



Department of Commerce Seeking Comments on Export Controls for Surveillance Products, Software and Technologies

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BIS controls the export and reexport of certain crime control and detection items and their related components, technology and software under the Export Administration Regulations (EAR) Commerce Control List (CCL). Current license requirements and CCL designations subject to these requirements are set forth in 15 C.F.R. § 742.7, which notes that BIS will generally consider license applications favorably absent evidence that the importing country is engaged in human rights violations.

Accordingly, BIS is examining these controls out of concern that these items are being used by foreign governments and others to engage in mass surveillance, censorship, privacy violations or to otherwise facilitate the abuse of human rights around the world, particularly with respect to minority religious groups in China. In particular, BIS notes that facial recognition technology and surveillance cameras have been installed approximately every hundred meters in several Chinese cities, with additional checkpoints in common gathering areas. BIS also notes that biometric systems can be used to identify and track individuals without their cooperation, consent or even awareness. Similarly, BIS notes that voice print identification systems can be used to identify persons of interest in criminal investigations.

BIS seeks comments on whether controls on items already designated under the CCL should be modified, including:

- Fingerprint readers
- Voice print identification systems
- Polygraph equipment

- Components, software and technology for the above items.

Items of particular interest for new export and reexport license requirements by BIS include:

- Facial recognition software and other biometric systems for surveillance
- Nonlethal visual disruption lasers
- Long-range acoustic devices
- Components, software and technology for the above items.

BIS notes that many of these items are currently designated only as EAR99 as they are not elsewhere listed in the CCL. Therefore these items frequently do not require a license for export except if sent to an embargoed country, to an end-user of concern or in support of a prohibited end-use.

In considering adding or amending the controls, BIS particularly seeks public input on how consumer or commercial applications of these items might be distinguished from law enforcement or security applications, the impact that new or modified controls would have on United States support of human rights, as well as the impact that new or modified controls would have on the competitiveness of U.S. business and industry. For some of the identified items, BIS has also suggested possible new Export Control Classification Numbers (ECCNs) it could adopt, or restrictions that it could apply instead on an end-user basis. BIS also seeks comment on the appropriateness of these proposals.

The deadline for comments is Sept. 15. Comments may be submitted to [Docket BIS-2020-0021](#) on regulations.gov

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