

Charter
Independent Review Panel on Military Medical Construction Standards

1. Committee's Official Designation: The committee shall be known as the Independent Review Panel on Military Medical Construction Standards ("the Panel").
2. Authority: The Secretary of Defense, under the provisions of Section 2852(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a) (required by statute), established the Panel.
3. Objectives and Scope of Activities: The Panel, pursuant to Section 2852(b) of Public Law 111-383, shall provide independent advice and recommendations regarding a construction standard for military medical centers to provide a single standard of care, as set out in paragraph four below.
4. Description of Duties: The Panel shall provide the Secretary of Defense independent advice and recommendations on matters, as specifically outlined in Section 2852(b)(1) of Public Law 111-383:
 - a. Reviewing the unified military medical construction standards to determine the standards consistency with industry practices and benchmarks for world class medical construction.
 - b. Reviewing ongoing construction programs within the Department of Defense (DoD) to ensure medical construction standards are uniformly applied across applicable military centers.
 - c. Assessing the approach of the DoD to planning and programming facility improvements with specific emphasis on (i) facility selection criteria and the proportional assessment system and (ii) facility programming responsibilities between the Assistant Secretary of Defense for Health Affairs and the Secretaries of the Military Departments.
 - d. Assessing whether the Comprehensive Master Plan for the National Capital Region Medical, dated April 2010, adequately fulfills statutory requirements, as required by Section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the Plan result in world class military medical centers in the National Capital Region.
 - e. Making recommendations regarding any adjustments of the Master Plan referred to in subparagraph (d) that are needed to ensure the provision of world class military medical centers and delivery system in the National Capital Region.

The Panel, not later than 120 days after its first meeting, shall submit, to the Secretary of Defense, a written report containing an assessment of the adequacy of the Plan to address the above items relating to the purpose of the Panel and the recommendations of the Panel to improve the Comprehensive Master Plan for the National Capital Region ("the Master Plan").

Additional Reports – Each year, until the Panel terminates, it shall submit, no later than February 1, an annual report to the Secretary of Defense on the Panel’s findings and recommendations to address any identified deficiencies.

The Panel or its members, with the Department’s approval, may visit military health treatment centers and military headquarters in connection with the official duties of the Panel. Such visits shall be undertaken through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)) and in coordination with the Secretaries of the Military Departments and the Chiefs of the Military Services, as appropriate. Visits to any U.S. military installations or headquarters under the operational control of a U.S. Combatant Commander will be done in consultation with the Director of the Joint Staff and the appropriate Combatant Commander.

The Panel is not established to provide advice on individual DoD procurements. No matter shall be assigned to the Panel for its consideration that would require any member of the Panel to participate personally and substantially in the conduct of any specific procurement or place him or her in the position of acting as a contracting or procurement official.

5. Agency or Official to Whom the Committee Reports: The Panel reports to the Secretary of Defense. The USD(P&R), pursuant to DoD policy, may act upon the Panel’s advice and recommendations.
6. Support: The DoD, through the USD(P&R), shall provide support, as deemed necessary for the Panel’s performance, and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b) (“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 costs, to include travel, meetings, and contracting support, is approximately \$500,000.00 and 2.0 full-time equivalents.
8. Designated Federal Officer (DFO): The Panel’s DFO, 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.

The Panels DFO is required to be in attendance at all meetings of the Panel and its 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 appointed to the Panel according to DoD policies and procedures, shall attend the entire duration of meetings of the Panel or its subcommittees.

The DFO, or the Alternate DFO, shall call all of the Panel’s and subcommittees’ meetings; prepare and approve all meeting agendas; adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures; and chair meetings when directed to do so by the official to whom the Panel reports.

9. Estimated Number and Frequency of Meetings: The Panel shall meet at the call of the Panel's DFO, in consultation with the Panel's Chairperson(s). The estimated number of meetings by the Panel is four per year.
10. Duration: Section 2852(b)(7) of Public Law 111-383 provides that the Panel shall terminate on September 30, 2015; however, the charter is subject to renewal every two years.
11. Termination: The Panel shall terminate on September 30, 2015, or upon repeal of Section 2852(b) of Public Law 111-383, whichever is sooner.
12. Membership and Designation: The Panel shall be comprised of no more than 14 members, 10 of which shall be appointed by the Secretary of Defense. Those members shall include medical facility design experts; military healthcare professionals; representatives of premier health care centers in the United States; and former retired senior military officers with joint operational and budgetary experience.

The Chairman and ranking members of the Committees on the Armed Services of the Senate and the House of Representatives may each designate one member of the Panel, for a total of four members. Individuals designated by the Chairman and ranking members of the Committees on the Armed Services of the Senate and the House of Representatives shall be appointed by the Secretary of Defense.

Panel members shall be appointed by the Secretary of Defense for the duration of the Panel, with annual renewals of appointments. Members of the Panel, who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts or consultants under the authority of 5 U.S.C. § 3109 and to serve as a special Government employee (SGE) member. Each member of the Panel is appointed to provide advice on behalf of the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest. With the exception of travel and per diem for official travel related to the Panel, members of the Panel shall serve without compensation.

The Secretary of Defense may appoint additional experts and consultants, with relevant expertise, to assist the Panel on an ad-hoc basis as advisers. These non-member experts and consultants, who do not count toward the Panel's total membership, shall be appointed to serve as SGEs under the authority of 5 U.S.C. § 3109; however, these experts and consultants have no voting rights on the Panel and are prohibited from engaging in any deliberations by members of the Panel. These advisers shall be reimbursed for necessary travel expenses.

13. Subcommittees: The Department, when necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task groups, and 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).

Such subcommittees shall not work independently of the Panel and shall report all of their

recommendations and advice solely to the Panel for full deliberation and discussion. Subcommittees have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Panel; nor can any subcommittee or its members update or report directly to DoD or any Federal officer or employee.

All subcommittee members shall be appointed in the same manner as the Panel members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a member of the Panel. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service for the life of the Panel with annual renewals.

Subcommittee members, if not full-time or part-time Government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as SGE members, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official travel related to the Panel or its subcommittees, subcommittee members shall serve without compensation.

Each subcommittee operates under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies and procedures.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to Section 2, General Records Schedule 26 and appropriate DoD 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: January 31, 2013