

October 23, 2026

Frank J. Bisignano
Chief Executive Officer
Internal Revenue Service
Department of the Treasury

Submitted electronically via regulations.gov

**Re: Proposed Rule on Racial Nondiscrimination in Private
Schools (REG-119986-25), 91 Fed. Reg. 56,811**

Dear Mr. Bisignano:

On behalf of the Association of Schools and Programs of Public Health (ASPPH), I write to express serious concerns about the proposed rule on racial nondiscrimination in private, nonprofit higher education institutions. ASPPH represents more than 150 accredited schools and programs of public health, many of them within private, nonprofit universities, that educate the nation's public health workforce, conduct research that protects the health of every community, and partner with state and local health departments every day. We support the comments submitted by the American Council on Education and write separately to describe how the proposed rule would affect academic public health.

ASPPH and its members are firmly committed to eliminating unlawful discrimination of every kind. In 2021, our Task Force on Zero Tolerance of Discrimination and Harassment called on schools and programs of public health to examine their own policies and practices and build environments where every student, faculty member, and staff member can thrive. Our concern is not with the goal of preventing discrimination. It is with a rule so broad and so vague that it would threaten the tax-exempt status that makes much of our members' public health work possible.

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The rule would chill research and community partnerships that federal agencies themselves require

Public health is, by definition, the study of health across populations. Much of that work necessarily examines differences by race and ethnicity, from maternal mortality and infant health to diabetes, cancer, and infectious disease. Federal agencies, including the National Institutes of Health and the Centers for Disease Control and Prevention, fund and often require this research, and they direct schools of public health to partner with specific communities, including American Indian and Alaska Native tribes, rural communities, and other populations with the greatest burden of disease.

The proposed rule would reach any “school-administered or school-supported program” and would apply “regardless of the intent behind or the legality” of the conduct. It offers no assurance that studying health disparities, recruiting participants from affected communities, or partnering with community organizations that serve them would not be treated as discrimination. Faced with that uncertainty, institutions may pull back from exactly the research and community engagement the nation depends on to understand and prevent disease. The responsibility of institutions to train students on the health outcomes of all communities is based on irrefutable scientific evidence. The final rule should state clearly that research, instruction, and community partnerships addressing health differences among populations do not constitute discrimination.

The rule exceeds the IRS’s authority and lacks basic due process

As ACE explains in detail, *Bob Jones University v. United States* permits revocation of tax-exempt status only when an institution’s purpose is fundamentally at odds with established public policy, as with formal, intentional policies of racial exclusion. The proposed rule goes much further, allowing the IRS to act on isolated, unintentional, or lawful conduct anywhere within a large university, without clear standards, prior notice, or an opportunity to respond and correct. ASPPH urges the IRS to:

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- Limit enforcement to intentional, institution-wide policies of unlawful discrimination, consistent with *Bob Jones*;
- Provide written notice, a documented legal basis, and a meaningful opportunity to respond and take corrective action before any examination or revocation;
- Adopt intermediate measures short of revocation, as the IRS has done for hospitals under Section 501(r); and
- Suspend any revocation while any legal challenge is pending.

Tax-exempt status sustains the public health workforce

Charitable support made possible by tax-exempt status funds scholarships for students who will serve in health departments and communities nationwide, endowed research centers, and community programs that have no other source of support. The nation already faces a shortage of public health workers, and state and local health departments rely on our graduates to fill critical roles. Weakening this support would ultimately weaken the nation's ability to prevent disease and respond to public health emergencies.

We respectfully urge the IRS to withdraw the proposed rule or, at a minimum, to narrow it substantially and add the clarifications and procedural protections described above. Thank you for your consideration. Please contact Tim Leshan, Chief External Relations and Advocacy Officer, at tleshan@asp-ph.org or 202-296-0518 with any questions.

Warmly,



Laura Magaña, PhD
President and CEO
Association of Schools and Programs of Public Health

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