



U.S. Department
of Transportation
**Federal Aviation
Administration**

Assistant Administrator for Civil Rights
and FAA Diversity Advocate

800 Independence Avenue, SW
Washington, DC 20591

May 27, 2011

Dear Airport Sponsors and Industry Stakeholders:

The U.S. Department of Transportation (DOT) has issued a Notice of Proposed Rulemaking (NPRM) for 49 CFR Part 23, the Airport Concessions Disadvantaged Business Enterprise (ACDBE) regulation. You may view the full NPRM at <http://www.gpo.gov/fdsys/pkg/FR-2011-05-27/pdf/2011-13187.pdf>

DOT amended 49 CFR Part 26, the Disadvantaged Business Enterprise (DBE) regulation in January 2011. Many of the provisions of this rule automatically apply to the ACDBE regulation; however, some provisions of the Part 26 rule either do not apply, or do not apply in the same way, in the context of Part 23, which is why this NPRM is necessary.

A few highlights of Part 23 NPRM are:

- In addition to proposing to adjust the personal net worth cap for inflation to \$1.32 million – the same number as now exists in Part 26 -- questions regarding the \$3 million exemption for recourse loans being retained, modified, or deleted are asked;
- The NPRM proposes to add new monitoring, compliance, and enforcement provisions concerning the actual performance of work by ACDBEs that parallel, but are not identical to, provisions in the January 2011 Part 26 rule;
- The NPRM also proposes to add new accountability provisions concerning meeting concessions overall goals that parallel, but are not identical to, similar provisions in the January 2011 Part 26 rule; and
- Incorporation of the recent revisions to the January 2011 Part 26 rule describing the process of interstate certification for an ACDBE firm.

We encourage you to provide comments as directed in the Federal Register notice by the deadline of July 26, 2011.

Sincerely,

Fanny Rivera
Assistant Administrator for Civil Rights
and FAA Diversity Advocate