



U.S. Department of Transportation Reaffirms its Commitment to Senator Sullivan to Recognize the Federal law ANCSA in Relation to its Disadvantaged Business Enterprise (“DBE”) Program

On October 15, 2016, Outlook Law wrote about the Department of Transportation’s guidance on ANCSA Corporation and acknowledgement of Federal law. Outlook Law gave and link to the guidance and a brief summary. <https://outlooklaw.com/legal-updates/page/2/> In short, the summary stated:

- The guidance issued by DOT is in the form of Q&A/FAQs. ANCs do not have to be 8(a) certified to have the DOT’s ANC regulations apply (like the SBA regulatory format)- meaning ANCSA was recognized
- ANC status of the parent must be established as it is with other programs
- SBA has agreed to certify size
- The request of certification of size requirement can come from the ANC owned firm or the DOT recipient state agency
- 8(a) and three years after still have the same eligibility status

Senator Sullivan, the SBA, and Outlook Law were active on this issue. Specifically, Senator Sullivan worked hard last Congress to ensure that USDOT followed ANCSA to recognize ANCs as eligible for the DBE Program, without also having SBA 8(a) certification, by issuing and promulgating guidance to states that stated such.

Now that a new administration is in place, Senator Sullivan and his staff is still pressing the newly nominated potential members of the USDOT leadership to uphold the commitments of the last administration of promulgating the guidance, as well as recertifying previously, wrongly decertified ANCs.

Yesterday, the Senate confirmed Jeffrey Rosen as the Deputy Secretary for USDOT. Senator Sullivan met with Mr. Rosen one-on-one at the end of March, then questioned him at his confirmation hearing. In their one-on-one meeting, Senator Sullivan raised the DBE issue with MR. Rosen to make him aware of it, but also get a commitment to build on the work of the previous administration.