BIS advanced GPU controls

Interim final rule effective 19 November 2026 | Research checked 23 November 2026

FIVE NAMED DESTINATIONS

Brazil, Indonesia, Malaysia, Singapore and Thailand. The same new U.S. destination-based rule applies to covered transactions to or within each country. [1]

Hardware shipments and local transfers

Under EAR § 742.6(a)(6)(iii)(A)(1), covered exports, reexports and transfers within these countries generally require a BIS license. BIS reviews applications case by case. This requirement applies independently of the remote compute threshold. The rule covers covered advanced chips and servers under classifications such as 3A090 (excluding 3A090.c) and 4A090, related .z entries, and specified software and technology. Confirm the classification and EAR jurisdiction for the exact item. [1]

U.S.-headquartered customer exclusion

The five-country license requirement can be excluded if the ultimate consignee or end user is headquartered in the United States or has a U.S.-headquartered ultimate parent, and the exporter, reexporter or transferor meets § 743.10 reporting requirements. Other EAR requirements still apply. [1]

Monthly reports are due by the first business day of the following month. Report the parties and their roles, relevant parent headquarters and contact details, destination, end users, paragraph-level ECCN, SKU, total processing performance (TPP), quantity and transaction date. BIS directs filers to the email on its live Exclusion Note Submission page and asks that attachments be machine-readable. [1, 5]

What to check for your operation

New equipment order	Identify the exporter, ultimate consignee, end user and any authorizations before confirming shipment.
Tenant-supplied racks	Confirm who arranges the shipment, who receives and uses the racks, and who files any license or report. Ask for the manufacturer's classification for the complete server or rack.
Equipment already on site	Review the current authorization before resale, redeployment or a change in end user or end use. The EAR can treat a change in end use or end user as an in-country transfer. [1, 3]

Prior authorizations. The rule formalizes rescission of the AI Diffusion Rule and removes its country tiers, AIA and LPP exceptions, and Data Center VEU authorization. Confirm any remaining exception against the current EAR, including § 740.2(a)(9). [1]

Remote compute and existing deployments

Worldwide end-use rules for covered equipment and changes in how it is used

WORLDWIDE END-USE CONTROL

Under § 744.24, a separate license requirement can apply when a party knows a covered item is destined for a data center providing access to **more than 12,000,000 aggregate TPP** to or for a company headquartered, or ultimately parented, in Macau or Country Group D:5, which includes China. [1, 2]

Whose access counts

Assess compute access across a single site or linked data centers that operate as a unified whole, including digitally linked sites. Review direct and indirect beneficiaries, including an intermediary known to be training models for or supplying models to a covered company. Measure TPP under the EAR technical notes using supplier data. Review EAR jurisdiction for foreign-assembled systems too, including the advanced computing foreign direct product rule and the limits on de minimis treatment under § 744.24. [1]

Screen both § 744.24 and § 744.23(a)(3). The latter can apply separately to equipment destined for or supplied on behalf of a covered entity. The 12 million threshold belongs to § 744.24. [1]

Customer due diligence and later changes

Document the customer, ultimate parent, direct and indirect ownership or control, downstream users and intended workloads. EAR knowledge includes awareness of a high probability. BIS treats insufficient information from a data center as a red flag for the exporter, reexporter or transferor unless resolved. Recheck access when a tenant, end use or ownership changes. [1, 10]

For certain shipments made on or after 19 November without authorization because no license requirement applied, § 744.24(e) requires the shipping or transferring party to notify the recipient of the need for authorization before a later covered change and of applicable know-your-customer guidance. The party making the change, which may be the operator, must obtain authorization when required. [1]

Commercial recommender systems

§ 744.24(b)(2) provides a narrow exclusion for compute used exclusively for qualifying commercial recommendations, with a submission to BIS covering the company, aggregate TPP and due diligence. Generative systems fall outside that definition. BIS publishes the current filing address on its Exclusion Note Submission page. The preamble separately discusses a 90-day period for certain existing recommender services in its § 744.23 discussion. Confirm how both provisions apply before relying on that exclusion for an existing service. [1, 5, 11]

Local trade requirements

Country checks alongside the U.S. rules for covered hardware

The five countries share the same new BIS destination rule. Their local permit and customs processes depend on the item, shipment route and transaction type. Check the exact SKU and customs classification with the local authority or broker before relying on a shipment schedule.

Country-specific checks

Malaysia	MITI Directive 1/2025 covers qualifying advanced AI chip exports, transit and transshipment. MITI guidance calls for filing the AI Chip Assessment (AICA) form at least 30 days in advance when the item meets Annex I or its status is uncertain. The Strategic Trade Secretariat assesses whether a permit is required. [4]
Singapore	Check the Strategic Goods (Control) Order 2026 and obtain a Singapore Customs determination if classification is uncertain. Confirm the relevant export, transshipment or transit permit and any applicable conditions for the movement. [6]
Thailand	Thai Customs identifies a local Category 0 dual-use export and re-export licence measure effective 30 July 2026. That notice concerns nuclear-related items. Confirm the exact GPU shipment's classification and any separate Thai requirements with the Department of Foreign Trade. [7]
Indonesia	In September 2026 BAPETEN reported work on a dual-use export framework. A GPU-specific Indonesian permit requirement could not be verified from the sources reviewed. Confirm the tariff classification and any restrictions with the Ministry of Trade or Customs. [8]
Brazil	For items on the Brazilian sensitive-goods lists, check NCM classification and the CIBES rules in Siscomex, including whether LPCO registration is required before shipment. Confirm whether the particular GPU or server falls within those lists. [9]

DEPLOYMENT SCHEDULES

Track powered and cooled facility handover, hardware delivery, required authorizations and cluster commissioning as separate milestones. Confirm the party responsible for each approval before committing to a service date.

Deadlines and operator actions

Use the transaction facts to assign responsibility before shipment or service activation

Transition dates

19 November 2026	Effective date. Check new shipments, reexports, in-country transfers and changes in use against the amended EAR. [1]
21 December 2026	Last day to complete a qualifying transaction under the savings clause. It applies to qualifying goods already aboard a carrier en route to a port on 19 November under an actual order. [1]
19 January 2027	Deadline to submit comments to BIS. The rule is already in effect. [1]
90-day window	§ 744.24(b)(3) says operators already providing significant compute to covered companies before publication must obtain a license within 90 days of effectiveness to continue or face future export restrictions. Ninety calendar days after 19 November falls on 17 February 2027. An application alone does not satisfy the text. [1, 11]

What to put in each project file

Procurement. Keep the OEM's SKU, paragraph-level ECCN, TPP and quantity, plus the destination, shipment route, party roles and authorization basis.

Operations. Keep end-user and ownership records, intended workloads, compute allocations and linked sites. Assign responsibility for screening, reporting and approving changes in access.

Sources

[1] U.S. Federal Register | 91 FR 74970, including §§ 742.6, 743.10, 744.23 and 744.24
[2] BIS | EAR Part 740, Supplement No. 1 (Country Groups)
[3] BIS | EAR § 734.16 (Transfer in-country)
[4] Malaysia MITI | Updated industry guidance on advanced AI chips
[5] BIS | Live filing instructions for §§ 743.10 and 744.24(b)(2)
[6] Singapore Customs | Strategic Goods Control List and classification guidance
[7] Thai Customs | Category 0 dual-use export and re-export controls
[8] Indonesia BAPETEN | Update on the Strategic Trade Management framework
[9] Brazil Siscomex | MCTI / CIBES legislation and LPCO requirements
[10] BIS | EAR § 772.1 definitions, including knowledge
[11] King & Spalding | Analysis of the transition and recommender provisions