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November 24, 2025

Rodney S. Scott
Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave., NW
Washington, DC 20229

Dear Commissioner Scott,

U.S. Customs and Border Protection (CBP) is reportedly using a system of license plate readers (LPRs) and predictive algorithms to monitor the movements of individual Americans and flag them based on supposed “suspicious” driving behavior. This system has purportedly led to stops, searches, and, in some cases, detainment of individuals without cause. Moreover, while CBP typically operates near the Northern and Southern U.S. border, the agency appears to have expanded these surveillance practices into major metropolitan areas. This invasive surveillance network poses a serious threat to individuals’ privacy and civil liberties and may violate the Fourth Amendment to the U.S. Constitution. For those reasons, CBP must immediately cease using this technology and explain its policies and practices surrounding the use of LPRs and predictive algorithms.

CBP has reportedly developed a program to track and predict vehicle movements, allowing it to detain individuals whose driving patterns appear suspicious.¹ According to a recent *Associated Press* investigation, CBP has deployed LPR cameras across the country; in some instances, CBP appears to have deliberately concealed the cameras, including disguising them as traffic safety equipment or embedding them within ordinary roadside infrastructure. This web of cameras records the license plate numbers of passing vehicles, permitting CBP to track a vehicle as it travels on roads with LPRs. The agency then feeds this data into an algorithm that attempts to identify so-called “suspicious” behavior. If the algorithm identifies a “suspicious” vehicle, CBP — or local law enforcement officers acting on its behalf — will then stop the vehicle based on a pretextual reason. These algorithmic predictions and flags have reportedly led to individuals

¹ Byron Tau & Garance Burke, *Border Patrol is monitoring US drivers and detaining those with ‘suspicious’ travel patterns*, Associated Press (Nov. 20, 2025), <https://apnews.com/article/immigration-border-patrol-surveillance-drivers-ice-trump-9f5d05469ce8c629d6fecf32d32098cd>.

being stopped, searched, and, in certain cases, arrested without any apparent cause or due process.

Moreover, although these practices were previously concentrated at the Northern and Southern borders, CBP has reportedly expanded this program into central parts of the country, along highways going in and out of Chicago and Los Angeles. This expansion raises serious concerns about the scope of CBP's authority, the transparency of its operations, and the potential infringement on Americans' civil liberties.

CBP's expansive use of LPRs and predictive technologies represents, at best, a profound invasion of privacy and, at worst, a violation of the Fourth Amendment. Through its LPR cameras, CBP is collecting huge quantities of sensitive information on vehicles, potentially allowing the government to identify and follow women traveling across state lines to seek abortion care or to track the movements of journalists, activists, and political opponents. Moreover, the notion that an American could be stopped and detained based solely on an algorithmic determination about their driving behavior is deeply chilling. Finally, this practice raises serious constitutional concerns. Increasingly, courts have recognized that the use of surveillance technologies can violate the Fourth Amendment's protections against unreasonable searches and seizures.² Although this area of law is still developing, the use of LPRs and predictive algorithms to track and flag individuals' movements represents the type of sweeping surveillance that should raise constitutional concerns.³ That CBP has deployed these technologies without public input or transparency only heightens the concerns about the agency's use of LPRs and predictive algorithms.

In the absence of meaningful regulations on the government's use of LPRs and other surveillance technologies, the public risks being subjected to ongoing, real-time monitoring of their movements and associations. Such pervasive surveillance — similar to surveillance conducted by authoritarian regimes such as China — not only chills lawful expression and assembly but also raises serious constitutional concerns. Without transparency, accountability, and clear limitations, these practices erode fundamental individual rights and set a dangerous precedent for unchecked government power.

CBP's expanded use of LPRs and predictive algorithms heralds a chilling new era of mass government surveillance. For that reason, CBP should immediately cease the use of LPRs and predictive algorithms.

To help us better understand CBP's use of these technologies and their implications, please respond in writing to the following questions by December 15, 2025:

1. Please provide a detailed description of CBP's development and deployment of LPR systems and predictive technology.

² *Carpenter v. United States*, 585 U.S. 896 (2018).

³ See, e.g., Laura Hecht-Felella, *The Fourth Amendment in the Digital Age*, The Brennan Center for Social Justice (Mar. 18, 2021), <https://www.brennancenter.org/our-work/policy-solutions/fourth-amendment-digital-age>.

- a. What was CBP's original intent and justification for developing and deploying these tools?
 - b. Who did CBP contract with to develop and deploy LPR systems and predictive algorithms? Please provide the contracts under which CBP obtained and uses these technologies.
 - c. When did CBP first begin deploying LPRs and predictive algorithms in the field?
 - d. Does CBP permit the use of LPRs and predictive technology for interior enforcement activities? If so, when did CBP first authorize such use?
 - e. How many CBP officers currently have access to LPR systems and predictive technology?
 - f. Do any state or local law enforcement agencies have access to CBP's LPR systems or predictive technology? If so, under what agreements?
 - g. Before deploying predictive algorithms, did CBP conduct any testing of their accuracy? Please provide those test results. If not, why not?
 - h. Is CBP conducting any ongoing testing or review of the accuracy of its predictive algorithms? If so, please provide those results. If not, why not?
 - i. Has CBP conducted any review of the legal authority that would permit the deployment and use of LPRs and predictive technology?
 - j. Has CBP conducted a privacy threshold analysis within the past five years or privacy impact assessment for the deployment and use of these technologies, as required by the E-Government Act?
2. What are CBP's current policies, practices, and procedures governing use of LPRs and predictive technology? Please provide any written CBP materials reflecting them.
 - a. Under what circumstances are CBP officers permitted to use LPRs and predictive algorithms to flag or track an individual?
 - b. Under what circumstances are CBP officers permitted to use LPRs and predictive algorithms to flag or track an individual outside of areas near the Northern and Southern U.S. borders?
 - c. Does CBP track its officers' use of LPRs and predictive technology, including frequency, location, date, and reason?
 - i. If so, how many times have CBP officers used these tools to flag individuals for "suspicious" behavior, and how often have those flags resulted in stops or arrests?
 - ii. If so, how many times have CBP officers used these tools to conduct stops and searches of vehicles in areas that are not near the Northern and Southern U.S. borders?
 - iii. Does CBP track instances later determined to be incorrect or unjustified? If so, please provide figures.

- d. Which databases does CBP use to compare or analyze information collected through LPRs and predictive technology?
 - i. What is the legal basis for repurposing data from each of those databases for use in predictive algorithms?
 - ii. Are U.S. citizens included in those databases?
 - iii. If so, does CBP have any policies, practices, or procedures governing the use of LPRs and predictive technology to track U.S. citizens?
 - iv. Does CBP plan to expand its use of predictive technology to include information from data brokers? If so, please describe the nature of the partnership and whether CBP officers will be able to query data on U.S. citizens from data brokers.
3. Please describe all the ways in which CBP uses flags for “suspicious activity” obtained through LPRs and predictive technology.
 - a. For what purposes does CBP use these flags?
 - b. Does CBP disclose to other federal entities or third parties information collected through LPRs or predictive technology?
 - i. If so, which federal entities or third parties? Please describe the nature of any sharing agreements.
 - ii. Does CBP impose any restrictions on those entities’ use, retention, or disclosure of information obtained through LPRs or predictive technology?
 - c. How long does CBP retain information collected through LPRs and predictive technology?
 - d. How does CBP safeguard information collected through these systems?
4. Did CBP conduct a Fourth Amendment analysis to evaluate whether the deployment and use of license plate reader systems and predictive technology constitute unreasonable searches and seizures?
5. Will CBP commit to ending the use of LPRs and predictive technology? If not, why not?
6. Please describe in detail any additional surveillance technologies CBP uses that are designed to monitor or track individuals, including predictive algorithms, biometric tools, or other systems.

Thank you for your attention to this important matter.

Sincerely,



Edward J. Markey
United States Senator