May 15, 2026

The Honorable US Senator Ted Cruz
Chairman, Committee on Commerce, Science & Transportation
167 Russell
Washington, DC 20510

RE: PROTECTING OUR DOMESTIC FREEDOM TO TRAVEL

Dear Senator Cruz:

When you initially ran for office, one of the chief features of your promises to Texans was to protect our constitutional rights. You did so consistently as Solicitor General for 5 years before you became senator. The *Washington Post* described your win as 'the biggest upset of 2012…a true grassroots victory against very long odds." The GRASSROOTS played a pivotal role in getting you elected in 2012, including many of the undersigned groups below.

Today, we implore you to get back to your roots. Our fundamental right to travel is under imminent threat of extinction should the Biden mandate Congress passed in 2021 succeed in forcing a remote kill switch in *EVERY* American vehicle. Senator, God has placed you in a critical role as the Chair of the Senate Commerce, Science, and Transportation Committee because you have authority over dangerous, anti-liberty laws like the "kill switch." This is a threat to privacy and our Constitutional rights! You, sir, are there for such a time as this!

During your campaign announcing you were running for President in 2015 you said: "What is the promise of America? The idea that the, revolutionary idea, that this country was founded upon, which is that *our rights*, they don't come from man. They come from God Almighty. And that the purpose of the Constitution as Thomas Jefferson put it, is to serve as *chains to bind the mischief of government*. **Instead of a government that seizes your emails and your cell phones, imagine a federal government that protected the privacy rights of every American**" (emphasis ours).

On Nov 8, 2025 you stated at an event hosted by The Federalist Society: "…It is time for every politician to decide…where do you stand?…We will stand for liberty, we will stand for the Constitution, and we will stand for the Bill of Rights…" (emphasis ours).

The Texas GOP's Legislative Priorities Committee formally adopted our call to action, asking you to repeal the kill switch as part of the "End Government Overreach" priority, underscoring just how critical this issue is. With a unanimous SREC resolution already passed and delivered to you last year, surely you can see that your base wants action.

The Serious Problem

After 2026, the Biden Infrastructure Investment and Jobs Act (IIJA) requires all vehicles to be equipped with remote vehicle tracking and disabling technology (otherwise known as a remote kill-switch). The only thing that's kept this technology from being forced into our cars is the technology to do so does not yet exist. National Highway Traffic Safety Administration (NHTSA) report to Congress earlier this year states: "To date, there are no in-vehicle technologies in production that can measure blood alcohol concentration (BAC) or breath alcohol concentration (BrAC) at or above 0.08 g/dL passively. Though the two 2024 reports documented some promising technologies, neither report found commercially available technology that detects driver alcohol impairment accurately and passively." [1]

What We Know

IIJA directs NHTSA to develop a standard for advanced impaired driving technology. Section 24220 defines advanced impaired driving prevention technology as technology that has the ability to: "passively monitor the performance of a driver of a motor vehicle to accurately identify whether that driver may be impaired; and (ii) **prevent or limit motor vehicle operation** if an impairment is detected; (B) can (i) passively and accurately detect whether the blood alcohol concentration of a driver of a motor vehicle is equal to or greater than the blood alcohol concentration described in section 163(a) of title 23, United States Code; and (ii) **prevent or limit motor vehicle operation** if a blood alcohol concentration above the legal limit is detected; or (C) is a combination of systems described in subparagraphs (A) and (B).

According to the draft rule NHTSA published in 2024, the technology will include: [2]

- Eye monitoring (using some form of on-board camera to monitor eye glances, facial features, and vehicle kinematic metrics), allowing big government to watch our every move inside our vehicles — which is unconstitutional surveillance as well as an unreasonable search.
- Real-time breath detection – using touch sensors or some other means of breath monitoring.
- Lane monitoring (lane position) — using vehicle data to know if a vehicle is swerving.
- Behavioral and physiological monitoring & detection — combination of technologies to spy on one's driving.

The 2026 NHTSA report to Congress also notes the development of invasive new technologies to detect alcohol impairment in real-time using breath monitoring and touch sensors in vehicles.[3]

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[1] National Highway Traffic Safety Administration, *Report to Congress on Advanced Impaired Driving Prevention Technology* (Washington, D.C.: NHTSA, 2026), https://www.nhtsa.gov/sites/nhtsa.gov/files/2026-03/Report-to-Congress-Advanced-Impaired-Driving-Prevention-Technology.pdf

[2] *Advanced Impaired Driving Prevention Technology*, 89 Fed. Reg. (Proposed Jan. 5, 2024).

[3] National Highway Traffic Safety Administration, *Report to Congress on Advanced Impaired Driving Prevention Technology* (Washington, D.C.: NHTSA, 2026), https://www.nhtsa.gov/sites/nhtsa.gov/files/2026-03/Report-to-Congress-Advanced-Impaired-Driving-Prevention-Technology.pdf

The draft rule also declares 'impairment' can include *any* behavior the government considers a risk for increased crash such as "drowsy driving, distracted driving, driving while experiencing an incapacitating medical emergency or condition, *or any other factor* that would diminish driver performance and increase potential crash risk" (emphasis ours). All technology is error prone and this does not pass constitutional muster since it fails to afford drivers *any* due process, and would, in effect, try and convict a driver in real-time of a criminal act completely outside the protective framework of a court of law in a trial by a jury of one's peers. It also begs more questions like how do you get your car started again? Will law enforcement be notified? How will this impact local and state budgets for law enforcement? How will this data be used? Would it be given to insurance companies and potentially used to deny drivers insurance over kill switch events?

The potential for disabled vehicles to litter our public roadways in unsafe locations is very real and would overwhelm our first responders and highway patrol with unnecessary traffic incidents (one of the top 3 reasons for road congestion is incidents, according to FHWA's own data). When 31 states allow for court-mandated ignition interlock devices (IID) to prevent drivers from starting their car without first passing a self-administered breathalyzer test, there's no need for this federal mandate.

In order to detect impaired drivers, the technology must be able to track vehicles and know where the driver is if a person's driving indicates potential impairment. Therefore, it also means it can be used to illegally surveil American citizens without a warrant.

We dare not trust the federal government (or any level of government or its contractors) with such potential for abuse. This poses a direct and imminent threat to travel liberty (the free association of people), to free trade (free market commerce), and to our Fourth Amendment Constitutional right not to be surveilled by the government *without a warrant*.

Former Congressman Bob Barr lays out the dangers in his November 29, 2021, *Daily Caller* editorial "Biden's Infrastructure' Bill Contains Back Door 'Kill Switch' for Cars." Barr warned, "Everything about this mandatory measure should set off red flares. First, use of the word 'passively' suggests the system will always be on and constantly monitoring the vehicle.

"Secondly, the system must connect to the vehicle's operational controls, so as to disable the vehicle either before driving or during, when impairment is detected. Thirdly, it will be an 'open' system, or at least one with a backdoor, meaning authorized (or unauthorized) third-parties can remotely access the system's data at any time.

"This is a privacy disaster in the making, and the fact that the provision made it through Congress reveals – yet again – how little its members care about the privacy of their constituents." Barr concludes, "The lack of ultimate control over one's vehicle presents numerous and extremely serious safety issues; issues that should have been obvious to Members of Congress before they voted on the measure."

During COVID lockdowns, such a technology would have no doubt been deployed to prevent Americans from driving or keeping them in certain quarantine zones. Government

could use it to enforce climate ‘emergencies’ to keep you in its designated 15-minute city/sustainable travel zone or any number of veritable manufactured ‘crises.’

The Solution

The proper solution to this liberty-threatening “mistake” is the outright repeal of this mandate! Whether through the next transportation re-authorization bill or other bill, the remote kill switch technology must be stopped this year. ***Nothing less will do!***

The Urgency

Since this federal law requires every car maker to add the kill-switch monitoring technology to every new vehicle after 2026, Congress must take action to repeal this section of the IIJA this year to have any impact. Any further delay will be too late to impact vehicle designs and stop this technology from being developed any further. *The time is short for you to act.* We strongly urge you to make the immediate repeal of this kill-switch mandate your top priority!

Your oath of office compels you to shield the rights of American citizens from the clear and present dangers we have laid out. Mandated vehicular kill-switches advance tyranny.

For the love of Liberty, we urge you to stop it! Please keep your promise to Texans, Senator. Use the power that we helped you attain to protect us from future tyranny.

Most sincerely,

Terri Hall
Founder/Director, Texans Uniting for Reform & Freedom (TURF); Texans for Toll-free Highways; Co-Founder, We the People - Liberty in Action

JoAnn Fleming
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As well as the undersigned Texas political opinion leaders and influencers

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