



PETITION

May 25, 2025

Via US Mail, Email (SecretaryDuffy@dot.gov) &
FMCSA General Petition for Rulemaking Docket

The Honorable Donald J. Trump
President of the United States of America
1600 Pennsylvania Avenue, NW
Washington, DC 20500.

Re: PETITION FOR AN EXECUTIVE ORDER ENFORCING THE FEDERAL EVASION OF REGULATION STATUTE (49 USC §14906) AND THE SHERMAN ANTITRUST ACT (15 U.S. Code § 1681) AGAINST PROPERTY BROKERS (COMMONLY REFERRED TO AS "FREIGHT BROKERS") AND PROHIBITING THE WAIVING OF TRUCKERS' RIGHT TO RATE TRANSPARENCY UNDER 49 CFR 371.3 THROUGH CONTRACTS IN FURTHERANCE OF UNREASONABLE RESTRAINT OF TRADE.

Dear President Trump:

Comes now, the Small Business in Transportation Coalition, Inc. ("SBTC") respectfully requesting you please issue an executive order to address what we believe is evasion of regulation and unreasonable restraint of trade by brokers in the trucking industry.

By way of background, the SBTC is a 21,000+ member 501(c)(6) non-profit transportation industry trade group, which promotes and protects the interests of small businesses in the industry. We encourage ethical business practices and support teamwork, cooperation, transparency, and partnerships among our trucker, small carrier, small broker, small forwarder & small shipper members who seek to network and do business fairly and with the utmost integrity. SBTC therefore represents various stakeholders in the freight broker transparency discussion, which we believe, amounts not so much to carrier versus broker, but big business versus small business.

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You will recall that five years ago, starting on May 1, 2020, dozens of truckers, being exploited by freight brokers at the time through unreasonably low freight rates less than the cost to operate a truck, parked their trucks outside the White House. After 21 days, they secured your commitment to address the issue of freight broker rate transparency insofar as alleged price-fixing and price-gouging during the COVID-19 Global Pandemic were concerned¹.

During the demonstration, on May 6, 2020, the SBTC petitioned then-Secretary Chao to commence rulemaking to strengthen the existing broker rate transparency regulations codified at 49 CFR 371.3.

After a meeting between the truckers and then-White House Chief of Staff Mark Meadows, then-US Attorney General William P. Barr, at your insistence, directed former New Jersey US Attorney Craig Carpenito to open a price-fixing and price-gouging investigation by freight brokers. I was interviewed by the Department of Justice during this investigation and furnished the investigators with what we believe was evidence of an elaborate price-fixing scheme among various industry players.

After the 2020 election, on December 14, 2020, US Attorney General Carpenito resigned. Once President Biden took office, we believe this investigation that you ordered ended and no one was brought to justice. To our knowledge, there was never a publicly announced outcome of this antitrust investigation or press release.

In March of 2023, the Federal Motor Carrier Safety Administration (FMCSA) approved our May 6, 2020 petition for rulemaking to strengthen broker transparency rulemaking. They also approved an additional similar petition filed by the Owner-Operators Independent Drivers Association (OOIDA) about two weeks after our petition was filed. A petition to rescind 49 CFR 371.3 outright filed in August of 2020 by the Transportation Intermediaries Association (TIA) was also denied by the FMCSA at that time.

In May of 2023, the SBTC filed an ethics complaint with TIA against their member company Total Quality Logistics (TQL) arguing the business practice of waiving Federal regulations through contracts violated their Ethics Policy and their best practices. After issuing what we contend was a bogus cease and desist letter to us, TIA acknowledged receipt of this complaint but never communicated with us about our complaint again.

In November of 2024, after it became clear that you had been re-elected President, the FMCSA finally commenced our requested rulemaking under docket TRANSPARENCY IN PROPERTY BROKER TRANSACTIONS (FMCSA-2023-0257).

¹ [Trump says truckers are 'price gouged' as shipping rates plunge | Fox Business](https://www.foxbusiness.com/lifestyle/trump-truckers-price-gouged-shipping-rates-plunge)
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Despite our 2020 petition, which asked the FMCSA to prohibit waivers of 49 CFR 371.3 in brokers' contracts as matters, we believed, of Evasion of Regulation (49 USC §14906) and Unreasonable Restraint of Trade under the Sherman Antitrust Act (15 U.S. Code § 1) and a similar request from OOIDA which asked for waivers to be disallowed, FMCSA ignored our request for waiver prohibition in their proposed rulemaking.

On January 21, 2025, we filed our comments to this docket with the new Administration by letter addressed to you, the last day of the comment period before Secretary Duffy, copied here, was appointed. We immediately forwarded our broker transparency rulemaking comment to him via SecretaryDuffy@dot.gov on January 29, 2025.

Thereafter, in response to an FMCSA FOIA request by one of our Board Members, SBTC learned that FMCSA had, upon "review" of a complaint of non-compliance with 49 CFR 371.3 filed by a entity that was a contracted motor carrier on an interstate load earlier that year, actually directed TQL in writing to **remove the contractual waiver** of 49 CFR 371.3 language in November of 2023 because FMCSA believed it **may constitute a violation of the Evasion of Regulation statute.** FMCSA also directed TQL to comply with broker rate transparency requests filed with them by carriers who are parties to transactions with TQL under 49 CFR 371.3 moving forward.

Thereafter, in February, TQL was sued by the carrier for alleged failure to comply with an "order" of the Secretary. That matter is pending (1:25-cv-00552-SLS PINK CHEETAH EXPRESS, LLC v. TOTAL QUALITY LOGISTICS, LLC).

Disturbingly, earlier this month, the SBTC learned that the TIA, which represents multi-billion dollar freight brokerages, met with the SBA Office of Advocacy in February, which thereafter held an April "Small Business Roundtable" at which SBTC and TIA were both present. SBA Office of Advocacy then filed a comment with Secretary Duffy and USDOT in May, which purported the TIA's position against broker transparency was the position of "small freight brokers" when in reality, it was the position of big business. SBA Advocacy recommended in support of the big brokers' position that USDOT might consider **withdrawing** the current rulemaking sparked by our 2020 petition in the 11th hour and instead start from scratch with a negotiated rulemaking, which appears to be an apparent **political favor** for TIA and their big broker members. Why the SBA Office of Advocacy would advocate for big business under the guise of advocating for small business instead of truly advocating for small business we have no idea.

In response to what we believe is "undue influence" by TIA that may entail a form of political corruption, the SBTC filed May 2025 complaints with both the SBA Ombudsman, as a matter of regulatory fairness, and the SBA Office of the Inspector General. OIG has assigned a case number and they have advised us the issues raised in SBTC's complaint against SBA Office of Advocacy, which, again, alleges

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misrepresentation by SBA Office of Advocacy staff of TIA's broker rate transparency position asserted on behalf of their mega-broker members to Secretary Duffy as being the positions of "small freight brokers" is **"of concern"** and the matter is currently under review by OIG staff.

Whereas, you issued an April 28, 2025 Executive Order on the Trucker English Language Proficiency (ELP) issue, which we very much appreciated considering our CONNOR'S LAW ELP bill was introduced just last Friday into the House (HR 3608), a bill which would codify your ELP order into law, and that Executive Order also *directed the Secretary of Transportation to carry out additional administrative, regulatory, or enforcement actions to improve the working conditions of America's truck drivers:*

"Sec. 5. Supporting America's Truck Drivers. Within 60 days of the date of this order, the Secretary of Transportation shall identify and begin carrying out additional administrative, regulatory, or enforcement actions to improve the working conditions of America's truck drivers."

...comes now, the SBTC to respectfully request that you please issue an new executive order that requires:

- (1) The Secretary complete the current rulemaking in the matter of TRANSPARENCY IN PROPERTY BROKER TRANSACTIONS (FMCSA-2023-0257) within the next 60 days and promulgate a final rule which prohibits brokers from circumventing bona fide Federal regulations and unlawfully deregulating themselves through their contracts;
- (2) The Secretary's rule shall expressly declare brokers may not evade or waive Federal regulations through their contracts with carriers or otherwise disobey regulations, guidance, directives, or orders of the Secretary; and
- (3) The Attorney General re-open an investigation into the brokerage industry insofar as some brokers and other industry entities may be involved in a conspiracy to engage price-fixing, price-gouging, evasion of regulation and/or unreasonable restraint of trade.

On behalf of our 21,000 small business members, we thank you, Mr. President, for your consideration and hope you will re-open your investigation into this matter.

Sincerely,

/JAMES LAMB/

Executive Director

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