

AFL-CIO

— STATEMENT FOR THE RECORD —

Subcommittee on Oversight, Investigations, and Accountability Hearing *Highway Safety Under Threat: Examining Non-Domiciled CDL Issuance* [] Wednesday, March 4, 2026

The AFL-CIO is a federation of 64 affiliated unions representing more than 15 million workers across all sectors of our economy. Our members work in every state in the nation and they come from every region of the world. Like the workforce as a whole, our membership consists of people with all types of immigration status. Together, we strive to ensure that every person who works in this country receives decent pay, good benefits, safe working conditions, and fair treatment on the job.

Workers with commercial drivers licenses (CDLs) make our country run and provide a wide range of important services. They carry children to and from school. They drive millions of people to and from work on buses. They ensure our communities are clean through sanitation and recycling pickup. They support our nation's utility infrastructure, manufacturing plants and airports. And they carry commercial freight across U.S. highways and along our roads and city streets so that we can get the things we need to live and support our families.

Unfortunately, the Department of Transportation (DOT) has twice tried to prohibit nearly 200,000 workers with *lawful work authorization*, including many union members, from renewing their CDLs and will prohibit thousands more from obtaining new licenses. This will be devastating for lawful immigrant drivers all around the country, many of whom, in reliance on the prior rules, invested thousands of dollars into training for careers requiring a CDL. It will also create needless disruptions in public services in our communities and critical supply chains that make our economy work.

DOT's first attempt at issuing this rule failed because the U.S. Court of Appeals for the D.C. Circuit found that it was likely procedurally flawed. The court also found that the rule was likely unlawful because while DOT premised its rule on safety, its own data indicated that the CDL holders excluded by the rule (immigrant drivers) were involved in fatal crashes *at a lower rate* than CDL holders who are not excluded, meaning the rule would worsen, and not improve, safety.

But DOT has continued to pursue this unlawful agenda. The agency began using their annual program review process to demand that states immediately cease issuing non-domiciled CDLs, in essence achieving what federal courts said they could not do.¹ And, despite thousands of comments opposing the rule, including comments from the AFL-CIO, AFSCME, AFT, ATU, IBEW, Teamsters California, and USW, on February 13, 2026, DOT issued nearly the identical

¹ The full list of states that have received a preliminary determination of substantial noncompliance for their issuance of non-domiciled CDLs is available [here](#).

rule that had been previously stayed, which has again been challenged in the U.S. Court of Appeals for the D.C. Circuit.

Throughout this process, DOT has cherry picked, from the tens of thousands of fatal accidents per year, a handful of examples caused by people with a single characteristic of having noncitizen status. But there is no evidence showing a correlation between immigration status and unsafe driving, a fact that DOT admitted in their initial rule issuance that “[t]here is not sufficient evidence, derived from well-designed, rigorous, quantitative analyses, to reliably demonstrate a measurable empirical relationship between the nation of domicile for a CDL driver and safety outcomes in the United States such as changes in frequency and/or severity of crashes or changes in frequency of violations.”

We call on Congress to hold DOT accountable and to demand that it not issue rules that discriminate arbitrarily. Instead, DOT should focus on lifting standards for all workers and making our roads safer.