

## **Guidance Regarding Enforcement of License Requirements for Advanced Computing Items for Entities Headquartered in Country Group D:5 and Macau [May 31, 2026]**

The Department of Commerce, Bureau of Industry and Security (BIS) is issuing this guidance to clarify that a license is required to export advanced computing items to entities headquartered in Country Group D:5 (see [supplement no. 1 to part 740](#) of the Export Administration Regulations (EAR) (15 CFR parts 730-774)) or Macau or with an ultimate parent company headquartered in Country Group D:5 or Macau – even if the entities themselves are located outside Country Group D:5 or Macau.

This license requirement was first introduced on [November 17, 2023](#). It was implemented via an end-user control in § 744.23(a)(3) of the EAR and applied to all advanced computing items (e.g., those specified in Export Control Classification Numbers (ECCNs) 3A090.a and .b, 4A090.a and .b, and related .z paragraph items). In January 2025, the AI Diffusion Rule transferred the requirement for these “.a” items from § 744.23(a) into § 742.6 as part of a new worldwide license requirement. In May 2025, BIS [announced](#) that it would not be enforcing the AI Diffusion Rule’s new compliance requirements.

Recently, BIS has received questions as to whether the preexisting license requirement established in November 2023 is still being enforced for “.a” advanced computing items to Country Group D:5 and Macau-headquartered entities located outside of destinations that were subject to a license requirement prior to the AI Diffusion Rule. The answer is yes. Specifically, a license requirement continues to apply under [§ 742.6\(a\)\(6\)\(iii\)\(A\)](#) of the EAR to all destinations outside the United States for these advanced computing items when such items are for entities headquartered in, or whose ultimate parent company is headquartered in, Country Group D:5 or Macau. Because this license requirement predates the AI Diffusion Rule, BIS’s non-enforcement policy with respect to the destination-based license requirements for these advanced computing items under [§ 742.6\(a\)\(6\)\(iii\)\(A\)](#) applies only to the extent such items are not for entities headquartered in or that have ultimate parent companies headquartered in Country Group D:5 or Macau. Exporters should continue to seek BIS licenses for such transactions, unless a license exception specified in [§ 740.2\(a\)\(9\)\(ii\)](#) is available.

Bona fide operators of data centers who are otherwise engaged in activities consistent with the EAR are not required to cease the ongoing use, storage, disposal, or servicing of advanced computing items because of this guidance, until further notice from BIS.

For information regarding the submission of voluntary self-disclosures, see Section 764.5 of the EAR. For guidance on the submission of license applications, see part 748 of the EAR.

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