



## CHARTER

### OFFICE OF AIDS RESEARCH ADVISORY COUNCIL

#### **COMMITTEE'S OFFICIAL DESIGNATION**

Office of AIDS Research Advisory Council

#### **AUTHORITY**

Required by 42 U.S.C. 300cc-40b, section 2352(a) of the Public Health Service (PHS) Act, as amended. The Office of AIDS Research Advisory Council (OARAC or the Council) is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. §§ 1001-1014).

#### **OBJECTIVES AND SCOPE OF ACTIVITIES**

The purpose of the Committee is to advise, consult with, and make recommendations to the Director, Office of AIDS Research (OAR) on the planning, coordination, and evaluation of research and other activities with respect to acquired immune deficiency syndrome (AIDS) conducted or supported by the agencies of the National Institutes of Health (NIH).

#### **DESCRIPTION OF DUTIES**

In furtherance of the above objectives, the Council advises the Director, OAR, on matters relating to the cause, prevention, and treatment of HIV infection and AIDS and the domestic and international AIDS research programs and related activities of the NIH. The Council may advise on AIDS research policies; AIDS research priorities; development of an annual comprehensive plan for HIV-related research; coordination of domestic and international NIH AIDS efforts; and review of NIH AIDS programs. The Council may also advise on the expenditure of funds from the emergency discretionary fund.

As needed and with the approval of the Designated Federal Officer, the Council may call upon special consultants, assemble ad hoc working groups, appoint subcommittees, and convene workshops and conferences.

#### **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS**

The Council will advise, consult with, and make recommendations to the Director, OAR.

## **SUPPORT**

Management and support services will be provided by the Office of AIDS Research, Office of the Director.

## **ESTIMATED ANNUAL OPERATING COST AND STAFF YEARS**

The estimated annual cost for operating the OARAC, including compensation and travel expenses for members, but excluding staff support, is \$170,679. The estimated annual person-years of staff support required is 1.2 at an estimated annual cost of \$329,749.

## **DESIGNATED FEDERAL OFFICER**

The Director, OAR, will assign a full-time or permanent part-time OAR employee to serve as the Designated Federal Officer (DFO) of the Committee. In the event that the DFO cannot fulfill the assigned duties of the Committee, one or more full-time or permanent part-time OAR or NIH employees will be assigned as DFO and carryout these duties on a temporary basis.

The DFO will approve or call all of the Committee's and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when it is determined to be in the public interest, and chair meetings when directed to do so by the official to whom the committee reports.

## **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS**

OARAC will meet no less than three times within a fiscal year. Meetings will be open to the public except as determined by the Secretary of Health and Human Services (Secretary) at the request of the DFO in accordance with 5 U.S.C. 552b(c) and 41 C.F.R. 102-3.155 including specifying the specific exception(s) that justifies closure. Notice of all meetings will be given to the public. In the event a portion of a meeting is closed to the public, as determined by the Secretary, in accordance with the Government in the Sunshine Act (5 U.S.C. 552b(c)) and the Federal Advisory Committee Act, an annual report of closed or partially-closed meetings will be prepared which will contain, at a minimum, a list of members and their business addresses, the Committee's functions, dates and places of meetings, and a summary of the Committee's activities and recommendations made during the fiscal year.

## **DURATION**

Continuing.

## **TERMINATION**

Unless renewed by appropriate action, the charter for the Office of AIDS Research Advisory Council will expire two years from the date the charter is filed.

## **MEMBERSHIP AND DESIGNATION**

The Committee will consist of not more than 18 members appointed by the Secretary (appointed members) and at least 11 nonvoting ex officio members. The nonvoting ex officio members will include the Secretary of Health and Human Services (Secretary); the Director, NIH; the Director, OAR; the Under Secretary for Health of the Department of Veterans Affairs; the Assistant Secretary of Defense for Health Affairs; the Director, Centers for Disease Control and Prevention; and the Director, Division of AIDS, NIAID; (or their designees). The ex officio members will also include one representative from the National Advisory Allergy and Infectious Diseases Council; one representative from the National Cancer Advisory Board; and a representative from each of the advisory councils of the two national research institutes (excluding NIAID and the National Cancer Institute) that receive the greatest funding for AIDS activities; and such additional officers or employees of the United States as the Secretary determines necessary for the Council to effectively carry out its functions.

Appointed members must be eligible to serve as and will serve as Special Government Employees, as defined by 18 U.S.C. § 202. Two-thirds of the appointed members (including not less than 2 individuals who are leaders in the fields of public health and the behavioral or social sciences relevant to the activities of the OAR) will be appointed from the leading representatives of the health and scientific disciplines in the fields of molecular biology, immunology, virology, neurology, pediatrics, vaccine development, antiviral development, clinical care, animal model research, retrovirology, structural biology, infectious diseases, epidemiology, mental health, and substance abuse/addictions sciences. One-third of the members will be appointed by the Secretary from the general public and will include leaders in fields of public policy, law, health policy, economics, and management. Persons with HIV and their advocates will be represented on the Council, either from the general public or from the scientific community. A quorum for the conduct of business by the full Committee will consist of a majority of currently appointed members.

Appointed members will be invited to serve for overlapping four-year terms, except that any member appointed to fill a vacancy for an unexpired term will be appointed for the remainder of that term. The Secretary shall make appointments in such a manner as to ensure that the terms of the appointed members do not all expire in the same year. An appointed member may serve 180 days after the expiration of that member's term if a successor has not taken office. A member who has been appointed for a term of four years may not be reappointed to this Council before two years from the date of expiration of that member's term of office.

The Chair of the Council will be selected by the Secretary from among the appointed members, except that the Secretary may select the Director, OAR, to be the Chair. The term of office of the Chair will be two years.

**SUBCOMMITTEES**

As necessary, subcommittees and ad hoc working groups may be established by the DFO within the Council’s jurisdiction. The advice/recommendations of a subcommittee/working group must be deliberated by the parent advisory committee. A subcommittee/working group may not report directly to a Federal official unless there is statutory authority to do so.

Subcommittee membership may be drawn in whole or in part from the parent advisory committee. All subcommittee members may vote on subcommittee actions and all subcommittee members count towards the quorum for a subcommittee meeting. Ad hoc consultants are not members, do not count towards the quorum, and may not vote. A quorum for a subcommittee will be three members. The Department Committee Management Officer will be notified upon establishment of each standing subcommittee and will be provided information on its name, membership, function, and estimated frequency of meetings.

**RECORDKEEPING**

Meetings of the Committee and its subcommittees will be conducted according to the Federal Advisory Committee Act, other applicable laws and Departmental policies. Committee and subcommittee records will be handled in accordance with General Records Schedule 6.2, Federal Advisory Committee Records, or other approved agency records disposition schedule. These records will be available for public inspection and copying, subject to any applicable exemptions under the Freedom of Information Act, 5 U.S.C. 552 (b) and 41 C.F.R. 102-3.170.

**FILING DATE**

June 27, 2024

**APPROVED**

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Date

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Lawrence A. Tabak -S  
Date: 2024.05.29  
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Principal Deputy Director, NIH



**NOTICE OF RENEWAL**

**OFFICE OF AIDS RESEARCH ADVISORY COUNCIL**

The Office of AIDS Research Advisory Council was established by statute and has functions that are of a continuing nature so that its duration is not governed by section 1013(a) of the Federal Advisory Committee Act but is otherwise provided for by law. The Office of AIDS Research Advisory Council is hereby renewed in accordance with section 1013(b)(2) of that Act.

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Principal Deputy Director, NIH

Date