

Membership Balance Plan
Armed Forces Retirement Home Advisory Council

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, consistent with authorities delegated to the Secretary of Defense as described in 24 U.S.C. § 411(d)(3), as required by 24 U.S.C. § 416(a), and in accordance with chapter 10 of title 5, U.S.C. (formerly known as the Federal Advisory Committee Act (FACA) (5 U.S.C., Appendix)) and 41 C.F.R. § 102-3.50(a), established the Armed Forces Retirement Home Council (AFRHAC) as a non-discretionary advisory committee.
2. Mission/Function: Pursuant to 24 U.S.C. § 416(b), the AFRHAC provides such guidance and recommendations on the administration of the Armed Forces Retirement Home (AFRH) and the quality of care provided to AFRH residents as the AFRHAC considers appropriate.

In carrying out its objectives and activities, the AFRHAC will receive and review advice, reports, and recommendations provided by the AFRH Senior Medical Advisor as described in 24 U.S.C. §§ 413a(b) and (c)(4) and by civilian accrediting organizations in accordance with 24 U.S.C. § 418. Pursuant to 24 U.S.C. § 416(b)(2), not less often than annually, the AFRHAC shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and provide such observations and recommendations with respect to the AFRH as the AFRHAC considers appropriate.

The AFRHAC reports to the Secretary of Defense and the Deputy Secretary of Defense (“the DoD Appointing Authority”), through the Chief Operating Officer of the Armed Forces Retirement Home (AFRH COO), the AFRH Chief Executive Officer, and the Administrator of each facility of the AFRH. The AFRH COO, as the Sponsor of the AFRHAC, may act upon the AFRHAC’s advice and recommendations in accordance with Department of Defense (DoD) policy and procedures.

3. Points of View: Pursuant to 24 U.S.C. §§ 416(c)(1)-(3), the AFRHAC shall consist of at least 15 members, and shall include the following members:
 - 1) One member who is an expert in nursing home or retirement home administration and financing.
 - 2) One member who is an expert in gerontology.
 - 3) One member who is an expert in financial management.
 - 4) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.
 - 5) The Chairpersons of the Resident Advisory Committees.
 - 6) One enlisted representative of the Services' Retiree Advisory Council.
 - 7) The senior noncommissioned officer of one of the Armed Forces.
 - 8) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.
 - 9) One senior judge advocate from one of the Armed Forces.
 - 10) One senior representative of one of the chief personnel officers of the Armed Forces.
 - 11) Such other members as the Secretary of Defense may designate.
 - 12) The administrators of AFRH-Washington and AFRH-Gulfport shall be nonvoting members of the AFRHAC.

The members shall be chosen by the individuals listed, and in the manner discussed in Section 5 below.

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AFRHAC 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 (SGE) members. AFRHAC members who are full-time or permanent part-time Federal civilian officers or employees, or active-duty members of the Uniformed Services, shall be designated pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members.

Each AFRHAC member, based upon his or own individual expertise, exercises his or her own judgment concerning matters before the AFRHAC, does not represent any particular point of view, and discusses and deliberates in a manner that is free from conflicts of interest.

4. Other Balance Factors: To the greatest extent possible, the AFRH COO should look deeply across the widest range of talented and innovative private and public sector thought leaders in order for the DoD and the AFRH residents to benefit from the broadest possible variety of expertise, insight, and perspectives that such individuals can bring in support of the AFRH mission.
5. Candidate Identification Process: The AFRHAC, pursuant to 24 U.S.C. 416(c), is composed of at least 15 members appointed or designated by the DoD Appointing Authority, except a member who is not an employee of the DoD shall be designated, in consultation with the DoD Appointing Authority, by the head of the Federal department or agency that employs the individual.

The DoD, in selecting potential candidates for the AFRHAC, reviews the educational and professional credentials of individuals with extensive professional experience in retirement community management and delivery of healthcare, benefits, and services to veterans and seniors. Potential candidates are identified by the AFRH's professional staff, and senior DoD career and political officials.

Pursuant to 24 U.S.C. § 416(c)(2), each member of the AFRHAC shall be designated by the DoD Appointing Authority, except that individuals who are not employees of the DoD shall be designated, in consultation with the DoD Appointing Authority, by the head of the Federal department or agency that employs the individual. Pursuant to 24 U.S.C. § 416(e), a vacancy in the AFRHAC shall be filled in the same manner in which the original designation was made, and an AFRHAC member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor.

A panel of AFRH senior leaders, chaired by the AFRH COO, and supported by the AFRHAC Designated Federal Officer, will review the credentials of each potential candidate in an effort to narrow the list for consideration by the DoD Appointing Authority. Part of the AFRH COO's candidate nominee review process shall be in consultation of the Special Assistant to the Secretary of Defense for White House Liaison. In his or her review, the AFRH COO strives to achieve a balance between the professional credentials of the individuals and the near-term subjects to be reviewed by the AFRHAC to achieve a membership that is diverse and inclusive, both in terms of points of view to be represented and the functions to be performed by the AFRHAC.

Before formal nomination to the DoD Appointing Authority, the list of potential nominees is reviewed by the Office of General Counsel of the Department of Defense and the DoD Advisory Committee Management Officer (ACMO) to ensure compliance with Federal and DoD governance

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requirements, including compliance with the AFRHAC's statute, charter, and membership balance plan. Following this review, the Director of Administration and Management forwards the DoD Appointment Approval Instrument, which is prepared by the DoD ACMO, to the DoD Appointing Authority for appointment consideration. Following approval by the DoD Appointing Authority, the candidates must complete appointment paperwork and training, to include any financial disclosure or other ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

The appointment of AFRHAC members shall be approved by the DoD Appointing Authority, and in accordance with 24 U.S.C. § 416(d)(1) and DoD policy, members shall serve a two-year term of service, with annual renewal. The DoD Appointing Authority may designate a member to serve one additional term of service. Pursuant to 24 U.S.C. § 416(e), an AFRHAC member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor.

Pursuant to 24 U.S.C. § 416(d)(2) through (4), a member of the AFRHAC member, unless earlier terminated by the DoD Appointing Authority, may continue to serve as a member of the AFRHAC after the expiration of the member's term until a successor is designated; the DoD Appointing Authority may terminate the term of service of a member of the AFRHAC before the expiration of the member's term; and a member of the AFRHAC serves as a member of the AFRHAC only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the AFRHAC.

6. Subcommittee Balance: The DoD has determined that subcommittees are not authorized for the AFRHAC.
7. Other: As nominees are considered for appointment to the AFRHAC, 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 F.R. 27482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared/Updated: April 7, 2023