

CHARTER

PRESIDENTIAL ADVISORY COUNCIL ON HIV/AIDS

Committee's Official Designation

The committee shall be known as the Presidential Advisory Council on HIV/AIDS (PACHA and/or the Council).

Authority

Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996. Under a Presidential memorandum, dated July 13, 2000 and under Executive Order 13703, dated July 30, 2015, certain authorities were given to the Presidential Advisory Council on HIV / AIDS (referred to as PACHA and/or the Council) for the implementation of the National HIV/AIDS Strategy for the United States (Strategy or NHAS). The Council was continued by Executive Order 14048, dated September 30, 2021. PACHA is governed by the provisions of Public Law 92-463, as amended (5 U.S.C. App.2).

Objectives and Scope of Activities

The Secretary of the U.S. Department of Health and Human Services (HHS) 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 people living with HIV or AIDS are provided with quality care.

PACHA shall provide advice, information, and recommendations to the Secretary regarding programs, policies, and research to promote effective treatment, prevention and cure of HIV and AIDS, including considering common co-morbidities, as needed to promote effective HIV diagnosis, treatment, prevention, and quality care services. Under the authorities given in the Presidential memorandum and Executive Order 13703, PACHA shall contribute to the Federal effort to improve HIV prevention and care. The functions of the Council are solely advisory in nature.

Description of Duties

PACHA shall provide advice, information, and recommendations to the Secretary regarding the development and implementation of the Ending the HIV Epidemic in the U.S. (EHE) initiative. PACHA shall also monitor the implementation of the Updated NHAS and make recommendations to the Secretary and to the Director of the White House Office of National AIDS Policy (ONAP), as appropriate, concerning implementation and progress in achieving the Strategy goals.

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

- a. prevent new HIV infections.
- b. advance research on HIV and AIDS.
- c. improve HIV-related health outcomes of people with HIV.
- d. reduce HIV-related disparities and health inequities.
- e. achieve integrated and coordinated efforts that address the HIV epidemic among all partners and stakeholders.
- f. provide global leadership in responding to the HIV pandemic and expand access to treatment, prevention, and care for people living with HIV or AIDS around the world.

Official to Whom the Committee Reports

The Council will provide advice, information, and make recommendations to the Secretary, Assistant Secretary for Health, and to the Director of the White House ONAP, as appropriate. The Secretary shall forward the Council's recommendations to the President.

Support

Management and support services for Council activities are provided by the Office of Infectious Disease and HIV/AIDS Policy (OIDP), which is a program office within the Office of the Assistant Secretary for Health (OASH) in the Department of Health and Human Services. The heads of executive departments and agencies shall, to the extent permitted by law, provide the Council with such information as may be necessary for performance of its functions.

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 \$278,000. An allocation of two (2) FTEs has been projected to provide staff support for Council activities; the annual cost for the projected human resources is \$299,000.

Designated Federal Officer

The Designated Federal Officer (DFO) will also serve as the Executive Director of PACHA. If the DFO is not appointed by the President, then the Secretary, in consultation with the White House Office of National AIDS Policy, will appoint a full-time or permanent part-time federal employee to serve as the DFO of PACHA. In the event that the DFO cannot fulfill the assigned responsibilities for the Council, the Alternate DFO will carry out the assigned duties.

The DFO will schedule and approve all meetings of the Council 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 Alternate DFO 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 to chair Council meetings.

Estimated Number and Frequency of Meetings

The Council will meet, 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, in accordance with stipulations of the 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 that a meeting will be closed or partially closed to the public, in accordance with stipulations of the 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.

Termination

Unless continued by the President, the PACHA will terminate on September 30, 2023. Unless renewed by appropriate action, the charter for the Council will expire two years from the date it is filed.

Membership and Designation

The Council shall consist of not more than 35 members; one or more members will be selected to serve as Chair. The 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, population health, faith, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. PACHA selections will also include persons with lived HIV experience and racial/ethnic and sexual and gender minority persons disproportionately affected by HIV. All Council members, including the Council leadership, shall be appointed by the Secretary. The members shall be classified as special government employees (SGEs). There shall also be a nonvoting liaison representative from the Centers for Disease Control (CDC)/Health Resources and Services Administration (HRSA) Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHACHSPT). The Council composition may also include ex officio members from relevant HHS components, as deemed necessary to accomplish the established mission of the Council.

The Council members shall be invited to serve for overlapping terms of up to four years; terms of more than two years are contingent upon the authorized continuation of the Council. A member may 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.

Council members shall receive no stipend for the advisory service they render as members of PACHA. As authorized by law and in accordance with federal travel regulations, PACHA

members may be approved to receive per diem and reimbursement for travel expenses incurred in relation to performing duties for the Council.

Subcommittees

With approval of the Secretary, the Council may establish subcommittees to perform specific functions within the jurisdiction of the Council. Subcommittee members are all Council members, but no subcommittee shall contain more than the quorum of members of the parent Council. The Council may also seek advice from nonmember special consultants and/or individuals who have demonstrated expertise in a specialty area(s). The subcommittees shall make preliminary recommendations to be considered by the Council membership. All reports and recommendations developed by an established subcommittee of the Council must be submitted to the full Council for deliberation. Subcommittees must report back to the parent committee and must not provide advice or work products directly to the agency. The Department Committee Management Officer shall be notified upon establishment of each subcommittee and shall be provided information on these subcommittees, i.e., names/titles, functions, membership, and estimated frequency of meetings.

Recordkeeping

Records of the Council and the respective subcommittees 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.

Filing Date:

Approved:

JAN 15 2022

Date


Xavier Becerra
Secretary