

New USDOT Requirements for DBE Programs

By U.S. Department of Transportation

Editor's note: In light of the recent Interim Final Rule (IFR) that removes the presumptions of disadvantage based on race and/or sex from DBE certifications, Louisiana Business Journal will prioritize updates and resources offered to DBEs/ACDBEs seeking recertification or certification. Below is the text of the letter from the United States Department of Transportation. The letter is also available at https://www.sbeinc.com/resources/ifr_guidance.cfm

U.S. Department of Transportation
Office of the Secretary of Transportation
Office of Civil Rights
September 30, 2025

This guidance provides information about important changes that the U.S. Department of Transportation ("Department" or "DOT") is requiring recipients of financial assistance from the Department to make with respect to the Disadvantaged Business Enterprise ("DBE") and the Airport Concession Disadvantaged Business Enterprise ("ACDBE") programs.

Background

Recipients of highway, transit, and airport funding distributed by DOT are subject to the requirements of the DBE program, under which they must set goals for participation by small businesses owned and controlled by "socially and economically disadvantaged" individuals.¹

Recipients of airport funding are also subject to the requirements of the ACDBE program, which requires them to set similar goals with respect to airport concessionaries.²

Unfortunately, not all individuals have been treated equally under this program. Instead, Congress has mandated that DOT treat certain individuals—women and members of certain racial and ethnic groups—as "presumed" to be disadvantaged.³ Other individuals do not benefit from that presumption. This means that two similarly situated small business owners may face different standards for entering the program, based solely on their race, ethnicity, or sex.

On September 23, 2024, the U.S. District Court for the Eastern District of Kentucky determined that the DBE program's use of race- and sex-based



presumptions likely does not comply with the Constitution's promise of equal protection under the law.⁴ Accordingly, the Court issued a preliminary injunction that prohibits DOT from mandating the use of race- and sex-based presumptions with respect

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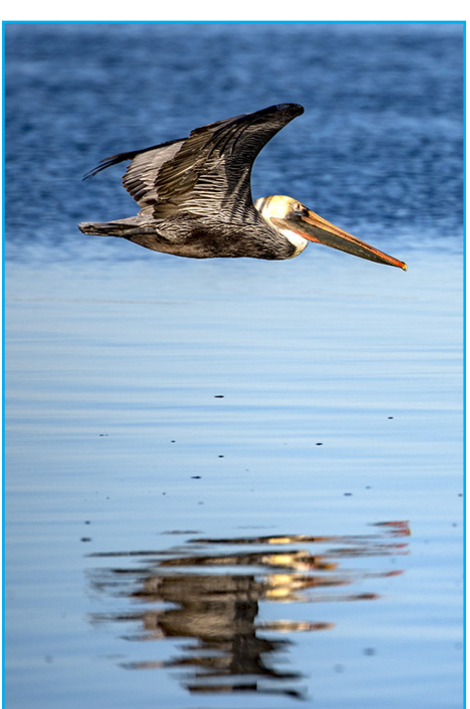
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SBA Starting and Growing a Business Webinar
Tuesday, October 28, 2025, 12:00 pm–1:30 pm CDT Online
Main Sponsor(s): US Small Business Administration, Massachusetts District Office
Contact: Lisa Gonzalez Welch, 617-565-5588, lisa.welch@sba.gov
Fee: Free; registration required

Are you thinking of starting a business? Do you need small business assistance? Join Lisa Gonzalez Welch, economic development specialist with the United States Small Business Administration (SBA) Massachusetts District Office, to learn how SBA programs and services can be of assistance to help you start, expand, grow, and recover your business. This overview presentation covers: introduction to the SBA; SBA resource partner network; access to capital through SBA backed loan programs; and selling to the federal government. Register online for the free webinar at <https://www.eventbrite.com/e/start-and-growing-a-business-the-sba-advantage-tickets-1660600864889>

Federal Contracting for Small Businesses Webinar
Tuesday, November 18, 2025, 11:00 am–12:30 pm CST Online
Main Sponsor(s): US Small Business Administration
Contact: Irene Gonzalez, 208-334-1673, irene.gonzalez@sba.gov
Fee: Free; registration required

Learn the essentials of federal contracting for small businesses. This event will cover the basics of navigating the federal contracting process, as well as the various certifications available to help your small business succeed in the government marketplace. Certifications include: 8(a) Business Development Program, HUBZone Certification, Woman Owned Small Business (WOSB/EDWOSB), and Veteran Owned Small Business (VOSB). Don't miss this opportunity to gain valuable insights and resources to help your small business. Register at <https://www.eventbrite.com/e/federal-contracting-basics-and-certifications-for-small-businesses-tickets-1133412921559>

Federal Contracting: Woman-Owned Small Business (WOSB) Certification Program Webinar
Tuesday, November 18, 2025, 1:00 pm–3:00 pm CST Online
Main Sponsor(s): US Small Business Administration
Contact: Patrice Dozier, patrice.dozier@sba.gov
Fee: Free; registration required

SBA is creating a space for Woman-Owned Small Businesses, via WOSB certification! Are you a woman owner of a small business? The federal government's goal is to award at least five percent of all federal contracting dollars to woman-owned small businesses each year. Join us for training on how to register for SBA's Woman-Owned Small Business (WOSB) program, which helps eligible small businesses to qualify for federal contracting opportunities. The monthly sessions include an overview of the self-certification process, and a discussion of the NAICS codes that qualify as WOSB or EDWOSB. Register at <https://www.eventbrite.com/e/woman-owned-small-business-wosb-certification-program-tickets-1123670772529>

CERTIFICATION

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