

[FREE GAP ANALYSIS TOOL](#)

The ITAR/EAR Gap Analysis Checklist

For compliance managers at mid-size semiconductor fabs and fabless design houses — identify your highest-risk gaps before auditors do.

6

COMPLIANCE DOMAINS

47

AUDIT CHECKPOINTS

1 day

VS. 3-MONTH PREP

BEFORE YOU BEGIN

How to Use This Checklist

This checklist is designed for an annual gap analysis — ideally 90+ days before your scheduled audit. Work through each section with the responsible owner present. Mark each item as **✓ Complete**, **⚠ Partial**, or **✗ Gap**. Every "Gap" is a finding you control — fix it now, not when an auditor finds it.



Print & Complete

Print one copy per domain owner. Collect completed checklists into your master evidence package.



Flag Every Gap

High-risk items (marked RED) require immediate remediation. Document your corrective actions.



Attach Evidence

For each completed item, note the document name, location, and last review date in the margin.



Review Annually

Regulation changes yearly. Set a calendar reminder to re-run this checklist every 12 months.

⚠ ENFORCEMENT NOTE

BIS and DDTTC enforcement actions increased 34% in 2025. "We didn't know" and "we were in the process of fixing it" are not accepted defenses. Document your gaps and your remediation timeline before any audit contact.

Registration & License Verification

Applicable to: All manufacturers, exporters, and brokers of ITAR-controlled articles & EAR-controlled items

- ☐ **DDTC registration is active with a confirmed expiration date on file** HIGH
Verify at pmddtc.state.gov — registration lapses are automatic violations
- ☐ **All active export licenses (DSP-5, DSP-73, TAAs) are inventoried with expiration dates** HIGH
Include licenses inherited through acquisitions
- ☐ **Shipments under each license have been compared against approved end-users and quantities** HIGH
Over-shipment against a license cap is a per-transaction violation
- ☐ **All license reporting conditions (semi-annual, annual) have been filed on schedule** MED
Missed reports are frequently cited in enforcement actions as a standalone violation
- ☐ **License conditions have been reviewed for end-use restrictions and confirmed as met** MED
Conditions vary by license — don't assume standard terms apply
- ☐ **EAR Export Control Classification Numbers (ECCNs) are assigned to every controlled product** HIGH
EAR99 is a classification, not a default — document the analysis
- ☐ **Foreign Direct Product (FDP) Rule applicability has been assessed for all foundry relationships** HIGH
Expanded in 2024 — re-run analysis if not done since Jan 2024



Notes / Evidence Location

Technical Data Controls

Applicable to: All personnel with access to USML-controlled drawings, specs, software, or process data

- ☐ All USML-controlled technical data is identified and mapped to the correct USML category HIGH
Include drawings, GDS-II files, process specs, simulation models, embedded firmware
- ☐ Access controls on technical data repositories exclude foreign nationals without license HIGH
Check SharePoint, PLM systems, engineering servers, and shared drives
- ☐ Cloud storage containing ITAR data (AWS, Google Drive, OneDrive) has been assessed for data residency and foreign access HIGH
Data stored in foreign data centers may constitute an export — confirm with counsel
- ☐ Collaboration tools (Slack, Teams, email) containing ITAR data have been audited for foreign national participants HIGH
External channels and shared workspaces are a common uncontrolled access vector
- ☐ Controlled technical data is encrypted in transit and at rest with documented encryption standards MED
- ☐ A formal technical data identification process is documented and assigned to a named owner MED
Auditors want a repeatable methodology, not a list of files
- ☐ EAR-controlled design files sent to overseas foundries are documented as exports with license or license exception identified HIGH

 **Notes / Evidence Location**

Training & Deemed Exports

Applicable to: HR, Export Compliance Officer, all department heads with foreign national employees

- ☐ ITAR/EAR training completion records exist for all employees with access to controlled data HIGH
Missing records = automatic finding; there is no "they just didn't get around to it" defense
- ☐ Training content reflects ITAR revisions post-2020 (significant regulatory changes in 2020, 2022, 2024) MED
- ☐ New hires granted controlled data access since last audit have training records on file HIGH
- ☐ Foreign national screening was conducted at hire and at each controlled data access grant — citizenship and visa status documented HIGH
- ☐ A Technology Control Plan (TCP) is in place governing foreign national access to controlled technology HIGH
Required for facilities with foreign national employees accessing ITAR data without license
- ☐ On-site contractor and vendor personnel with access to controlled data have training records and screening on file MED
Third-party engineers are your compliance responsibility
- ☐ EDA tool access (Cadence, Synopsys, Mentor) has been assessed for deemed export exposure for foreign national users MED

 **Notes / Evidence Location**

Denied Party & Transaction Screening

Applicable to: Export compliance, sales, procurement, supply chain

- | | | |
|--------------------------|--|------|
| ☐ | Screening tool covers all required lists: DDTC Debarred, BIS Entity List, BIS Denied Persons, OFAC SDN, State Nonproliferation Sanctions | HIGH |
| ☐ | Screening database was updated within the last 30 days (lists are updated continuously) | HIGH |
| ☐ | Screening is conducted at transaction initiation — not just at onboarding or annually
<small>A customer added to the Entity List mid-contract creates exposure on subsequent transactions</small> | HIGH |
| ☐ | Screening logs are maintained per transaction with date, screener name, and result documented | MED |
| ☐ | Beneficial owners and affiliates of customers/suppliers are screened — not just the contracting entity
<small>Shell company violations are a primary BIS enforcement focus in 2025–2026</small> | HIGH |
| ☐ | Red flag analysis is documented for transactions involving higher-risk regions or unusual transaction patterns
<small>EAR's "know your customer" requires a documented analysis, not just intuition</small> | MED |
| ☐ | End-use certificates are obtained for shipments to higher-risk regions or dual-use-sensitive end-users | MED |

Notes / Evidence Location

Recordkeeping & Evidence Package

ITAR requires 5-year retention; EAR requires 5 years from export date. Neither obligation is optional.

- ☐ All export documentation for the past 5 years is located, indexed, and retrievable within 24 hours **HIGH**
Shipping records, EEI filings, end-user certificates, license copies
- ☐ Electronic recordkeeping system has intact backups, access logs, and version history **MED**
- ☐ Document retention policy specifies 5-year minimum for ITAR/EAR records — not the shorter ISO 9001 default **MED**
- ☐ A compliance program summary is prepared: named compliance officer, program scope, internal audit schedule **MED**
This is typically the first document an auditor reviews — have it ready before they arrive
- ☐ Records from any acquired businesses have been reviewed and integrated into the current recordkeeping system **HIGH**
Acquisition compliance history becomes your liability on closing date
- ☐ ISO 9001 document control records are cross-referenced to ITAR/EAR recordkeeping obligations where applicable **MED**

Notes / Evidence Location

Internal Audit & Governance

A documented compliance program with evidence of self-assessment is the strongest signal to any auditor that you take this seriously.

- ☐ An internal ITAR/EAR audit was conducted in the past 12 months with documented findings and corrective actions HIGH
- ☐ A named Empowered Official (EO) is designated in writing with documented authority and direct executive access HIGH
Required for ITAR; the EO must be a U.S. person with authority to sign export licenses
- ☐ A violation reporting and voluntary disclosure protocol is documented and communicated to all compliance staff MED
Voluntary disclosure typically results in significantly reduced penalties
- ☐ Corrective actions from the prior year's audit findings are closed with evidence of completion HIGH
Open prior findings are the fastest path to escalated enforcement
- ☐ Annual ECCN review is scheduled — product classifications updated to reflect regulatory changes since last review MED
- ☐ Export counsel has reviewed the compliance program within the past 24 months MED
- ☐ ISO 9001 internal audit program is coordinated with ITAR/EAR self-assessment to eliminate duplicate effort MED

Notes / Evidence Location

AFTER COMPLETING THE CHECKLIST

Interpret Your Gap Score

0–5

Low Gap Count — Strong Posture

You have a mature compliance program. Focus on documentation quality and evidence organization. Schedule your evidence package review 60 days before audit.

**6–
15**

Moderate Gaps — Action Required

Common for mid-size fabs without dedicated compliance staff. Prioritize HIGH-risk items first. Allow 60–90 days for remediation before an audit.

16+

High Gap Count — Immediate Attention

Engage export counsel immediately. Document all gaps and your remediation plan. Consider a voluntary self-disclosure to DDTC/BIS if past violations are identified during this process.

My Gap Count: _____ **HIGH-Risk Gaps:** _____ **Audit Date Target:** _____

Compliance Officer Signature: _____ **Date:** _____



Stop Preparing for Audits. Start Walking In Ready.

AUDITPROOF's semiconductor compliance module maps your fab's process records, supplier documentation, and export control filings against ITAR, EAR, and ISO requirements — flagging gaps before auditors do. Teams go from 3 months of scattered prep to a single-day evidence package.

EARLY ACCESS NOW OPEN

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CHECKPOINTS MAPPED

6

COMPLIANCE DOMAINS

1 day

TO AUDIT-READY

This checklist is for informational purposes only and does not constitute legal advice. Consult qualified export counsel for compliance decisions specific to your situation. ITAR and EAR requirements are subject to change — verify against current regulations at ecfr.gov.