AFFTRA | HUMAN DRIVER PROTECTION

Policy clarification - October 13, 2026

Supplement to the September 20, 2026 Legislative Discussion Draft. Privately prepared discussion proposal; not an introduced bill.

Scope and controlling interpretation

AFFTRA proposes to ban driverless commercial freight trucks operating on public roads with no properly licensed and qualified human professional physically onboard. Automation may assist or perform driving functions while retaining a qualified onboard driver or technician. The professional must have meaningful operational, safety, and emergency responsibilities; nominal occupancy or remote-only supervision does not satisfy this requirement.

This clarification supersedes inconsistent human-driver language throughout the attached September draft, including the Executive Summary, Section 101, the quick reference, and related definitions or rationale. The earlier references requiring the professional to remain physically behind the wheel or in the driver's operating position at all times do not express the clarified proposal.

Replacement policy language for Section 101

Section 101. Prohibition on Unoccupied Driverless Commercial Freight Trucks. A covered commercial freight vehicle operating on a public road in the United States shall retain a properly licensed and qualified human professional physically onboard as a driver or onboard technician with meaningful operational, safety, and emergency responsibilities. Operation without such an onboard professional shall be prohibited. Remote supervision, monitoring, or operation alone shall not satisfy this requirement.

Nothing in this section shall categorically prohibit driver-assistance technology or automated driving systems that retain the qualified onboard professional. The final statute shall define qualifications, responsibilities, intervention capability, operating conditions, and accountability for such systems.

Driver benefit, rest, and safety

The policy objective is for professional drivers to share in the benefits of automation through improved safety, genuine rest, better working conditions, and fair compensation, while remaining an integral part of freight transportation.

Resting or sleeping onboard during automated travel is a potential future use case to evaluate, not an authorization in this draft. It should be permitted only if the system can safely operate without requiring a resting person to supervise or respond immediately, and applicable law and validated operating requirements permit it. The final framework must address emergency response, safe fallback, genuine rest, duty status, hours of service, and compensation. Human presence alone does not establish safe operation or qualifying rest.

Legislative drafting note

Conform the operative provisions and summaries to this clarification before introduction. Establish enforceable safeguards against token onboard staffing, wage reduction, unpaid required responsibility, and unsafe rest interruptions. This supplement changes the human-driver policy only; it does not revise the other pillars or resolve other drafting questions in the September document.

AFFTRA

AMERICAN FAIR FREIGHT AND TRANSPORTATION REFORM ACT

LEGISLATIVE DISCUSSION DRAFT

A five-pillar federal proposal for human-driver protection,
freight economics, professional compensation, and transaction transparency.

Prepared for Congressional Review

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“Safety starts with the economics.”

DISCUSSION DRAFT - NOT AN INTRODUCED BILL

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Executive Summary

AFFTRA is a proposed federal framework for commercial freight transportation built around a single policy premise: safety and compliance are shaped by economic incentives as well as operating rules.

The proposal does not identify brokers, carriers, shippers, receivers, or drivers as the sole cause of industry problems. Instead, it establishes five interconnected standards intended to change the financial incentives surrounding freight pricing, intermediary compensation, professional-driver hiring, required labor, and disclosure.

- Pillar One - Human Driver Protection: require a properly licensed and qualified human driver physically behind the wheel of covered commercial freight trucks on public roads; assistance technology may support, but not replace, the required driver.
- Pillar Two - Minimum Freight Compensation: require at least $5.00 per loaded mile to the carrier for covered brokered or otherwise intermediated freight movements exceeding 300 loaded miles, applying to every loaded mile of the qualifying movement.
- Pillar Three - Brokerage Compensation Reform: limit aggregate brokerage and covered intermediary compensation to 3% of the defined shipper-paid transportation amount, with anti-evasion rules.
- Pillar Four - Professional Driver Compensation and No Unpaid Labor: require at least $1.00 per dispatched hub mile in take-home driving compensation for covered company drivers, loaded or empty, with benefits additional; required non-driving labor is separately compensable.
- Pillar Five - Automatic Transaction Transparency: require automatic pre-booking disclosure of covered transaction information to entitled parties so the economic rules can be verified.

The five pillars are designed to operate together: protect the human professional; establish a freight-economics floor; realign intermediary incentives; realign carrier labor incentives; and make the transaction participant-verifiable. Government enforcement remains necessary for fraud, falsification, retaliation, deliberate underpayment, and other violations.

This document is a privately prepared legislative discussion draft. It is not an introduced bill, an official congressional document, a CBO estimate, or a formal legal opinion.

Part 1 of 4 - Purpose and Core Requirements

Quarter One establishes the Act and its five interconnected pillars.

Section 1. Short Title

This Act may be cited as the “American Fair Freight and Transportation Reform Act,” or “AFFTRA.”

Section 2. Purpose

The purpose of this Act is to establish a national economic framework for commercial freight transportation designed to align the financial incentives of motor carriers, freight brokers and other intermediaries, professional drivers, shippers, and receivers with lawful, safe, transparent, and sustainable freight transportation.

Congress should recognize that transportation safety is affected not only by operating regulations, but also by the economic incentives under which transportation businesses and professional drivers operate.

> **Safety starts with the economics.**

The Act does not designate any single participant in the freight system as the cause of the industry's problems. Instead, it establishes minimum economic standards intended to remove financial incentives for below-standard freight compensation, concealed intermediary compensation, underpayment of professional drivers, unpaid required labor, and avoidance of existing qualification and safety requirements.

Pillar One - Human Driver Protection

Section 101. Prohibition on Fully Autonomous Commercial Freight Trucks

A covered commercial freight vehicle operating on a public road in the United States shall have a properly licensed and qualified human driver physically present in the driver's operating position and responsible for the safe operation of the vehicle.

A fully autonomous commercial freight vehicle shall not operate on a public road without such a driver. Remote supervision, remote monitoring, remote operation, or the presence of a person who does not have meaningful responsibility for operation of the vehicle shall not satisfy this requirement.

Nothing in this section shall prohibit technology designed to assist a qualified human driver, including collision avoidance, emergency braking, stability control, lane assistance, driver monitoring, and other safety technologies.

> **The distinction is between technology assisting the professional driver and technology replacing the required professional driver.**

Legislative purpose: preserve the qualified human professional as an integral component of commercial freight transportation and prevent the economic protections in AFFTRA from becoming a bridge toward eliminating the onboard professional-driver workforce.

Pillar Two - Minimum Freight Compensation

Section 201. Five-Dollar Minimum Loaded-Mile Standard

For every covered brokered or otherwise intermediated freight movement exceeding 300 loaded miles, the motor carrier actually performing the transportation shall receive not less than $5.00 per loaded mile for every loaded mile of the covered movement.

The statutory amount is a minimum, not a maximum. Parties remain free to negotiate any rate above the floor. The minimum represents carrier linehaul compensation and does not include brokerage compensation or separately compensable accessorial services.

Section 202. Every Load Begins at Point A

The minimum shall not depend upon whether a shipment is characterized as a backhaul, return load, repositioning load, reload, headhaul, favorable-lane load, undesirable-lane load, or another description of the carrier's previous or anticipated movement.

Every covered shipment begins at its own Point A.

The carrier's desire to return to another geographic market shall not reduce the statutory minimum applicable to the transportation service being performed. The policy objective is to establish a minimum transportation-revenue environment intended to support legitimate operating costs and a reasonable opportunity for sustainable business profit; it does not guarantee the profitability of every individual carrier or shipment.

Pillar Three - Brokerage Compensation Reform

Section 301. Three-Percent Maximum Aggregate Brokerage Compensation

Total brokerage and covered intermediary compensation for arranging a covered freight transaction shall not exceed 3% of the defined shipper-paid transportation amount.

The limitation applies to aggregate compensation. A broker, agent, affiliate, subcontracted intermediary, or additional intermediary does not create an additional percentage allowance merely by adding another entity.

Administrative, technology, consulting, service, affiliate, or similar charges shall not be used to conceal brokerage compensation. A genuinely separate service may be compensated separately only when actually performed, independently identified, agreed to in advance, and disclosed.

Legislative purpose: change the method of earning, not impose a ceiling on annual broker income. Under a percentage structure, greater qualifying transportation value can produce greater dollar compensation without rewarding a larger undisclosed spread at the carrier's expense.

Pillar Four - Professional Driver Compensation and No Unpaid Labor

Section 401. One-Dollar-Per-Mile Professional Driver Standard

A covered company driver shall receive not less than $1.00 per dispatched hub mile in take-home driving compensation, loaded or empty. Benefits required under this Act shall be provided in addition to, and shall not be credited against, the mileage minimum.

Required repositioning mileage associated with the driver's dispatched work shall be included. The final statutory language shall define the payroll calculation necessary to implement the take-home standard, including required withholding, voluntary deductions, reimbursements, and benefits.

Section 402. Economic Incentive for Professional Qualifications

The driver compensation standard is intended to change the economics of the carrier's hiring decision. Existing driver-qualification and employment rules remain independently enforceable; AFFTRA does not replace them.

When a carrier cannot obtain a lawful competitive advantage simply by paying one driver below the statutory professional compensation floor, the intended result is to place greater competitive value on experience, qualifications, safety performance, professionalism, reliability, productivity, lawful employment, and lawful operation.

Section 403. No Unpaid Required Labor

> **The mileage compensation pays for driving. It does not purchase unlimited additional labor.**

A covered driver shall be compensated separately for required non-driving work, including as applicable pre-trip and post-trip inspections, loading and unloading labor, cargo securement, tarping and untarping, fueling, required paperwork, required equipment servicing, mandatory training, and controlled waiting or detention during which the driver remains responsible for work or is not genuinely relieved of duty.

A carrier shall not satisfy the mileage requirement by requiring additional compensable work without payment.

Pillar Five - Automatic Transaction Transparency

Section 501. One-Hundred-Percent Transaction Transparency

Before a covered freight transaction is booked, the parties entitled under this Act shall receive the financial information applicable to the transportation transaction. No request for disclosure shall be required.

The transaction record shall identify, as applicable, the shipper-paid transportation amount; carrier compensation; brokerage and intermediary compensation; applicable driver compensation basis; accessorial charges; detention; stop pay; loading and unloading charges; lumper charges; fuel-related charges; bonuses; rebates; credits; deductions; and other financial adjustments affecting the covered transaction.

Where driver or owner-operator compensation is calculated as a percentage of transportation revenue, the person receiving that percentage shall have access to the actual transaction amount upon which compensation is calculated.

The disclosure requirement applies to entitled parties to the transaction. It does not require publication of private freight transactions to the general public.

Section 502. Participant-Verifiable Compliance

Transparency is intended to support verification of the other economic rules. The transaction record should allow affected parties to determine whether the carrier received the applicable freight minimum, brokerage compensation remained within the statutory limit, disclosed charges and deductions were accurately accounted for, and percentage-based compensation was calculated from the correct amount.

Transparency supplements rather than replaces government enforcement. Fraudulent records, deliberate underpayment, concealment, retaliation, or other intentional violations remain subject to investigation and enforcement.

Section 601. Integrated Economic Structure

The five pillars shall be interpreted as interconnected components of a single transportation framework.

Pillar One protects the human professional. Pillar Two establishes the minimum economics of covered freight transportation. Pillar Three restructures the financial incentive governing intermediary compensation. Pillar Four restructures the carrier's labor incentive, establishes professional-driver compensation, and requires payment for required labor. Pillar Five makes the covered financial transaction visible to affected parties so compliance can be verified.

AFFTRA establishes the floor. Competition remains above the floor.

Part 2 of 4 - Definitions, Calculations, Compensation, and Anti-Circumvention

Quarter Two defines the scope, calculations, and anti-evasion rules.

Title II - Definitions and Application

Section 701. Covered Freight Transportation

“Covered freight transportation” means transportation of property by a motor carrier in interstate commerce, or in commerce affecting interstate commerce, regardless of trailer type, body type, equipment type, commodity, service classification, or ordinary industry description, except where expressly excluded by this Act.

Covered freight transportation may include dry van, refrigerated, flatbed and other open-deck equipment, step deck, removable gooseneck and specialized trailers, tank vehicles, hopper equipment, container and intermodal equipment, and other commercial motor vehicles transporting property.

The term “covered” describes transportation subject to this Act. It does not mean that the cargo or trailer must be physically enclosed or covered.

Application shall not turn solely upon whether transportation is described as OTR, regional, dedicated, irregular route, backhaul, headhaul, expedited, specialized, open deck, dry van, reefer, tanker, or another industry classification.

Section 702. Covered Freight Transaction

A “covered freight transaction” means a transaction involving covered freight transportation to which one or more requirements of this Act apply. For the $5.00 freight minimum, the transaction is a brokered or otherwise intermediated freight movement exceeding 300 loaded miles. Other provisions may apply without regard to that threshold.

Section 703. Motor Carrier

“Motor carrier” means the person or business legally responsible for performing the covered motor transportation. Protected carrier payment shall not be artificially redirected through an affiliate, management company, dispatch company, leasing company, or other entity for the purpose of defeating the statutory minimum.

Section 704. Broker and Intermediary

“Broker” includes a person or entity arranging transportation for compensation within the applicable federal definition. “Intermediary” includes another person or entity participating in arranging transportation when its function or compensation would otherwise permit circumvention of this Act.

The substance of the service performed shall control over the name assigned to the business or charge. Brokerage activity cannot escape the Act merely by being labeled dispatching, consulting, logistics management, technology services, administrative services, coordination, agency services, or another designation.

Title III - Freight Compensation

Section 801. Application of the $5.00 Minimum

For a brokered or otherwise intermediated covered freight movement exceeding 300 loaded miles, the motor carrier shall receive not less than $5.00 multiplied by the number of loaded miles of the

movement. Once the movement exceeds the threshold, the minimum applies to the entire qualifying loaded movement.

Section 802. Measurement of Loaded Miles

The final Act shall establish a uniform mileage standard that cannot be manipulated through shortened commercial mileage tables or routing methods that materially understate transportation actually required. Required routing attributable to vehicle dimensions, weight, hazardous-material restrictions, permits, or other lawful routing requirements shall be accounted for.

Section 803. No Backhaul Exception

A carrier's previous movement, next movement, home terminal, preferred operating area, or desire to reposition equipment shall not reduce the statutory minimum applicable to the current covered shipment.

Every load begins at Point A.

Section 804. Specialized and Higher-Cost Freight

The $5.00 minimum shall not be construed as establishing $5.00 per mile as an appropriate market price for every shipment. Specialized, hazardous, oversized, overweight, temperature-controlled, high-value, time-sensitive, open-deck, or other freight may require compensation substantially above the statutory minimum.

The statutory minimum is a floor. It is never a ceiling.

Section 805. Short-Haul and Partial Freight

Freight movements of 300 loaded miles or fewer shall not automatically be assigned the $5.00 long-haul formula. Congress should establish a separate short-haul compensation methodology recognizing substantial fixed time and operating costs despite fewer miles.

Less-than-truckload, partial, multi-stop, and consolidated freight require rules preventing artificial division from being used to evade the statutory minimum. A final formula remains a drafting decision and should not be invented merely to fill the blank.

Section 806. Prohibition on Artificial Load Splitting

A covered movement shall not be divided into multiple transactions, bills, dispatches, intermediaries, or nominal transportation segments when the principal purpose is to evade the minimum freight-compensation requirement. The final statute shall establish factors distinguishing legitimate transfers and separate services from artificial division.

Title IV - Brokerage Compensation

Section 901. Three-Percent Aggregate Limit

Total compensation for brokerage and covered intermediary services associated with arranging a covered freight transaction shall not exceed 3% of the defined shipper-paid transportation amount. The percentage is an aggregate transaction limit, not an individual allowance for every intermediary.

Section 902. No Disguised Brokerage Compensation

Administrative, platform, technology, transaction, coordination, management, consulting, processing, affiliate, commission, rebate, or substantially similar charges shall not create additional brokerage compensation when the charge represents payment for arranging transportation.

The legal question is what service was actually performed, not what the company called the charge.

Section 903. Broker Incentive Structure

Nothing in the Act limits total annual broker income, prevents arranging additional freight, or prevents transportation prices from exceeding the freight minimum. The intended structure allows a broker earning a percentage to increase the dollar value of permitted compensation by negotiating greater value into the transaction rather than by increasing an undisclosed spread at the carrier's expense.

Title V - Professional Driver Compensation

Section 1001. Dispatched Hub Miles

“Dispatched hub miles” means actual miles driven by the driver in performing transportation or repositioning required by the carrier. The standard includes loaded and empty dispatched miles. A carrier shall not use a mileage calculation that materially understates actual dispatched driving in order to reduce compensation below the statutory minimum.

Section 1002. One-Dollar Take-Home Minimum

For each dispatched hub mile, the covered company driver shall receive at least $1.00 in take-home driving compensation. The final statutory formula shall define the employer's required gross compensation necessary to produce the protected amount after mandatory payroll withholding.

Benefits, expense reimbursement, and legitimate per diem are additional and shall not replace the wage. Bonuses may be additional but shall not disguise payment below the underlying minimum.

Section 1003. Hiring Incentive

The professional-driver compensation requirement is intended to change the financial calculation surrounding recruitment and retention. Existing federal driver-qualification and employment-authorization requirements remain independently enforceable.

When the statutory professional compensation floor applies regardless of whom the carrier hires, paying dramatically less for one driver than another is no longer a lawful competitive strategy below that floor. The intended hiring incentive shifts toward qualification, experience, safety performance, professionalism, reliability, productivity, lawful employment, and lawful operation.

Section 1004. No Unpaid Required Labor

Driving compensation pays for driving. Required work outside driving shall not become free labor merely because the driver also receives mileage compensation.

Required non-driving work shall be separately compensable, including applicable inspections, cargo securement, tarping and untarping, loading and unloading performed by the driver, fueling, required paperwork, equipment servicing performed or supervised by the driver, mandatory training, and controlled detention or waiting.

The final statute shall establish the applicable hourly minimum and allocation of payment responsibility.

Section 1005. Detention and Controlled Waiting

No universal unpaid two-hour waiting period shall be recognized under this Act. When a driver reports at the time required and is thereafter subject to facility or employer requirements, compensable controlled waiting shall begin according to the final statutory standard.

Voluntary early arrival shall not automatically create a payment obligation, but required early arrival cannot later be characterized as voluntary unpaid waiting. Genuine off-duty time remains distinguishable from controlled waiting.

Title VI - Transaction Transparency

Section 1101. Pre-Booking Disclosure

Required transaction information shall be automatically disclosed before booking to parties entitled to receive it. No participant shall be required to invoke a right, submit a request, wait until delivery, or request records after payment before receiving information the Act requires before commitment.

Section 1102. Required Transaction Record

The record shall identify the applicable shipper transportation payment; carrier linehaul compensation; brokerage and intermediary compensation; fuel-related charges; accessorials; detention; stop charges; loading or unloading charges; lumper charges; rebates; credits; bonuses; deductions; and other financial adjustments affecting the transaction.

For a percentage-paid driver or owner-operator, the revenue amount upon which that person's percentage is calculated shall be visible to that person. Amounts not determinable before booking shall have their formula or basis disclosed before booking and their final amount recorded when known.

Section 1103. No Transparency Waiver

A party shall not be required to surrender AFFTRA protections as a condition of obtaining freight, providing transportation, employment, or receiving payment. A contractual term purporting to waive a mandatory AFFTRA disclosure or economic protection shall be unenforceable to the extent provided by the Act.

Section 1104. Participant-Verifiable Compliance

The transaction record shall allow affected participants to verify the principal economic requirements without routine government review of every shipment. Participant verification supplements, rather than replaces, governmental enforcement against fraud, falsification, retaliation, deliberate underpayment, or other violations.

Title VII - Anti-Circumvention

Section 1201. Substance Over Form

No person may knowingly structure, label, divide, reroute, reclassify, affiliate, or otherwise alter a covered transaction for the principal purpose of evading a requirement of this Act. The substance of the transportation, labor, brokerage service, and financial transaction shall control over terminology.

- A driverless truck cannot become a supervised truck merely because someone watches it remotely.
- A continuous qualifying movement cannot be divided on paper into unrelated short hauls merely to avoid the mileage threshold.
- Brokerage compensation cannot become an unlimited technology fee merely because an invoice uses different words.
- Dispatched miles cannot disappear because a payroll system uses shortened mileage.

- Required labor cannot become free time merely because a duty-status label changes.
- Mandatory transparency cannot be waived merely because the stronger party places a waiver in a contract.

AFFTRA regulates the economic reality of the transaction, not the label placed on it.

Part 3 of 4 - Enforcement, Remedies, Inflation Protection, Payment, and Implementation

Quarter Three gives the five pillars enforceable consequences while keeping transparency as the first line of accountability.

Title VIII - Enforcement Structure

Section 1301. Existing Federal Agencies

AFFTRA shall be administered and enforced primarily through existing federal agencies with jurisdiction over motor-carrier transportation, employment, and applicable commercial practices. Nothing in this Act requires creation of a private self-regulatory organization or new membership organization as a condition of enforcement.

The Secretary of Transportation, acting through the Federal Motor Carrier Safety Administration where appropriate, should administer transportation, brokerage, transaction-record, and motor-carrier provisions. The Department of Labor should administer employee wage and anti-retaliation provisions within its jurisdiction. Agencies may coordinate investigations involving multiple jurisdictions.

Legislative purpose: establish clear statutory rules. Agencies enforce the requirements; they do not replace them with optional standards.

Title IX - Participant-Verifiable Compliance

Section 1401. Transparency as the First Line of Accountability

The transaction-disclosure system shall serve as the first line of compliance verification. Affected participants can review the applicable transaction record without first requiring a federal investigation.

> **The transaction itself should produce the evidence necessary for participants to identify many violations.**

Government enforcement becomes necessary when a participant refuses payment, falsifies or conceals information, retaliates, or otherwise violates the statutory requirements.

Section 1402. Standardized Electronic Transaction Record

The Secretary of Transportation shall establish a uniform minimum data standard that is technology-neutral. No private software company, load board, freight platform, ELD provider, broker-management system, or transportation-management system shall receive an exclusive compliance right.

The federal government need not operate a national freight marketplace or maintain every transaction in a centralized database. The required information must exist, be accurately maintained, and be accessible to entitled parties.

Section 1403. Record Retention

Working proposal: records necessary to establish compliance shall be retained for not less than three years after completion of the covered transaction, coordinated in final drafting with applicable transportation, tax, employment, and litigation requirements.

Deletion, alteration, falsification, concealment, or destruction of required records for the purpose of preventing verification or enforcement shall constitute a separate violation.

Title X - Payment and Recovery

Section 1501. Payment of Motor Carriers

Working proposal: undisputed carrier compensation shall be paid not later than 14 calendar days after receipt of proof of delivery and required billing documentation. A party disputing a charge shall identify the disputed amount and factual basis; a dispute over one portion shall not authorize withholding unrelated undisputed amounts.

Section 1502. Driver Payment

A carrier's obligation to pay its employee shall not depend upon whether the shipper, broker, receiver, or another party has paid the carrier. Earned mileage compensation and required non-driving compensation shall be paid on the employer's regular lawful payroll schedule.

> **The driver shall not become the involuntary lender financing somebody else's unpaid freight bill.**

Section 1503. Recovery of Underpayments

A person or business receiving less than the applicable statutory amount shall be entitled to recover the unpaid difference, applicable interest, reasonable costs of pursuing the claim, and, where authorized in final language, reasonable attorney fees and additional damages for knowing or repeated violations.

Section 1504. Knowing and Repeated Violations

Congress shall establish escalating civil penalties for knowing, repeated, fraudulent, or retaliatory violations. Factors should include seriousness, amount withheld, number of affected transactions or workers, duration, prior violations, intent, concealment, cooperation, and corrective action.

A promptly corrected clerical mistake should not be treated identically to a systematic business model built around intentional underpayment or falsification.

Section 1505. Pattern or Practice of Evasion

Where a business practice systematically evades AFFTRA, remedies may extend beyond the transaction that produced the complaint. Agencies may examine similarly situated transactions within the limitations period for patterns such as understated mileage, disguised brokerage compensation, false records, unpaid labor, artificial load splitting, or routine withholding of required information.

Title XI - Private Enforcement and Complaint Rights

Section 1601. Right to File a Complaint

A carrier, driver, owner-operator, shipper, broker, receiver, or other person granted a right under this Act may submit evidence of a violation to the responsible federal agency. Electronic submission of transaction records and supporting evidence should be permitted, with expedited resolution where the record establishes a straightforward mathematical violation.

Section 1602. Private Right of Action

Working legislative proposal: a person or business directly injured by an AFFTRA compensation, payment, or disclosure violation shall have a private civil right of action to recover authorized amounts and remedies.

The final legislation must specify jurisdiction, limitations periods, recoverable damages, attorney fees, interaction with administrative remedies, and whether administrative exhaustion is required.

Title XII - Anti-Retaliation

Section 1701. Protected Activity

No person shall discharge, blacklist, discipline, threaten, intimidate, coerce, discriminate against, reduce freight opportunities to, or otherwise retaliate against a covered person because that person lawfully accessed an AFFTRA record, questioned its accuracy, demanded required compensation, reported suspected falsification, filed or assisted with a complaint, provided evidence, testified, or refused to knowingly participate in a violation.

Section 1702. Freight Retaliation

Protection is not limited to traditional employer-employee relationships. A broker or shipper shall not blacklist a carrier because the carrier exercised a protected AFFTRA right; a carrier shall not retaliate against an owner-operator or company driver for the same reason. Legitimate non-retaliatory commercial decisions remain permissible.

Title XIII - Inflation Protection

Section 1801. Preservation of the Economic Floor

AFFTRA's statutory dollar amounts shall not remain permanently frozen at their original nominal values. The $5.00 loaded-mile floor, $1.00 dispatched-hub-mile driver floor, and any statutory hourly minimum for required non-driving labor shall receive automatic periodic adjustment.

Section 1802. Base Period

Working proposal: express initial values in August 2026 dollars using the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, not seasonally adjusted, with the final Act specifying the exact series.

Section 1803. Annual Adjustment

> **Adjusted Minimum = Original AFFTRA Minimum × Current Reference Index ÷ August 2026 Reference Index**

On a fixed annual date, the responsible agency shall publish adjusted standards. Congress need not pass a new law each year merely to preserve the purchasing value of the original standard.

Section 1804. No Automatic Decrease

An inflation adjustment shall not reduce an AFFTRA minimum below the highest previously effective minimum. If the index declines, the existing minimum remains until the formula produces a higher amount.

Section 1805. Transportation Cost Review

Because consumer inflation does not necessarily track commercial-trucking operating costs, DOT should periodically publish an analysis of material changes in equipment, maintenance, insurance, labor, and other major expenses. The review does not automatically alter the statutory minimum unless Congress expressly creates such a mechanism.

Title XIV - Non-Waiver

Section 1901. Core Rights May Not Be Contracted Away

A contract, rate confirmation, employment agreement, lease, broker-carrier agreement, shipper agreement, terms-of-service document, electronic acceptance, or other private agreement shall not waive or reduce a mandatory AFFTRA protection.

This includes, where applicable, the human-driver requirement; freight minimum; brokerage-compensation limitation; professional-driver minimum; payment for required labor; transaction transparency; record retention; and anti-retaliation protections.

AFFTRA establishes the floor. The market remains free above the floor.

Title XV - Implementation

Section 2001. Implementing Rules

Congress should direct responsible agencies to issue only regulations reasonably necessary to administer the statutory requirements. The implementing process shall not transform mandatory protections into optional guidelines.

Section 2002. Implementation Period

Working proposal: proposed implementation rules within 180 days of enactment, final rules within 270 days, and principal economic requirements effective one year after enactment unless Congress specifies otherwise.

Section 2003. Small-Business Implementation

Compliance shall not require expensive proprietary technology. A one-truck owner-operator and small brokerage should be able to comply without enterprise software. Government may publish free technical specifications, model forms, and electronic templates.

Section 2004. No Membership Requirement

No person shall be required to join AFFTRA, McCown Co. LLC, a trade association, a union, or another private organization, or purchase a designated commercial product, to receive, exercise, or enforce a right established by this Act.

Title XVI - The Enforcement Incentive

Section 2101. Economic Consequences for Noncompliance

The economics should favor compliance.

If violating the law is cheaper than following it, the law creates an incentive for continued violation. Remedies and penalties shall therefore be structured so deliberate noncompliance does not produce a financial advantage.

The enforcement model has three layers: first, economic incentives change the financial choices available; second, transparency allows participants to identify many violations; third, meaningful enforcement and recovery apply when somebody knowingly ignores the standards.

Part 4 of 4 - Preliminary Legislative Impact and Rationale Analysis

Quarter Four explains the intended mechanisms, benefits to evaluate, tradeoffs, and evidence Congress should request before final enactment.

Section 2201. Purpose and Analytical Standard

This analysis distinguishes between direct legal effects, intended behavioral mechanisms, and broader outcomes that require empirical evaluation. It does not represent a CBO score, an official regulatory impact analysis, or a guarantee of particular economic results.

AFFTRA's central theory is incentive-based: where existing rules can be economically advantageous to evade, the proposal changes the permitted financial structure, makes the transaction more visible, and attaches meaningful consequences to noncompliance.

> **Rules establish obligations. Economics shapes behavior. Transparency helps reveal whether the obligations were followed.**

Section 2202. Pillar One - Human Driver Protection: Intended Effects

Direct effect: covered commercial freight trucks on public roads would require a properly licensed and qualified human driver physically behind the wheel and responsible for operation.

Intended benefits to evaluate include preservation of professional driving employment, continued human responsibility for complex road interactions, and avoidance of economic displacement from fully driverless freight operations.

Tradeoffs to evaluate include foregone cost savings or productivity gains associated with fully autonomous operations, technology-development effects, and interactions with driver-assistance safety systems. AFFTRA permits assistance technology while prohibiting replacement of the required onboard professional.

Section 2203. Pillar Two - Freight Floor: Intended Effects

Direct effect: covered brokered or otherwise intermediated movements exceeding 300 loaded miles could not be purchased below the applicable indexed carrier linehaul floor.

The intended incentive is to prevent geography, bargaining desperation, or the label “backhaul” from becoming a lawful basis for moving covered freight below the statutory minimum. Every qualifying load is treated as its own transportation service beginning at Point A.

Benefits to evaluate include carrier revenue stability, maintenance and equipment investment, small-carrier viability, payment discipline, and whether fewer carriers accept freight below sustainable operating requirements.

Tradeoffs to evaluate include freight-price changes, effects on low-value commodities, modal substitution, shipment consolidation, direct-contract behavior, and whether a single long-haul floor fits all equipment and operating conditions.

The Act does not claim that $5.00 guarantees profitability for every shipment. The floor is intended to establish a minimum compensation environment while leaving negotiation above the floor open.

Section 2204. Pillar Three - Broker Cap: Intended Effects

Direct effect: aggregate brokerage and covered intermediary compensation would be limited to 3% of the defined shipper-paid transportation amount, subject to final definitions.

The intended incentive is to make broker dollar compensation rise through greater qualifying transportation value and transaction volume rather than through a larger concealed spread between shipper payment and carrier compensation.

Benefits to evaluate include reduction of hidden spreads, alignment of broker and carrier incentives, competition based on service and negotiation, and greater confidence in intermediary transactions.

Tradeoffs to evaluate include brokerage business-model changes, availability of brokerage services for difficult or low-value freight, consolidation among intermediaries, increased direct contracting, and attempts to reclassify brokerage activity as another service.

Section 2205. Pillar Four - Driver Compensation: Intended Effects

Direct effect: covered company drivers would receive at least the indexed $1.00-per-dispatched-hub-mile take-home driving floor, loaded or empty, with benefits additional, and required non-driving labor would be separately compensable.

The central intended mechanism is not merely a wage increase. It is to reduce the lawful financial advantage of recruiting labor primarily because it can be paid substantially less than the professional floor.

Existing driver-qualification, licensing, employment-authorization, English-proficiency, safety, and hours-of-service requirements remain independently enforceable. AFFTRA is intended to change the hiring economics surrounding those rules so that qualification, experience, safety performance, professionalism, reliability, productivity, and lawful operation carry greater relative value in the hiring decision.

Benefits to evaluate include driver earnings, retention, recruitment of experienced drivers, turnover, lawful employment, safety performance, and whether carrier hiring practices shift toward professional qualifications.

The wage floor does not by itself prove or guarantee that unlawful hiring will cease. Enforcement of employment and qualification law remains necessary.

Section 2206. No Unpaid Labor: Intended Effects

Direct effect: required non-driving work would have a separate compensation obligation rather than being treated as automatically included in mileage pay.

The intended incentive is to assign a real economic cost to consuming a driver's time. When detention, securement, loading work, required paperwork, inspections, and other required labor carry a cost, carriers and facilities have a financial reason to schedule and use that labor more efficiently.

Benefits to evaluate include reductions in uncompensated work, detention duration, inefficient appointment practices, driver turnover, and pressure to recover unpaid time through additional driving.

Tradeoffs to evaluate include allocation of responsibility among carriers, shippers, receivers, and intermediaries; appointment disputes; recordkeeping; and whether costs change facility behavior or are passed through to freight prices.

Section 2207. Pillar Five - Transparency: Intended Effects

Direct effect: entitled parties would receive the covered financial transaction information automatically before booking, with later reconciliation of amounts not yet knowable.

The intended mechanism is participant-verifiable compliance. The carrier can verify the freight floor, the broker can demonstrate the compensation calculation, percentage-paid drivers and owner-operators can verify the revenue basis, and shippers can see the transaction structure.

Benefits to evaluate include faster dispute resolution, reduced concealment, easier identification of mathematical violations, reduced need for routine government inspection, and improved enforcement evidence.

Tradeoffs to evaluate include protection of commercially sensitive information, cybersecurity, data standardization, record-storage burdens, and rules defining which party is entitled to which information. AFFTRA does not require public posting of private transactions.

Section 2208. Capacity, Parking, and Industry Structure

AFFTRA's economic provisions may affect the number and composition of carriers and trucks operating in covered markets. The intended theory is that freight and labor floors reduce business models dependent on chronically below-standard freight or labor compensation, while improving the ability of compliant operations to retain qualified professionals.

Congress should evaluate changes in active carrier counts, truck utilization, empty miles, driver turnover, parking demand, freight availability, small-carrier entry and exit, and market concentration.

Any claim that AFFTRA will produce a specific number of trucks, parking spaces, or carrier exits should be treated as a projection requiring evidence rather than as a guaranteed statutory result.

Section 2209. Safety Effects

The proposal's safety theory is economic: better-aligned compensation may reduce incentives to defer maintenance, use underqualified labor, demand unpaid time, or create pressure to make up lost income through additional work.

Congress should evaluate crash rates, out-of-service rates, maintenance violations, driver turnover, hours-of-service compliance, detention, and other relevant safety indicators before and after implementation.

The Act should not state that a particular crash reduction is guaranteed. Safety outcomes are influenced by many variables, and the impact analysis should distinguish correlation from causation.

Section 2210. Employment, Household Stability, and Community Effects

Higher and more predictable lawful compensation may affect household financial stability, job retention, labor-force participation, and local spending in communities where trucking employment is significant.

Congress may also study whether changes in stable employment and earnings are associated with changes in relevant community outcomes, including financial distress and public-safety indicators.

AFFTRA should not state as an established fact that the Act will reduce crime. Crime is affected by many factors. Any community-safety effect should be treated as a secondary hypothesis to evaluate using appropriate data and populations.

The defensible policy proposition is that reducing exploitation and improving stable lawful employment may create broader community benefits worth measuring; the size and direction of those effects must be established empirically.

Section 2211. Small Business Effects

The proposal is intended to establish the same minimum rules across firms rather than require a small carrier or brokerage to negotiate protections individually against a larger counterparty.

Congress should nevertheless evaluate compliance costs, software requirements, access to capital, insurance, freight availability, and whether economic floors create different effects for one-truck operations, small fleets, large fleets, small brokers, and large intermediaries.

Implementation should remain technology-neutral and low-cost so statutory rights do not depend on purchasing enterprise software.

Section 2212. Consumer and Shipper Effects

Some portion of higher freight, labor, compliance, or facility costs may be absorbed through productivity changes, margins, or negotiated relationships, and some portion may be passed to shippers or consumers. The distribution cannot be assumed in advance.

Congress should evaluate transportation prices, consumer-price effects, inventory strategies, shipment frequency, consolidation, mode choice, and service availability, with particular attention to low-margin or time-sensitive commodities.

The impact analysis should distinguish a transfer of revenue among transaction participants from a true increase or decrease in national economic output.

Section 2213. Federal Fiscal and Administrative Effects

AFFTRA is designed to rely heavily on standardized transaction records, participant verification, existing agencies, and private recovery rather than a new federal freight marketplace.

That does not mean administration is cost-free. Congress should request estimates for agency rulemaking, complaint processing, investigations, data standards, technical assistance, enforcement, litigation, and reporting.

A formal federal cost estimate should be obtained during the legislative process. This discussion draft does not represent a Congressional Budget Office estimate.

Section 2214. Required Reporting and Review

The final Act should require periodic public reporting using aggregated data that protects confidential transaction information.

- Carrier and driver compensation trends.
- Brokerage-compensation compliance and disclosure disputes.
- Driver recruitment, turnover, retention, and qualification indicators.
- Unpaid-labor and detention claims.
- Carrier entry, exit, utilization, and market concentration.
- Freight rates and shipper transportation costs.
- Safety indicators and out-of-service data.
- Small-business compliance costs.
- Use of private rights of action and administrative complaints.
- Evidence of circumvention or unintended consequences.

Congress should receive an initial implementation report and recurring evaluations so technical problems can be corrected without abandoning the core economic standards.

Section 2215. Overall Legislative Rationale

AFFTRA's five pillars are intended to work as one incentive system rather than five unrelated regulations.

- Human-driver protection prevents the professional driver from being removed from covered public-road freight operations.
- The freight floor changes the minimum lawful economics of covered intermediated transportation.
- The broker cap changes the permitted intermediary compensation incentive.
- The driver floor and paid-labor requirement change the carrier's labor incentive and assign value to required work.
- Automatic transparency makes the financial structure visible enough for entitled participants to verify many compliance questions themselves.

Safety starts with the economics.

The proposal's broader benefits should be tested rather than assumed. Its core legislative claim is narrower: federal law can structure the economic incentives so lawful, transparent, professional operation is not placed at a competitive disadvantage by practices the Act prohibits.

Appendix A - Five-Pillar Quick Reference

1. Ban Fully Autonomous Commercial Freight Trucks

Require a properly licensed and qualified human driver physically behind the wheel and responsible for operation on public roads. Driver-assistance technology remains permitted when it supports rather than replaces the human professional.

2. $5.00 Minimum Loaded-Mile Freight Floor

For covered brokered or otherwise intermediated freight movements exceeding 300 loaded miles, require at least $5.00 per loaded mile to the carrier for every loaded mile of the qualifying movement. No backhaul exception. Floor, not ceiling.

3. 3% Aggregate Brokerage Compensation Cap

Limit total covered brokerage/intermediary compensation to 3% of the defined shipper-paid transportation amount. Affiliates and disguised fees cannot multiply the allowance.

4. $1.00 Dispatched-Hub-Mile Driver Floor + No Unpaid Labor

Require at least $1.00 per dispatched hub mile in take-home driving compensation for covered company drivers, loaded or empty, with benefits additional. Required non-driving work is separately compensable.

5. Automatic Pre-Booking Transaction Transparency

Require entitled parties to receive covered financial information automatically before booking, with reconciliation of later-known amounts. The record makes the economic standards participant-verifiable.

Five pillars. One economic framework. Safety starts with the economics.

Appendix B - Drafting Decisions for Legislative Counsel

The policy architecture is defined, but the following technical questions should be resolved with congressional legislative counsel and relevant committee staff before introduction:

- Exact constitutional and jurisdictional scope, including intrastate transportation affecting interstate commerce.
- Precise definitions of motor carrier, broker, intermediary, shipper-paid transportation amount, linehaul, accessorial, and genuinely separate service.
- Treatment of genuine direct shipper-carrier contracts and interaction with existing statutory waiver provisions.
- Uniform mileage methodology for loaded miles and dispatched hub miles.
- Short-haul, partial, LTL, multi-stop, consolidated, and legitimate relay/transfer formulas.
- Exact gross-up formula necessary to implement the $1.00 take-home standard and the definition of benefits additional to that amount.
- Hourly minimum and payment-responsibility rules for required non-driving labor, detention, loading, securement, inspections, and other covered work.
- Exact pre-booking disclosure fields, entitled parties, cybersecurity, privacy, and correction procedures.
- Record-retention period and electronic data standard.
- Carrier payment deadline and treatment of bona fide cargo, shortage, damage, and documentation disputes.
- Penalty schedule, private right of action, limitations period, attorney fees, damages, and administrative-exhaustion rules.
- Agency jurisdiction and coordination among DOT/FMCSA, Department of Labor, and other appropriate federal agencies.
- Inflation index, base month, annual adjustment date, rounding, and replacement-index procedure.
- Effective dates, transition rules, and treatment of contracts already in force.
- Formal budget, small-business, safety, labor-market, freight-price, and regulatory impact analyses.

This appendix intentionally identifies unresolved technical drafting questions rather than disguising them as settled law. The next formal step would be conversion of the policy discussion draft into introduced-bill language by or in coordination with congressional legislative counsel.

Selected Legal and Analytical References

49 CFR Part 371 - Brokers of Property — Existing federal broker requirements, including transaction-record rules.

49 CFR Part 391 - Qualifications of Drivers — Existing federal commercial-driver qualification requirements.

49 U.S.C. § 14101(b) — Existing shipper-carrier contract and waiver framework requiring express integration with any non-waivable AFFTRA protections.

29 CFR Part 1978 — Existing whistleblower procedures for certain commercial-motor-vehicle safety protections; AFFTRA would require coverage for its new economic rights.

U.S. Bureau of Labor Statistics - CPI Escalation Guidance — Reference for specifying an inflation-indexed payment formula.

Congressional Budget Office - Cost Estimate Process — Relevant to formal federal budget scoring during congressional consideration.