



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

CHARTER

PRESIDENTIAL ADVISORY COUNCIL ON HIV/AIDS

Authority

Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996; and Section 222 of the Public Health Service Act (42 U.S.C. § 217a). The Presidential Advisory Council on HIV/AIDS (referred to as PACHA and/or the Council) is governed by provisions of Public Law 92-463, 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 Secretary of Health and Human Services is charged in Titles XXIII-XXVI of the Public Health Service Act with responsibilities for conducting a variety of activities in connection with the prevention and cure of HIV and AIDS and for ensuring that those infected with HIV or AIDS are provided with quality care. PACHA shall provide advice, information, and recommendations to the Secretary regarding programs and policies to promote effective prevention and cure of HIV disease and AIDS. The functions of the Council shall be solely advisory in nature.

Description of Duties

PACHA shall provide advice, information, and recommendations to the Secretary regarding programs and policies to

- (a) reduce HIV incidence;
- (b) advance research on HIV/AIDS;
- (c) improve health outcomes and ensure people living with HIV have access to quality health care;
- (d) address HIV-related health disparities; and
- (e) provide global leadership in responding to the HIV pandemic and expand access to treatment, care, and prevention for people infected with and affected by HIV/AIDS around the world.

The functions of the council shall be solely advisory in nature

Official to Whom the Committee Reports

The Council will provide advice, information, and make recommendations to the Secretary through the Assistant Secretary for Health. The Secretary shall forward to the President copies of all written reports and resolutions that are provided to the Secretary by the Council.

Support

Management and support services for Council activities are provided by the Office of HIV/AIDS Policy, which is a program office within the Office of Public Health and Science in the Department of Health and Human Services.

Estimated Annual Operating Costs and Staff Years

The estimated annual cost for operating the Council, including travel and per diem expenses for members, but excluding staff support is \$303,300. An allocation of three (3) FTEs has been projected to provide staff support for Council activities; the annual cost for the projected human resources is \$259,300.

Designated Federal Officer

The Executive Director, PACHA, will be appointed by the Secretary, in consultation with the White House Office on National AIDS Policy. In the event that the DFO cannot fulfill the assigned responsibilities for the Council, the Secretary or designee will temporarily appoint one or more permanent full-time or part-time program staff to carry out the assigned duties.

The DFO will schedule and approve all meetings of the Council Committee and any respective subcommittees to be held. The DFO will prepare and approve all meeting agendas; development of the meeting agenda can be done in collaboration with the Council leadership. The DFO or designee will attend all meetings of the Council and any respective subcommittees. The DFO also has authority to adjourn meetings, when it is determined to be in the public interest, and can be directed by the Secretary or designee to chair Council meetings.

Estimated Number and Frequency of Meetings

Meetings will be held, at a minimum, three times per fiscal year, depending upon the availability of funds to support the meeting. Meetings will be open to the public, except as determined otherwise by the Secretary or designee, in keeping with the guidelines under Government in the Sunshine Act, 5 U.S.C. 552b(c). Notice of all meetings will be given to the public. Meetings will be conducted and records of the proceedings will be kept, as required by applicable laws and Departmental policies. A quorum of the membership is required for the Council to meet to conduct business.

When it is determined by the Secretary or designee that a meeting will be closed or partially closed to the public, in accordance with stipulations of Government in the Sunshine Act, 5 U.S.C. 552b(c), then a report will be prepared that includes, at a minimum, a list of the members and their business addresses, the Council's functions, date and place of the meeting, 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. The Council was established by a Presidential directive; no specific end date was established for the Council to operate.

Termination

Unless renewed by appropriate action, the Presidential Advisory Council will be terminated two years from the date this charter is filed.

Membership and Designation

The Council shall consist of not more than 25 members; one or more members will be selected to serve as Chair, Vice Chair and/or Co-Chairs. Council members shall be selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. Council members, as well as the Council leadership, shall be appointed by the Secretary or designee, in consultation with the White House Office on National AIDS Policy. All Council members shall be classified as special Government employees (SGEs). The Council composition may include *ex officio* members from relevant HHS components, as deemed necessary to accomplish the established mission of the Council.

Council members shall be invited to serve for overlapping terms of up to four years; terms are contingent upon the authorized continuation of the Council. A member can serve after the expiration of their term until their successor has taken office and/or until notified in writing that their term has ended or expired, but no longer than 180 days.

Pursuant to advance written agreement, Council members shall receive no stipend for the advisory service they render as members of PACHA. However, as authorized by law and in accordance with Federal travel regulations, PACHA members may receive per diem and reimbursement for travel expenses incurred in relation to performing duties for the Council.

Subcommittees/Working Groups

With approval of the Secretary or designee, subcommittees may be established to perform specific functions within the jurisdiction of the Council. Composition for the subcommittee shall be members of the Council. The subcommittees shall make preliminary recommendations to be considered by the Council membership. The Department Committee Management Officer shall be notified upon establishment of each subcommittee and shall be provided information on these subgroups, i.e., names/titles, functions, membership, and estimated frequency of meetings.

Recordkeeping

Records of the Council and the respective subcommittees or subgroups will be handled in accordance with General Records Schedule 26, item 2 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.

Filing Date: July 27, 2009

Approved:

/Kathleen Sebelius/

Kathleen Sebelius

Date

Secretary of Health and Human Services