New Highway Bill Bad News for Consumer Privacy and Freedom to Travel

April 20, 2012 - Normally, it would just be called a "highway bill" and would focus on federal funding for US highways. But nothing in Washington is "normal" these days. So this time around, the Senate decided to name their bill "Moving Ahead for Progress in the 21st Century Act" which can oh, so cleverly - and aggravatingly - be abbreviated as MAP-21. But unlike prior highway bills, this particular one has two onerous provisions buried in it. One would give the IRS the right to revoke the passports of people who owe back taxes. The other is nothing short of a full on assault against individual privacy. It would require the installation of black boxes in all new automobiles. And those black boxes would be capable of monitoring every movement the owner of any automobile makes.

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The passport provisions included in MAP 21 would allow the IRS to revoke your passport under certain conditions. First, you would have to owe $50,000 or more in back taxes. Second, the IRS would have to have filed a lien against your property in an effort to try and collect. The agency would not be able to revoke the passport of anyone who was legally disputing collection or who was already on a payment plan. But presumably, anyone who misses a payment for any reason would quickly find out that they no longer had the right to travel internationally. If you have ever considered trying to get dual citizenship, just to have access to a passport from another country, now might be a good time to swing those plans into action.

The provision requiring black boxes in automobiles is even more troubling. As written in the Senate's version of the bill, beginning with the 2015 model year all cars would be required to have black box technology installed in them. (NOTE: many cars already contain black box technology but it is not federally mandated.)

These black boxes would function in a way that is very similar to the black boxes installed on aircraft. They would log

miles drive, speed, braking, and use of virtually every system installed on your car. The language in the bill specifically states that the information contained in the boxes would be the property of the automobile owner or the lessee, but the government would be able to access the data with a warrant or a subpoena. Presumably, if you get into an accident, there will be no more "your word against his". Your call will be spying on you.

Just as frightening as the "big brother" aspects of black box technology, it is inevitable that the information contained in black boxes will be used for other purposes as well. Things like divorce proceedings in which one spouse suspects the other cheating and the car was used for those illicit rendezvous. Or how about a criminal who gains access to your black box data to pinpoint your comings and goings from home. This would allow for a break in when you weren't home. Or even worse, it would allow a stalker to make sure that you were home when they come calling!

You may ask yourself why anyone would propose this type of legislation. The likely answer is so that the government gets the ability to levy a tax against you for the miles that you drive. Initially, the data contained in the black boxes will only be available to the government with a warrant of a subpoena. But government programs have a long history of "mission creep" - that is, a program started for one purpose but which grows into another. Just look at Social Security Numbers. Social Security Cards used to contain a line on the front of them that said "not to be used for identification purposes".

With the advent of higher mileage vehicles, electric cars and hybrids, collection on the federal excise tax on fuel have been going down. The installation of black boxes would allow the government to simply start demanding tax money from consumers based on the number of miles that they drive each year. But the consequences of implementing the law could be horrible.

This is frightening stuff that has not been well thought out by anyone in Congress, and gone largely ignored by the media. Nor has it even been debated in the open. Frankly, if any member of Congress wrote a standalone bill that contained such a bone-headed idea and they managed to get it to the floor of the Senate for an open debate, they would probably be shot down in a matter of minutes. The solution that the Senate came up with was to bury it in a much larger bill. Let's just hope that the House of Representatives strips the provision from the bill prior to the time that they vote on it.

byJim Malmberg
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