



*Statement of*

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*Before the*

**Committee on the Judiciary  
Subcommittee on Oversight  
United States House of Representatives**

*Hearing on*

**“Embedded Threats: Foreign Ownership, Hidden Hardware and Licensing Failures  
in America’s Transportation Systems”**

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## **Introduction:**

Chairman Van Drew, Ranking Member Crockett, and members of the Subcommittee, thank you for providing me with the opportunity to testify before you today. My name is Chris Spear, and I serve as the President and CEO of the American Trucking Associations (ATA). I am grateful for the invitation to share with this subcommittee the growing challenges that our members, the trucking industry, and our nation's supply chain are experiencing with credentialing, fraud, and enforcement.

ATA is a 90-year-old federation and the largest national trade organization representing the 8.4 million men and women working in the trucking industry. As a 50-state federation that encompasses 37,000 motor carriers and suppliers, ATA proudly represents every sector of the industry. From less-than-truckload to truckload carriers, from agriculture and livestock transporters to auto haulers and household goods movers, and from large fleets to mom-and-pop one-truck operators, ATA serves as the single unified voice of the trucking industry.

For the trucking industry, safety is a priority. Ensuring that our roads are safe both for commercial vehicles and the motoring public is our north star. Though commercial trucking is among the most heavily regulated industries in the United States, we continue to see issues that reduce safety and put lives at risk.

Gaps in oversight, enforcement, and qualification requirements—particularly related to English Language Proficiency (ELP), cabotage violations, Entry-Level Driver Training, and commercial driver's license (CDL) issuance—create vulnerabilities that put every part of the trucking industry at risk, from family-owned, small and medium-sized businesses and independent owner-operators to large national motor carriers. These gaps and vulnerabilities are entry points for bad actors to enter the trucking industry, endangering the entire supply chain and the motoring public.

For these reasons, ATA has been working with Congress and the Trump Administration to underscore the urgent need to strengthen driver qualification, training, testing, and licensing standards. ATA has also been forceful in bringing to light issues around the exploitation of cabotage regulations and the issuance and enforcement of B1 visas.

We recognize that failure at any point in this system can not only cause supply chain issues that harm consumers and the economy, but even more importantly, can lead to loss of life or serious injury. We have seen multiple instances this year where a driver of a commercial motor vehicle—who should never have held a CDL in the first place—was involved in a fatal accident. We must work together and expeditiously to enact solutions that will limit these avoidable tragedies.

Thank you for convening today's hearing and providing an opportunity to discuss the challenges that uneven enforcement, lax regulations, and bad actors cause the trucking industry. I look forward to working with this subcommittee, Congress, and the Administration to promote the safety of our nation's roadways.

## **Critical Vulnerabilities in State Licensing and Driver Oversight**

The safety and vitality of America's trucking industry depend on a commercial driving workforce that is fully trained and qualified, thoroughly vetted, and licensed through a system that is uniform, secure, and consistently enforced. However, recent high-profile and tragic commercial motor vehicle crashes, accompanied by nationwide audits, have exposed serious weaknesses in state licensing, driver training, and driver-vetting practices. These incidents are not isolated failures; they are symptoms of deeper systemic breakdowns that compromise the safety and security of our nation's transportation system.

In the wake of recent truck-involved crashes, the U.S. Department of Transportation (USDOT) and its Federal Motor Carrier Safety Administration (FMCSA) conducted a series of federal audits and enforcement actions across all states that exposed significant deficiencies in how some State Driver Licensing Agencies (SDLAs) issue and oversee CDLs, including those issued to foreign, non-domiciled drivers. These failures, ranging from inconsistent verification of lawful status to improper issuance of non-domiciled CDLs, pose real risks to highway safety and to the integrity of our national transportation system. Recent events have also revealed widespread lapses in enforcement of federal English language proficiency (ELP) requirements and exposed the prevalence of noncompliant training providers and fraudulent "CDL mills" that exploit gaps in the Entry-Level Driver Training system.

ATA has long warned that gaps in SDLA compliance and insufficient oversight allow unqualified—and, in some cases, unlawfully present—individuals to obtain commercial driving credentials. These vulnerabilities are compounded when drivers enter the system through training providers that fail to deliver federally required instruction or that certify training which was never completed. When individuals who cannot meet basic ELP standards—or who were inadequately trained—are able to obtain CDLs, it undermines the trust motor carriers and the general public must place in the CDL as a reliable indicator that a driver is properly trained, vetted, and legally authorized to operate in the United States. Insufficient oversight enables illegitimate motor carriers and ill-equipped drivers to exploit loopholes with impunity and operate under the radar.

When the integrity of our nation's CDL system and the regulatory protections that support its integrity break down, the consequences extend far beyond administrative error. They become vulnerabilities that endanger roadway users' safety and can be exploited by bad-faith actors, criminal networks, or foreign entities seeking to commit crimes or disrupt the nation's transportation infrastructure.

The human cost of these failures is indisputable. This past summer, three lives were lost when a commercial driver executed an illegal U-turn on the Florida Turnpike. Investigators later found he had obtained a non-domicile CDL through improper channels and failed to meet basic federal requirements. Just months later, an undocumented commercial driver killed three more victims in a multi-vehicle, chain-reaction crash when he failed to stop. These and similar crashes have pointed to the same underlying issues: gaps in driver vetting, insufficient oversight, and inadequate training at the federal, state, and training provider levels.

## *Non-Domicile CDL Inconsistencies & Commercial Driver Credentialing Irregularities*

In April 2025, ATA wrote a letter to USDOT Secretary Sean Duffy emphasizing the need for enhanced oversight and enforcement of states' CDL issuance processes.<sup>1</sup> We raised concerns about credentialing fraud, licensing irregularities, and the ability of unqualified individuals to obtain CDLs through loopholes or lax state processes. In subsequent months, the results of FMCSA's nationwide audits detailed in its interim final rule (IFR) on non-domiciled CDLs confirmed ATA's concerns about the lapses in driver vetting and credentialing.<sup>2</sup> The Agency's findings showed widespread credentialing irregularities, inconsistent licensing practices, and noncompliance with federal standards.

Specifically, FMCSA's IFR noted the agency "uncovered systemic procedural and computer programming errors, significant problems with staff training and quality assurance, and policies that lack sufficient management controls in the issuance of non-domiciled CLPs and CDLs by multiple SDLAs." These flaws resulted in SDLAs issuing non-domiciled CDLs to drivers whose CDL expiration date extended beyond the time of a driver's legal presence or work authorization in the country (in some cases, up to four years longer than their employment authorization document's expiration). SDLAs were also found to have issued non-domiciled CDLs without validating the driver's eligibility under federal driver application and certification regulations, among other noncompliance issues. The IFR cites a review of a sample of California non-domicile CDLs, which found that one in four licenses analyzed were issued out of compliance with federal CDL qualification and issuance regulations. These findings were significant enough for FMCSA to issue notices of noncompliance to multiple states, including California, New York, and Minnesota, that required immediate correction under threat of withholding federal highway funds.

Such lapses in oversight and administrative errors not only compromise highway safety—allowing potentially unsafe or illegal drivers on our roads and leading to crashes like those in Florida and California—but also erode trust in the legitimacy of a CDL. This hurts *all* motor carriers and commercial drivers. ATA stresses the need for consistent SDLA compliance with federal CDL program requirements, supported by regular audits and meaningful oversight mechanisms. We appreciate that FMCSA addressed many of these issues in its September IFR and applaud the Agency for its rapid, responsive approach. The interim rule, paired with ongoing audits of SDLA practices on both non-domicile and standard CDLs, help preserve the integrity of the CDL credential so motor carriers can trust it as a reliable marker of driver qualification and lawful eligibility. Rules only work when consistently enforced; ensuring that all SDLAs review their current CDL issuance practices and uphold federal requirements—not exclusively for non-domiciled CDLs, but for all CDLs—is critical. ATA also supports FMCSA's directive that states immediately downgrade noncompliant CDLs, restoring integrity to issuance processes and trust in the legitimacy of existing CDLs.

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<sup>1</sup> [https://www.trucking.org/sites/default/files/2025-04/ATA\\_DOT%20April%202025%20Enforcement%20and%20CDL%20issuance%20FINAL4-10-25.pdf](https://www.trucking.org/sites/default/files/2025-04/ATA_DOT%20April%202025%20Enforcement%20and%20CDL%20issuance%20FINAL4-10-25.pdf)

<sup>2</sup> <https://www.fmcsa.dot.gov/newsroom/president-trumps-transportation-secretary-sean-p-duffy-announces-nationwide-audit-states>; <https://www.federalregister.gov/documents/2025/09/29/2025-18869/restoring-integrity-to-the-issuance-of-non-domiciled-commercial-drivers-licenses-cdl>

### *Enforcement of the English Language Proficiency Standard*

In addition to credentialing concerns, ATA's April letter to Secretary Duffy raised the need for uniform enforcement of driver qualification requirements, including a basic proficiency in the English language in accordance with 49 U.S.C. § 31502(b). ATA urged the Agency to review its then-directives related to enforcement of the ELP standard following reports that enforcement of this provision was inconsistent and that the requirement was often misinterpreted. ATA concluded that these inconsistencies—which prompted some roadside enforcement officers to avoid assessing ELP and writing citations altogether—were primarily the result of FMCSA enforcement memorandum #MC-ECE-2016-006, dated June 15, 2016. This enforcement memorandum also removed ELP as a roadside out-of-service violation, meaning a driver could no longer be legally disallowed to resume driving for failing to adequately demonstrate ELP. In addition to recommending the Agency update the enforcement memorandum to ensure that the provision be enforced consistently during roadside inspections and on-site reviews, ATA encouraged FMCSA to work with the law enforcement community, including the Commercial Vehicle Safety Alliance (CVSA), to ensure that proper enforcement action is taken.

The requirement that a driver be able to read, speak, and comprehend English at a basic level is not new and has been on the books since the 1930s. 49 U.S.C. § 31502(b) ensures a driver can adequately communicate with law enforcement and the public in the case of an emergency or during a roadside inspection. Officers' ability to thoroughly inspect an up-to-80,000-pound vehicle depends heavily upon their ability to communicate with that vehicle's operator. When that communication breaks down or is entirely impossible, roadside enforcement personnel may not be able to get an adequate picture of a vehicle or driver's compliance with federal safety requirements and capacity to continue operating safely. ATA also became aware of instances in which inspectors bypassed trucks whose operators could not communicate effectively in English—allowing potentially unsafe or otherwise illegitimate operators to fly under the radar. Further, a driver's inability to read and comprehend road signs, including dynamic messages that signal inclement weather, compromised road conditions, or oncoming traffic, put the safety of all who share the road in jeopardy.

Within weeks of ATA's letter, President Donald Trump issued an Executive Order, "Enforcing Commonsense Rules of the Road for America's Truck Drivers," which directed USDOT to issue updated guidelines to strengthen ELP enforcement for commercial truck drivers, among other directives. The Agency issued new guidance on May 20, 2025, that reinstated ELP as an out-of-service violation and set forth assessment standards for law enforcement to determine a driver's English proficiency. The two-part assessment includes an initial verbal interview that tests a driver's ability to communicate basic information, such as trip origin and destination or information about a driver's vehicle and equipment, followed by a test of road sign comprehension.<sup>3</sup>

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<sup>3</sup> [https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2025-05/FMCSA%20ELP%20Guidance%20with%20Attachments%20Final%20%285-20-2025%29\\_Redacted.pdf](https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2025-05/FMCSA%20ELP%20Guidance%20with%20Attachments%20Final%20%285-20-2025%29_Redacted.pdf)

ATA commends the Administration’s actions and welcomes steps toward ensuring safety and accountability on our nation’s highways. Failing to enforce these standards puts lives at risk. While ATA recognizes that most professional drivers meet these requirements and legitimate motor carriers take steps to ensure they hire in accordance with the law, allowing bad actors to bypass existing requirements undermines the credibility of the entire system. Since the enactment of the new guidance on April 25, 2025, out-of-service violations for ELP have totaled over 7,394.<sup>4</sup> ATA continues to emphasize the need for uniform enforcement of ELP across all states and enforcement jurisdictions, as well as the need for codification of ELP as an out-of-service violation to ensure consistency across future administrations and USDOT leadership.

### *Noncompliant & Fraudulent CDL Training Providers*

Another critical factor when considering the ability and qualification of a driver to operate a CMV safely is how and from whom they receive training. ATA has long supported the Entry-Level Driver Training program, which sets minimum federal standards for those seeking a CDL to ensure consistent classroom and behind-the-wheel instruction regardless of the driver’s state or training provider. Entry-Level Driver Training, which took effect on February 2022 after a multi-year negotiated rulemaking, also requires that prospective commercial drivers train with *approved* training providers listed in FMCSA’s Training Provider Registry. While ATA believes Entry-Level Driver Training has made a significant, beneficial impact on uniformity and safety nationwide, more work can be done to ensure the integrity of the program as recent reports have uncovered fraud and noncompliance by a subset of registered training providers. ATA has raised concerns that the Training Provider Registry—and its associated self-certification process to be listed in the registry—lacks proper vetting to shield prospective drivers and the motoring public from fraudulent and noncompliant training entities.

These noncompliant training providers—often, fly-by-night companies or “CDL mills”—fast-track CDL applicants with minimal, if any, training. They skirt regulations, offering one- to two-day CDL training programs, taking advantage of prospective drivers who merely seek to obtain education to enter the trucking industry as quickly as possible. ATA believes that, in some cases, these providers serve as a venue for individuals to obtain a CDL simply by paying a fee, circumventing the structured curriculum established by Entry-Level Driver Training. In other cases, unsuspecting “students” walk away, having paid thousands of dollars with little to show for it. Not only do these schools produce unsafe drivers who pose serious risks to the motoring public, but they create an unlevel playing field for legitimate training providers and motor carriers who seek to recruit, train, and hire top-tier drivers.

Last month, USDOT Secretary Sean Duffy removed nearly 3,000 noncompliant training providers from FMCSA’s Training Provider Registry and placed another 4,500 on notice for failing to meet federal standards—nearly half of all registered programs nationwide. Many were cited for falsifying records, skirting curriculum and instructor requirements, or refusing to cooperate with federal audits.

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[https://ai.fmcsa.dot.gov/EnforcementPrograms/Inspections?type=AllViolations&time\\_period\\_id=2&report\\_date=2025&vehicle\\_type=1&critical=19&state=NAT&domicile=ALL](https://ai.fmcsa.dot.gov/EnforcementPrograms/Inspections?type=AllViolations&time_period_id=2&report_date=2025&vehicle_type=1&critical=19&state=NAT&domicile=ALL)

Unfortunately, ATA has been informed that several noncompliant training entities are likely to remain on the Training Provider Registry.

We believe FMCSA must maintain or enhance safety monitoring, auditing, and enforcement actions over the long-term to ensure that unlicensed and unqualified entities are immediately removed from the Training Provider Registry—and new ones are never allowed to enter in the first place. In addition, we have encouraged FMCSA to better track where and by whom drivers are trained and establish triggers when a training entity has reached a certain threshold of driver violations and/or CDL test failures. ATA's Trucking Association Executives Council (TAEC), which is comprised of state trucking association and industry association executives from across the country, similarly called for enhanced monitoring and enforcement of Entry-Level Driver Training providers. Specifically, TAEC stressed the importance of adding Entry-Level Driver Training provider, driving school, and examiner data to individual CDL records, which would enable objective analysis of training and testing effectiveness based on a driver's on-road performance.<sup>5</sup> TAEC also recommended documenting a driver's progression from Entry-Level Driver Training through testing, permitting, and CDL issuance to identify entities that may be fast-tracking individuals beyond what would be reasonably expected for an entry-level driver.

Additionally, we believe Congress can work with industry partners on commonsense legislation to bolster the efforts of this Administration.<sup>6</sup> For example, the self-certification process that has allowed so many fraudulent or otherwise unfit training providers go unnoticed should be examined and overhauled. Greater penalties should exist for those who profit from selling sham training and ultimately make our roads less safe.

### *Supporting a Holistic Approach to CDL Credentialing and CMV Safety*

In October 2025, ATA sent a letter to Congressional leadership that highlighted the urgent need for several specific steps towards strengthening the processes and checks that ensure a commercial driver is fit to operate on our nation's roadways. ATA recommended a series of additional targeted reforms to further reinforce CDL testing and issuance standards and strengthen the broader safety framework around commercial driver qualification and vetting. The industry has identified several strategies to support this effort. ATA's full set of recommendations to Congress include:

1. **Codifying the President's ELP Executive Order for truck drivers.** This would ensure consistent, enforceable standards across all states and eliminate gaps in interpretation or implementation. It would also prevent ELP from being removed from the out-of-service (OOS) criteria in the future.
2. **Directing FMCSA to initiate a rulemaking requiring a standardized ELP test as part of the CDL issuance process.** This test could be integrated into existing components of the knowledge or skills tests or implemented as a standalone portion of the CDL examination. A standardized

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<sup>5</sup> <https://truckingresurgence.com/#plan>

<sup>6</sup> <https://dailycaller.com/2026/01/12/opinion-shut-down-cdl-mills-because-lives-depend-on-it-chris-spear/>

ELP test will prevent a patchwork of SDLA testing approaches and thwart enforcement discrepancies once CDL holders are on the road. Guaranteeing drivers can read and understand road signs, communicate with enforcement officials, and respond effectively in emergencies is foundational to safety. Ensuring these checks are in place at the entryway to obtain a CDL prevents unqualified drivers from ever entering the driving workforce while easing enforcement challenges.

3. **Requiring individuals to hold a standard driver's license for at least one year before becoming eligible for a CDL, with limited exceptions for certain workforce training programs.** This would ensure drivers have sufficient baseline experience operating a motor vehicle before taking on the greater responsibility of driving a commercial truck. FMCSA should provide flexibility and exceptions for certain individuals seeking to enter the driving workforce, such as young drivers, those entering well-vetted carrier training programs, and underprivileged individuals who may lack the means to obtain a driver's license, provided equal or greater training and safety protocols are in place.
4. **Strengthening federal and state oversight of CDL issuance and testing to ensure only fully qualified drivers enter the industry.** FMCSA should expand audits of state driver's license agencies to examine all CDL issuance practices, enforce verification of all federal qualification standards before issuance, and impose penalties on states that fail to comply. In addition, the USDOT Office of Inspector General should broaden its audits to include third-party testers and the Training Provider Registry, ensuring compliance with Entry-Level Driver Training requirements and rooting out improper licensing practices.
5. **Expediting the removal of noncompliant training providers from FMCSA's Training Provider Registry.** States should have the authority to identify and suspend bad actors, while FMCSA should conduct regular audits of Training Provider Registry participants and enforce meaningful penalties for noncompliance.
6. **Strengthening enforcement and penalties against illegal cabotage.** Direct USDOT and the U.S. Department of Homeland Security (DHS) to coordinate and enhance monitoring and enforcement of cabotage violations, including the use of data-sharing between federal and state agencies to track and identify illegal freight movements by foreign-domiciled carriers. Congress should also establish meaningful penalties—such as fines, disqualification, or loss of operating authority—for carriers found to be repeatedly violating cabotage restrictions. Ensuring that only qualified, compliant operators move domestic freight protects highway safety and preserves the integrity of U.S. carrier operations. By focusing enforcement actions on a relatively small group of motor carriers that are engaged in these practices, DHS and USDOT can send a strong deterrent message that reverberates across the industry.

As this subcommittee examines foreign ownership risks and hidden vulnerabilities across transportation systems, it is essential to recognize that lapses in state licensing practices and driver vetting, which have led to thousands of misused CDLs, are part of the same ecosystem of systemic exposure. A compromised system creates openings for individuals who should never be behind the wheel of a



commercial motor vehicle. ATA believes that restoring integrity to CDL credentialing and driver qualifications through consistent enforcement, mandatory employer notification systems, stronger English-language proficiency standards, and rigorous vetting of training providers is foundational to protecting both national security and roadway safety.

### *Legislative Opportunities to Bolster Progress*

There is an opportunity for Congress to take decisive action and build on USDOT's ongoing efforts to restore nationwide uniformity, improve the integrity of driver vetting and credentialing, and rebuild public confidence in the safety and reliability of the commercial driving workforce. As Congress begins consideration of a surface transportation reauthorization this year, ATA further recognizes and supports numerous legislative efforts that aim to protect highway safety and reinforce the integrity of the CDL system, including:

- **Connor's Law (H.R. 3608/S. 2991)**, which would codify President Trump's Executive Order requiring CDL drivers to maintain a basic proficiency in English to be licensed to drive on American roads. This bill includes an out-of-service provision, which would revoke CDL licensure from any current license holders who fail to adhere to language requirements.
- **EO 14286 Act (H.R. 3799)**, which would codify the Executive Order issued by President Trump mandating stricter enforcement of existing ELP requirements for commercial truck drivers to improve road safety. The bill would establish out-of-service penalties for violations and would require a review of foreign-issued licenses.
- **Safer Truckers Act (S. 2690)**, which would establish lawful U.S. residency requirements for CDLs and require states to report adherence to English proficiency standards to ensure truckers can read road warnings and signs, or risk federal funding.
- **Non-Domiciled CDL Integrity Act (H.R. 5688)**, which would terminate states' ability to grant CDLs to illegal immigrants who lack the English proficiency and road-rule knowledge necessary to safely operate CMVs. The bill aligns with the USDOT Interim Final Rule, "Restoring Integrity to the Issuance of Non-Domiciled Commercial Driver's Licenses."
- **Safe Drivers Act (H.R. 5800)**, which would require FMCSA to develop a uniform English proficiency test to be administered during CDL issuance and renewal in every state. The test assesses an applicant's ability to read road signs, understand spoken instructions, and complete written reports. The Secretary of Transportation would be authorized to withhold federal highway funds from states that fail to comply.

ATA looks forward to working with Congress and USDOT to implement comprehensive solutions to ensure consistent compliance with federal driver qualification and CDL-program requirements, reinforced by regular audits, transparent reporting, and meaningful federal oversight.

## **Electronic Logging Device Fraud as an Emerging Safety and Security Threat**

While the integrity of the CDL system is foundational to highway safety, the systems that monitor driver compliance and enable uniform roadside enforcement are equally critical. In recent years, the proliferation of fraudulent, manipulated, or noncompliant Electronic Logging Devices (ELDs) has emerged as a serious and rapidly evolving threat to both roadway safety and the security of the nation's transportation network. ELDs are intended to provide an objective, tamper-resistant record of a driver's hours-of-service (HOS) compliance. When functioning properly, they help prevent fatigue-related crashes, support fair competition, and ensure that carriers and drivers operate within federal safety limits. But the growing presence of devices that can be altered, remotely manipulated, or intentionally designed by foreign enterprises to evade federal requirements has undermined the very purpose of the ELD mandate.

A core vulnerability stems from the current regulatory framework, which allows ELD companies to self-certify their devices through an online registry process. This system enables foreign-owned or overseas-based companies to register, market, and supply devices with weak cybersecurity protections, opaque ownership structures, and remote-access capabilities that blatantly disregard federal ELD regulations and protections. In some reported cases, these foreign actors—posing as legitimate ELD providers—have been able to make real-time edits to drivers' HOS logs at the request of drivers or motor carriers. This can occur within minutes of a driver being pulled over for an inspection and generated using artificial intelligence (AI), producing fraudulent HOS logs that, to the naked eye, appear entirely compliant and legitimate. These capabilities effectively mask hours-of-service violations, compromise regulatory oversight, and allow unsafe operators to continue driving.

The sophistication of these fraudulent actors makes detection extraordinarily difficult. Illicitly edited logs often appear fully compliant unless a roadside officer undertakes extensive cross-referencing with other documentation, such as fuel receipts or toll records. However, it has also come to our attention that some fraudulent entities can produce supporting documentation—fuel and food receipts, for instance—using AI, further complicating vetting of a driver's electronic logs. This remote and illegal manipulation enables fatigued or unsafe drivers to remain on the road, potentially allowing criminals and exploited drivers to fly under the radar. It simultaneously poses a real security threat to logistics infrastructure. Devices with foreign remote-access capabilities could, in the worst-case scenario, provide adversarial actors with visibility into fleet movements, operational patterns, or sensitive supply chain data.

ATA has warned that the presence of fraudulent or easily manipulated ELDs creates an uneven playing field for compliant carriers and erodes confidence in the federal safety framework. When operators can purchase devices that allow them to cheat, falsify logs, or conceal violations, it rewards unsafe behavior and disadvantages the majority of carriers who invest in compliant systems and prioritize safety. Moreover, the use of foreign-sourced ELD hardware with limited transparency raises broader national security concerns, particularly when these devices have the capability to transmit location, operational, and logistical data to unknown third parties.

The consequences of ELD fraud are still being fully understood; however, federal entities have taken these threats seriously. FMCSA has already announced changes that strengthen the ELD certification and review process for new registrants and revoked dozens of noncompliant devices in 2025. ATA emphasizes the need for stronger oversight of ELD manufacturers already listed in the registry, more rigorous vetting of devices before they are approved, swift removal of noncompliant devices, and mechanisms to hold carriers who use those devices accountable.

ATA strongly supports FMCSA's recent enforcement actions and urges Congress to play a role in expanding federal oversight and enforcement of ELD providers, including but not limited to:

- More rigorous vetting of ELD manufacturers, with particular scrutiny of foreign ownership, data-handling practices, and cybersecurity safeguards.
- Ending self-certification and replacing it with a certification and approval process that includes technical testing and security review.
- Regular audits and spot checks to ensure devices continue to meet federal technical specifications after approval, and swift removal of noncompliant devices and clear guidance to carriers on reinstatement and corrective action requirements.
- Enhanced penalties for carriers and drivers who knowingly use fraudulent or manipulated ELDs.

A secure and trustworthy ELD registry is essential to maintaining the integrity of the HOS system, protecting compliant carriers, and ensuring that fatigue-related risks are minimized. Like CDL issuance, weaknesses in ELD oversight create systemic vulnerabilities that can be exploited by those seeking to evade safety rules—or by foreign actors seeking to access or disrupt critical transportation data. Strengthening the ELD program is therefore not only a safety imperative but a national security necessity.

### **B-1 Visas and Cabotage**

The Mexican trucking industry plays a vital role in USMCA trade. Because U.S.-based truck drivers largely do not drive across the border to Mexico to pick up freight, Mexican drivers often enter the U.S. through the B-1 visa program with loaded trailers. B-1 drivers typically drop loaded trailers at U.S. trucking company terminals in the border zone, then return to Mexico with loaded or empty trailers. Without the services of Mexican-based fleets and B-1 drivers, cross-border freight would grind to a halt.

Unfortunately, this integral component of our international supply chains is often exploited by bad actors. Drivers who hold a B-1 visa are not permitted to haul domestic freight within the U.S., but some U.S.-based carriers encourage Mexican drivers to haul point-to-point within the U.S. so they can charge a lower rate for their services. For instance, when a Mexican driver arrives at a U.S. motor carrier terminal, the driver may be told to park his Mexican truck and get into one of the U.S. carrier's trucks to

haul a load point-to-point in the U.S. This practice of a U.S.-based carrier hiring foreign drivers without the necessary work authorization to haul point-to-point in the U.S. is often referred to as cabotage.<sup>7</sup>

The laws and regulations related to cabotage are intended to protect American drivers and law-abiding carriers from unfair competition. However, unscrupulous motor carriers illegally use B-1 drivers because they can get away with paying them significantly less than U.S. drivers. On top of that, by illegally employing these drivers, fleets can avoid paying benefits and payroll taxes. Cabotage is not a technicality or a minor paperwork violation: it is illegal, exploitative of Mexican drivers, and unfair to law-abiding motor carriers and American drivers. U.S. carriers who flout these rules gain an unlawful competitive advantage, distort the marketplace, and put compliant operators at risk of closure.

The scope of the problem is significant. As the 2019 prosecutions in Nogales, Arizona, demonstrate, this activity generates millions of dollars in illegal revenue for corrupt carriers while hollowing out American jobs. In one case, a company reaped \$2.4 million by coercing unauthorized foreign drivers to haul point-to-point in the U.S., while another netted \$1.3 million before being shut down.<sup>8</sup> These are not isolated bad actors—they are part of a pattern of willful lawbreaking that undermines the integrity of our supply chain.

U.S. Customs and Border Protection's (CBP) enforcement actions provide insights into how widespread this illegal practice has become. ATA has learned that recent checkpoints established by CBP's Customs Trade Partnership Against Terrorism (CTPAT) Office revealed multiple cabotage violations within the border zone. In fact, the CTPAT Office recently warned motor carriers in the program that violations of cabotage rules would risk CTPAT certification.

Additionally, last year, CBP detained two Mexican truck drivers and seized their commercial vehicles in Arizona after the drivers illegally hauled domestic U.S. freight. CBP officers revoked the drivers' border crossing cards due to violations of their visa terms. These incidents occurred after CBP issued an alert back in May of 2025 reminding U.S. motor carriers of cabotage regulations and the consequences of violations.<sup>9</sup>

Again, it cannot be emphasized enough: legitimate drayage services are essential to cross-border freight, and both the trucking industry and American economy would suffer if this system were to be disrupted. However, ATA strongly supports Federal intervention to stop bad actors who exploit foreign drivers to haul domestic freight. In September of this year, ATA wrote to DHS Secretary Kristi Noem requesting greater enforcement of cabotage regulations.

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<sup>7</sup> While the term cabotage technically refers to foreign carriers providing point-to-point service in the U.S., it is regularly used to describe any point-to-point delivery made by a foreign driver, whether hired by a foreign motor carrier or a U.S. motor carrier. This is how we are using this term.

<sup>8</sup> Pendergrast, Curt (2019, April 23). *Feds Say Nogales Trucking Companies Illegally Hired Mexican Drivers*. Tucson.com [https://tucson.com/news/local/feds-say-nogales-trucking-companies-illegally-hired-mexican-drivers/article\\_d2c5d8e9-7361-535a-bc69-670c5cabf07f.html](https://tucson.com/news/local/feds-say-nogales-trucking-companies-illegally-hired-mexican-drivers/article_d2c5d8e9-7361-535a-bc69-670c5cabf07f.html)

<sup>9</sup> Fletcher, N. (2025, December 1). *Border Patrol Detains Mexican Truck Drivers for 'Cabotage'*. *Transport Topics*. <https://www.ttnews.com/articles/mexican-truckers-cabotage-us>

One potential tool to deter bad actors from engaging in this type of exploitation is an export manifest, which we know CBP is already considering. Today, there is no practical way of tracking when a Mexican driver leaves the U.S. With the submission of an export manifest, driver information would be recorded just as it is for import manifests. By collecting export data via an export manifest, CBP would be able to identify patterns that indicate potential cabotage violations by B-1 drivers. For example, if a Mexican driver entered the U.S. to haul a load to Laredo, TX, and stayed in the U.S. for three weeks, that would raise a red flag. ATA believes that tracking this data is the first step in drastically reducing cabotage violations.

### **Department of Defense's Freight Issues**

ATA's Government Freight Conference is a group of motor carriers and drivers that proudly transport freight for the U.S. government, including arms and ammunition, combat vehicles, and other sensitive cargo. Department of Defense regulations require motor carriers to register and, as part of participation in the Department's freight program, comply with rules specific to the transportation of sensitive military freight (e.g. constant surveillance and custody of a shipment, unique training for drivers, the use of specialized equipment, and employing drivers with security clearances.) These requirements are commonly referred to as Transportation Protective Services. In 2024, the Department proposed to waive these important services to increase capacity during a "surge" in shipments of arms and ammunition. ATA opposed the proposal, arguing that allowing unqualified carriers and drivers to haul munitions that have little or no experience in hauling this sensitive, dangerous commodity was an unnecessary risk to national security and highway safety. The Department was intent on moving forward with its policy change, so ATA worked with Congress to enact a prohibition as part of the National Defense Authorization Act (NDAA) for FY25 [P.L. 118-159, Section 852].

In recent years, the trucking industry has shared data with the Department that indicates systemic waste, fraud, or abuse within certain segments of its transportation program, and we have attempted to work collaboratively with the Department to address these issues. In many cases, military shipments are awarded to service providers that are not authorized to transport sensitive freight or cannot meet the service requirements. In other words, the Department is awarding shipments to unauthorized carriers to transport M1 Abrams tanks, Stryker and Bradley fighting vehicles, and other armored vehicles across our nation's highways and onto our military installations. This undermines the viability of the Department's legitimate trucking capacity that has invested in the training and safety protocols to ensure these commodities are transported safely. Moreover, this practice compromises the safety and security of some of our military's most sensitive cargo by putting it in the hands of unvetted carriers and drivers with unknown intentions.

To begin the process of eliminating this vulnerability, ATA worked with Congress last year to enact several provisions in the FY26 National Defense Authorization Act. Included in the FY26 NDAA were: (1) an audit of the Department's Freight Carrier Registration Program (FCRP) to ensure service providers have active USDOT operating authority, (2) an update of the FCRP to ensure service providers are clearly listed as a motor carrier or broker, (3) Global Freight Management training for transportation officers and service providers, and (4) a process for stakeholders to notify the Department of potential violations of policy. These provisions are intended to ensure that authorized carriers are using qualified drivers to transport sensitive military freight. ATA looks forward to working with Congress and the Department to continue ensuring that the military's most sensitive freight is transported by service providers who are qualified to move those goods safely.

## **In Conclusion**

Chairman Van Drew, Ranking Member Crockett, and members of the subcommittee, thank you again for the opportunity to testify on behalf of the American Trucking Associations.

An unwavering commitment to safety is at the core of ATA. We firmly believe that the CDL should represent a promise to everyone sharing the road that the person behind the wheel of an 80,000-pound vehicle is qualified, competent, and accountable.

Unfortunately, years of lax and uneven enforcement at both the federal and state levels have undermined that promise. As I laid out in this testimony, systemic breakdowns in the systems that manage driver training, state licensing, carrier vetting, and cross-border trade pose significant threats to the supply chain and the motoring public. Bad actors and negligence expose these faults.

But as this testimony has also laid out, solutions exist. Some are already being implemented. Our industry is encouraged by Secretary Duffy's clear understanding that safety is trucking's North Star, and we appreciate Congress' attention to this issue.

Further steps can be taken to build on this progress. States must strengthen their verification systems. Federal agencies need to remain vigilant by enforcing existing regulations or considering new ones. Congress should work with industry partners on commonsense legislation to bolster the efforts of this administration.

We must secure these systems to maintain a qualified workforce in the trucking industry, not only to protect the supply chain, but to protect the motoring public. There are ways to effectively administer state licensing, driver training and vetting, and cross-border trade while still providing opportunities for qualified drivers to work in our industry.

This isn't about politics. Highway safety is not a partisan issue. Truck drivers, motorists, families, and businesses all benefit when standards are enforced and bad actors are removed from the system.

Truck drivers are professionals, and the public deserves to know every CDL holder has earned that title. Lives, American jobs, and our national security depend on it.