COMPLIANCE CHECKLIST

# ITAR compliance checklist

International Traffic in Arms Regulations

Jurisdiction: US defense industrial base and downstream defense exports

## Programme details

ORGANISATION NAME

[Organisation name]

ASSIGNED TO

[Assigned to]

TARGET COMPLETION DATE

[Target completion date]

REVIEWED BY

[Reviewed by]

REVIEW DATE

[Date]

## Who ITAR applies to

US persons that manufacture defense articles, furnish defense services, broker defense articles, or engage in the export of USML-listed items or technical data. Also relevant to foreign persons who receive such items.

## ITAR checklist

STEP 1

- [ ] Determine whether your article, software, or technical data is on the US Munitions List (USML).

STEP 2

- [ ] For dual-use items, check the Commerce Control List (CCL) and EAR jurisdiction.

STEP 3

- [ ] Register with the Directorate of Defense Trade Controls (DDTC) and pay the annual fee.

STEP 4

- [ ] Designate an Empowered Official authorised to sign ITAR submissions.

STEP 5

- [ ] Implement a Technology Control Plan (TCP) - physical, IT, personnel, visitor controls.

STEP 6

- [ ] Run workforce training on ITAR scope, USML categorisation, and reporting obligations.

STEP 7

- [ ] For each transaction: apply for a DSP-5 / DSP-73 / DSP-85 license or rely on a documented exemption.

STEP 8

- [ ] Maintain DDTC-required records for 5 years after the transaction.

STEP 9

- [ ] Run periodic internal audits and self-disclose violations to DDTC where appropriate.

STEP 10

- [ ] Update USML categorisation when product capabilities change.

## FAQ

### ITAR vs EAR - which applies?

ITAR applies to defense articles, defense services, and related technical data on the US Munitions List (USML), administered by DDTC at State. EAR applies to dual-use items on the Commerce Control List (CCL), administered by BIS at Commerce. Many products fall under EAR; ITAR is more restrictive and covers explicitly military items.

### Do I need to register with DDTC if I never export?

Yes if you manufacture or broker defense articles on the USML. ITAR registration is required for US persons engaged in manufacturing or exporting USML items, even where no actual export has yet occurred. Brokering requires a separate registration.

### What counts as an ITAR-controlled "export"?

Physical export of items, electronic transmission of technical data abroad, and - critically - "deemed exports" to foreign persons inside the US (a foreign-national employee accessing technical data, for example). The deemed-export rule catches teams off guard the most.

### What are the penalties?

Criminal penalties up to $1M per violation and 20 years imprisonment; civil penalties up to $1,271,078 per violation (or twice the transaction value, whichever is greater - 2025 inflation-adjusted per the State Department's January 2025 Federal Register notice). DDTC also imposes administrative penalties - debarment, suspension, denial of export privileges.

Source: https://ba-copilot.com/compliance/itar-compliance-checklist. Tick each item as it is completed and add the named owner.