



December 11, 2019

To: Secretary Alex Azar
U.S. Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Washington, D.C. 20201

RE: OPPOSITION TO RIN 0991-AC16

Dear Sec. Azar:

On behalf of the [Partnership to End HIV, STDs and Hepatitis](#), we are writing to strongly oppose the recent announcement that HHS will cease enforcing current rules prohibiting grantees from discriminating against LGBTQ individuals and the accompanying proposed rule codifying elimination of these important protections. The Partnership represents HIV public health stakeholders, providers, and communities affected by HIV.

Earlier this year, we were encouraged when the President and Administration announced an ambitious plan to reduce new diagnoses of HIV in the United States by 90 percent by 2030 by strategically focusing on certain geographic hotspots where new cases of HIV are highly concentrated.

We have the tools to end the epidemic, but rules that codify stigma and discrimination against LGBTQ individuals would be a significant step backwards in the fight against HIV. HHS grantees include a number of public health community-based and clinical partners, and it is critical that every grantee treat individuals with respect and dignity. This proposed rule eliminates the standards and protections that hold grantees accountable for non-discriminatory and affirming practices. As five of the nation's leading organizations advocating on behalf of the community and focused on ending the HIV epidemic, we are deeply concerned and opposed to the proposed action that would further isolate and marginalize the people impacted by HIV.

We strongly believe that the failure to enforce existing regulations prohibiting discrimination in HHS-funded programs based on sexual orientation or gender identity would directly undermine the end goal of the Administration's *Ending the HIV Epidemic: A Plan for America*. Because HIV disproportionately impacts communities that have historically been discriminated against in healthcare settings - racial, sexual and gender minorities - we are concerned that this proposal could result in denial of care, increased stigma, and continued mistrust of the health system within the communities we serve.

If allowed to go into effect, we fear this rule will further hinder existing legal protections and open the door to discrimination based on HIV status, sexual orientation, or gender identity. Similar to efforts by



the Administration to curtail Section 1557 of the Affordable Care Act, the law's primary anti-discrimination provision, we energetically oppose any action intended to show bias against vulnerable, underserved communities that deserve equal protection under the law.

In summary, it is in the best interest of the nation to continue the progress of the Administration's proposed plan to end the HIV epidemic, and we firmly believe that discrimination has no place in the long-term strategy to end HIV. We submit this letter and urge you to withdraw the proposed rule and protect the rights and dignity of LGBTQ individuals. We thank you for your attention to the matter.

Sincerely,

Jesse Milan, Jr., JD, President & CEO, AIDS United

Amy Killelea, Senior Director, Health Systems and Policy, NASTAD

David C. Harvey, Executive Director, National Coalition of STD Directors

Paul Kawata, Executive Director, NMAC

Michael Ruppal, Executive Director, The AIDS Institute