulated by the Office of Government Ethics for advisory committee members. Membership vacancies for the UFBAP will be filled in the same manner as described above.

6. Subcommittee Balance: The DoD has determined that subcommittees will not be authorized for this UFBAP.
7. Other: As nominees are considered for appointment to the UFBAP, 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, 2022