

# A RENEWED COMMITMENT IS NEEDED TO STRENGTHEN AND EXPAND THE MINORITY AIDS INITIATIVE (MAI)

IN 1998, CONGRESS CREATED THE MINORITY AIDS INITIATIVE (MAI) in response to the highly disproportionate impact of HIV in Black and Latinx communities. Today, incomplete knowledge about what the MAI does and how it fits into the overall HIV response is holding the program back from achieving its goals.

## ELEVATING THE MINORITY AIDS INITIATIVE IN THE HIV RESPONSE

Addressing these four issues may provide a pathway for reinvigorating the MAI:

### RELEASE MAI PROGRAM AND FINANCIAL DATA AND CONDUCT PROGRAM EVALUATIONS.

Lack of attention to the MAI stems from limited available information about the program. The White House, through the Office of Management and Budget (OMB), should publicly release a summary of agencies' MAI funding and work with individual agencies to include these data and other details about program activities in the agency Congressional Justifications (CJs). Further, the HHS Office of Infectious Disease and HIV/AIDS Policy (OIDP) should conduct an assessment that highlights the MAI formula program's and Minority HIV/AIDS Fund's (MHAF) successes, identifies ways to strengthen coordination across agencies, and, if needed, recommends administrative or legislative changes to the program.

### DIRECT AGENCY RECIPIENTS OF MAI FUNDS TO ENSURE THAT MAI FUNDS ARE SUPPORTING THE CAPACITY OF MINORITY COMMUNITIES THEMSELVES TO RESPOND TO HIV.

The Supreme Court case of *Adarand Constructors, Inc. v. Peña* held that strict scrutiny is required for programs using race and ethnicity in awarding funding. While this decision came before the MAI was established, and, when establishing the MAI, Congress believed that the program could withstand strict scrutiny, the decision created a pretext for moving away from explicitly supporting minority-led community-based organizations (CBOs). New efforts are needed to re-focus the limited resources of the MAI on enhancing the capacity of minority-led CBOs.

### EXAMINE AND LEVERAGE PAST CAPACITY BUILDING SUCCESSES AND EXPLORE NEW APPROACHES FOR A MULTI-YEAR, STAGED CAPACITY BUILDING INITIATIVE.

To address many inequities minority-led organizations continue to face, we need to build on past capacity building successes and adopt new approaches. One such example is multi-year technical assistance curriculum for CBOs that leads to a tailored program to address the specific needs of individual CBOs.

### IDENTIFY VIABLE STRATEGIES FOR ENSURING THAT PROGRAM FUNDS REACH MINORITY-LED CBOs AND LEAD TO MEASURABLE IMPROVEMENTS IN COMMUNITY-LED CAPACITY.

For many stakeholders, the preferred way to ensure funding for minority-led CBOs is to use race/ethnicity

as a factor in awarding MAI funds. Most importantly, however, is ensuring that federal resources build the capacity of the communities with the greatest needs. Other options that could result in similar outcomes include using HIV data or the CDC's social vulnerability index to focus resources where most needed and require funded organizations to have key leadership and staffing come from the community.

Increasing policy attention, recommitting to capacity building, and bolstering MAI formula funding and the MHAF are all critical to achieving the MAI's strategic purpose, meeting the goals of the National HIV/AIDS Strategy, and meaningfully progressing toward ending the HIV epidemic in the United States.

## SUPREME COURT PRECEDENTS AND STRICT SCRUTINY

Questions have been raised over the ability of the federal government to use race and ethnicity in awarding funds. This has affected the MAI.

**Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995):** In 1995, a federal program provided a financial incentive for any prime contractors who hired subcontractors controlled by "socially and economically disadvantaged individuals"; it was presumed this included racial minorities. Adarand Constructors, Inc. lost a bid because it did not meet this requirement; it then sued. The Supreme Court held that racial classifications, like the one surrounding this financial incentive program, must pass strict scrutiny review.

**Strict Scrutiny:** This means that the classification must (1) serve a compelling government interest, and (2) be narrowly tailored to further that interest.

**Federal Agency Responses:** Federal agency leaders have consciously moved away from explicitly funding minority-led CBOs through the MAI.

**Looking Ahead:** In 2022, the Supreme Court heard cases related to affirmative action at Harvard and UNC-Chapel Hill—decisions are expected later this year. Race-based debates over government contracting and voting rights are having wide-reaching effects. The MAI has been constrained by these broader disagreements over what is appropriate and fair to consider when redressing racial inequities.