

Congress of the United States
Washington, DC 20515

November 17, 2023

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, D.C. 20590

Dear Secretary Buttigieg,

We are gravely concerned about the implementation of the mandate under Section 24220 of the Infrastructure Investment and Jobs Act (IIJA) that amounts to a vehicle kill switch required in every car produced as early 2026.

While this mandate was intended to help detect impaired and drunk drivers, we have significant concerns that the implementation of such a technology mandate will enable the ability to track vehicles and raises significant questions about the implications to constitutional rights and the mechanics of such a system. The potential to misuse this technology to surveil American citizens without a warrant poses a threat to constitutionally protected rights of freedom of association, as well as the protection from unreasonable search and seizure.

The American People need answers about this technology. We have grave concerns about its use against our constituents, safety implications, and potential for abuse of Americans and their constitutional rights.

Please provide answers to the following questions no later than two weeks from receipt:

- 1) Define “impaired driving” and the difference from drunk driving, which is detected by breathalyzer or blood alcohol test, and shows blood alcohol concentration of .08 or above. How would technology in a moving vehicle detect a driver at or above this level?
- 2) How will this technology work and does it exist presently?
 - a) Will it observe driver eye and head movement, or the motion of the vehicle, etc. to determine if a driver is impaired?
 - b) At what point does law enforcement confirm the vehicle’s assessment of the driver?
- 3) What does “passive monitoring” of vehicles entail?
 - a) Will it require inward facing cameras focused on the driver?
 - i) Will any video be stored and processed in real time?
 - ii) How long will data be stored and what privacy protections will be applied?
 - iii) Will data be limited to this application, or will it be available for other purposes?
- 4) How will this technology differentiate between a driver avoiding a pothole / object in the roadway with drunkenness?

- 5) What safeguards will be emplaced to ensure that the system does not falsely classify people with certain disabilities as impaired?
 - a) Will the system minimize false negatives or false positives? What relief will be available to those caught in false positive situations?
- 6) What are the safety implications of this technology?
 - a) Has the possibility of secondary accidents or other safety considerations been studied as it relates to this technology?
 - b) Was an evaluation done of the safety implications of stranding people on the side of the road?
- 7) How will a disabled car navigate traffic, potentially across multiple lanes, to pull off the road safely without creating dangerous hazards?
- 8) How long would a car be disabled and who determines the duration of the disability?
 - a) How would a stranded driver safely be removed from the disabled vehicle on the side of a road? Would the disabled vehicle need to be towed away, and at whose expense?
- 9) FHWA cites road construction, weather, and incidents/accidents as the top three reasons for congestion.¹ How will this technology affect road congestion?
- 10) Who has access to the “passive monitoring” of vehicles, who monitors / controls it?
- 11) How secure is the “passive monitoring?”
- 12) Would law enforcement be notified every time a vehicle is disabled and how would a driver be determined to be drunk or impaired?
- 13) If other cars are hit due to a disabled vehicle, who’s liable, i.e., the driver’s or victim’s insurance, law enforcement, or other governmental entity?

We request responses to these vital questions before any proposed ruling. Thank you for your attention to this important matter. We await your prompt reply.

Very Respectfully,



Scott Perry
Member of Congress



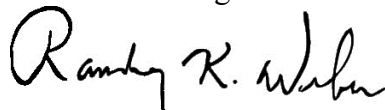
Thomas Massie
Member of Congress



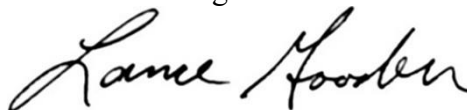
Troy Nehls
Member of Congress



Chip Roy
Member of Congress



Randy Weber
Member of Congress



Lance Gooden
Member of Congress

¹ Federal Highway Administration. (October 6, 2022). *21st Century Operations Using 21st Century Technologies*, U.S. Department of Transportation. <https://ops.fhwa.dot.gov/aboutus/opstory.htm>.



Eric Burlison
Member of Congress



Jeff Duncan
Member of Congress



Andy Biggs
Member of Congress



Andy Ogles
Member of Congress



Michael Cloud
Member of Congress



Warren Davidson
Member of Congress



Matt Rosendale
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Gary Palmer
Member of Congress



Russ Fulcher
Member of Congress



Tim Burchett
Member of Congress



John Moolenaar
Member of Congress



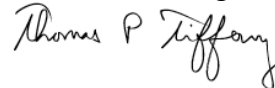
Bob Good
Member of Congress



Harriet M. Hageman
Member of Congress



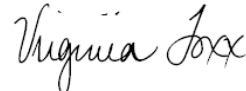
Ben Cline
Member of Congress



Tom Tiffany
Member of Congress



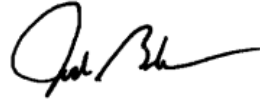
Mike Collins
Member of Congress



Virginia Foxx
Member of Congress



Michael Guest
Member of Congress



Josh Brecheen
Member of Congress



Dan Bishop
Member of Congress



Rich McCormick
Member of Congress



Brian Babin, D.D.S.
Member of Congress



Matt Gaetz
Member of Congress



Glenn Grothman
Member of Congress



Lauren Boebert
Member of Congress



H. Morgan Griffith
Member of Congress



John Joyce, M.D.
Member of Congress