



Legal Issues Update

DAN REIMER

JUNE 12, 2026

Agenda

1. Key Compliance Documents
2. DBE, ACDBE, DEI and DEIA Update
3. Litigation
4. Legislation

Key Compliance Documents

Key Compliance Documents

	Name	Current Version	Issue Date	Notes
1	Grant Assurances	Assurances	April 25, 2025	Federal Register Notice
2	FAA-Required Contract Provisions	Contract Provision Guidelines	March 17, 2026	See Page 3 for changes
3	AIP Handbook	FAA Order 5100.38E	May 15, 2026	Draft
4	OMB Rule	2 CFR Part 200	May 29, 2026	Draft
5	Airport Compliance Manual	FAA Order 5190.6C	Feb. 20, 2026	FAA Summary of Updates
6	DBE and ACDBE	49 CFR Part 23 49 CFR Part 26	Oct. 3, 2025	Federal Register Notice DOT FAQs
7	USDOT Title VI Rule	49 CFR Part 21	June 11, 2026	Final Rule
7	NEPA Implementing Procedures	FAA Order 1050.1G	June 30, 2025	Order 5050.4B DOT Order 5610.1D (June 2025)
8	Air Service Incentives	FAA Policy Regarding Air Carrier Incentive Program	Dec. 7, 2023	FAA FAQs
9	Aeronautical Activities	Policy on the Definition of Aeronautical Activities	Nov. 15, 2023	Not finalized
10	Minimum Standards for Commercial Aeronautical Activities	Advisory Circular 150/5190-8	Dec. 7, 2023	Minor changes
11	Administrative Rulemaking, Guidance and Enforcement Procedures	Final Rule	April 27, 2026	Does not directly apply to FAA

Key Compliance Documents

1. Grant Assurances
2. Contract Provision Guidelines
3. AIP Handbook (FAA Order 5100.38E)
4. OMB Rule (2 CFR Part 200)
5. Airport Compliance Manual (FAA Order 5190.6C)
6. ACDBE and DBE (49 CFR Parts 23 and 26)
7. USDOT Title VI Rule (49 CFR Part 21)

Key Compliance Documents

8. NEPA Implementing Procedures (FAA Order 1050.1G)
9. Air Service Incentives
10. Aeronautical Activities
11. Minimum Standards for Aeronautical Activities
12. Administrative Rulemaking, Guidance and Enforcement Procedures

Deep Thoughts

- ▶ Shorter is not always better.
- ▶ Word choice matters, except when it doesn't.
- ▶ Don't throw away the old versions.
- ▶ Guidance is half the story; also need to see how it is being applied by FAA and reviewing courts.
- ▶ FAA increasingly demanding of airports.
- ▶ Aviation stakeholders can read too.
- ▶ Key areas of concern are not being addressed.

DBE/ACDBE/DEI/DEIA

1. DBE/ACDBE – Airports must continue to have 0% goals until states complete reevaluation process. Cannot update plans without goals.
2. Several courts have ruled against DEI provision in grant agreements, but language remains. Still uncertain what DEI practices violate anti-discrimination principles.
3. Administration continues to pursue anti-DEI agenda.
 1. [SAM.gov certification](#)
 2. [EO 14398](#)
 3. 2 CFR Part 200
 4. IBM Settlement
4. Accessibility remains a compliance obligation and focus of federal review.

Litigation

- ▶ Colorado
 - ▶ *Superior v. Jefferson County*
 - ▶ *ModernWest Longmont v. FAA*
- ▶ Part 16 Cases
 - ▶ *NBAA v. Santa Monica*
 - ▶ *LA County Aeronautical Hangar Tenants v. LA County*
 - ▶ *Smith v. Okaloosa County*
- ▶ Aviation Worker Screening, *Billings v. TSA*
- ▶ Just Security [Litigation Tracker](#)

Legislation

- ▶ No replacement for pandemic-era funding programs
- ▶ ROTOR, ALERT and PAPA
- ▶ Security Screening
 - ▶ DHS Budget
 - ▶ TSA Gold+
 - ▶ H.R. 8151
- ▶ SPEED Act

Open Discussion

Contact

Dan Reimer

Daniel S Reimer LLC

E: dan@airportcounselor.com

P: (303) 596-2170