



## CHARTER

### OFFICE OF AIDS RESEARCH ADVISORY COUNCIL

#### **AUTHORITY**

Required by 42 U.S.C. 300cc-40a (a), section 2352 (a) of the Public Health Service (PHS) Act, as amended. The Office of AIDS Research Advisory Council (Council) is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the formation and use of advisory committees.

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

The Council will provide advice to the Director, Office of AIDS Research (OAR) on the planning, coordination, and evaluation of research and other activities in respect to acquired immune deficiency syndrome (AIDS) conducted or supported by the agencies of the National Institutes of Health (NIH).

#### **DESCRIPTION OF DUTIES**

The Council advises the Secretary of Health and Human Services (Secretary), the Assistant Secretary for Health, the Director, NIH, and 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 Executive Secretary, 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 the Secretary; the Assistant Secretary for Health; the Director; NIH, and the Director, OAR.

#### **SUPPORT**

Management and support services will be provided by the Office of Committee Management, National Institute of Allergy and Infectious Diseases.

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

The estimated annual cost for operating the Council, including compensation and travel expenses for members, but excluding staff support, is \$60,426. The estimated annual person-years of staff support required is 1.1 at an estimated annual cost of \$135,746.

### **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 Council. In the event that the DFO cannot fulfill the assigned duties of the Council, one or more full-time or permanent part-time OAR employees will be assigned these duties on a temporary basis.

The DFO will approve all of the Council's and subcommittees' meetings, prepare and approve all meeting agendas, attend all Council 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 Director, NIH or Director, OAR.

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

Meetings of the full Council will be held at the call of the Chair (with the DFO's approval) or upon request of the Director, OAR, not less than three times within a fiscal year. Meetings will be open to the public except as determined otherwise by the Secretary of Health and Human Services in accordance with subsection (c) of section 552b of Title 5 U.S.C. 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, a report will be prepared which will contain, as a minimum, a list of members and their business addresses, the Council's functions, dates and places of meetings, and a summary of the Council's activities and recommendations made during the fiscal year. A copy of the report will be provided to the Department Committee Management Officer.

### **DURATION**

Continuing.

### **TERMINATION**

Unless renewed by appropriate action, prior to its expiration, 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 Council will consist of 18 members appointed by the Secretary; 6 nonvoting ex officio members: the Secretary; the Director, NIH; the Director, OAR; the Chief Medical Director, Department of Veterans Affairs; the Assistant Secretary of Defense for Health Affairs; the Director, Centers for Disease Control and Prevention; the Director, Division of AIDS, National Institute of Allergy and Infectious Diseases; External Co-Chair, of the Panel on Clinical Practices for the Treatment of HIV Infection (or their designees); and nonvoting representatives: one from the National Advisory Allergy and Infectious Diseases Council; one from the National Cancer Advisory Board and a representative from each of the advisory councils of the two national research institutes (excluding the National Institute of Allergy and Infectious Diseases 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. Twelve of the 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. Six 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. All non-Federal members will serve as Special Government Employees. A quorum for the conduct of business by the full Council will consist of a majority of currently appointed members.

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. A member may serve 180 days after the expiration of that member's term if a successor has not taken office.

Terms of more than two years are contingent upon the renewal of the Council's Charter by appropriate action prior to its expiration. 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 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 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 Council and its subcommittees will be conducted according to the Federal Advisory Committee Act, other applicable laws and Departmental policies. Council 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 the Freedom of Information Act, 5 U.S.C. 552.





## NOTICE OF RENEWAL

### OFFICE OF AIDS RESEARCH ADVISORY COUNCIL

The Council was established by statute and has functions that are of a continuing nature so that its duration is not governed by section 14(a) of the Federal Advisory Committee Act but is otherwise provided for by law. The Council is hereby renewed in accordance with section 14(b)(2) of that Act.

5/24/18

Date

A handwritten signature in dark ink, appearing to read "Francis S. Collins", is written over a horizontal line.

Director, NIH

## **PROPOSED PLAN FOR APPROPRIATE BALANCE OF COMMITTEE MEMBERSHIP**

The Office of AIDS Research Advisory Council shall consist of 18 members. Twelve of the members shall be selected from authorities knowledgeable 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. Six of the members shall be from the general public and shall include leaders in the field of public policy, law, health policy, economics, and management.

The Department will give close attention to equitable geographic distribution and to ethnic and gender representation so long as the effectiveness of the Council is not impaired. The Council shall be fairly balanced in its membership in terms of the points of view represented and the functions to be performed.

Appointments shall be made without discrimination on the basis of age, ethnicity, gender, sexual orientation, disability, cultural, religious, or socioeconomic status.