



October 15, 2024

Thea D. Rozman Kendler
Assistant Secretary of Commerce for Export Administration
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

RE: Export Administration Regulations: Crime Controls and Expansion/Update of U.S. Person Controls (Docket No. BIS-2023-0006; RIN 0694-A135)

Dear Assistant Secretary Kendler:

The Alliance for Automotive Innovation (“Auto Innovators”) appreciates the opportunity to submit these comments to the Bureau of Industry and Security (“Bureau”) on the proposal to add two new unilateral controls on facial recognition systems to the Commerce Control List.

Auto Innovators represents the full automotive industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to maintain U.S. competitiveness in cutting-edge automotive technology. Representing approximately 5 percent of the country’s GDP, responsible for supporting nearly 10 million jobs, and driving \$1 trillion in annual economic activity, the automotive industry is the nation’s largest manufacturing sector.

The U.S. currently leads the world in the research, development, and deployment of new and innovative automotive technologies. The ability of an automotive company to integrate these U.S.-based technologies into vehicles that are then sold to consumers throughout the world is essential to the industry’s success and survival and to the U.S. maintaining its global position as a leader in the research and development of technologies that will underpin the future of mobility.

The automotive industry continues to develop and deploy modern technologies in consumer vehicles that may utilize facial recognition-related capabilities. For example, facial recognition systems sometimes underpin driver monitoring systems that help determine or infer when a driver is not paying sufficient attention to the driving environment. Such technologies can also verify authorized users and allow for the doors to unlock and the vehicle to start without the need for a key. In addition, facial recognition technology can allow for personalization of the driving experience and enable seats, mirrors, climate controls, and radio stations to adjust automatically to a driver’s preferred settings as he or she enters the vehicle.

As the Bureau noted in its preamble language, “[controlled] items are often ubiquitous and have a wide variety of end uses.” Facial recognition systems certainly meet these criteria. Therefore, Auto Innovators appreciates that the Bureau has narrowly tailored the proposed controls, and that the controls “would not apply to systems that merely restrict individual access to personal devices, automobiles, or

residential or work premises by verifying that a person attempting to gain such access is authorized to do so.” However, such an exclusion does not fully exempt all civil automotive use cases of the controlled items. Therefore, Auto Innovators further recommends that the Bureau exclude all the items listed in ECCN 3A981 used for automobile safety and convenience purposes. We also suggest that the proposed Note 2 to ECCN 3A981 include a modified version of the preamble’s “narrowly tailored” language: “As these proposed controls are narrowly tailored, they would not apply to systems that merely restrict individual access to personal devices, automobiles or features/systems in automobiles, or residential or work premises by verifying that a person attempting to gain such access is authorized to do so, nor items that facilitate individual access to personal devices, automobiles, or residential or work premises.”

Auto Innovators again appreciates the opportunity to submit these comments and to provide the perspective of the automotive industry on this critical issue. We look forward to ongoing engagement with the Bureau as it works to implement additional controls for facial recognition systems and other technologies.

Sincerely,

A handwritten signature in cursive script that reads "Tara Hairston". The signature is written in a dark grey or black ink and is positioned above the typed name and title.

Tara Hairston
Senior Director, Technology Policy

