





U.S. Immigration
and Customs
Enforcement

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MEMORANDUM FOR: Assistant Directors
Deputy Assistant Directors
Special Agents in Charge
ICE Attaches

FROM: Marcy M. Forman 
Director of Investigations


Susan E. Lane
Director of Intelligence


Scott A. Davis
Director of International Affairs

SUBJECT: Reporting Information Derived from ICE Export Enforcement
Investigations to the Intelligence Community

In July 2007, U.S. Immigration and Customs Enforcement (ICE) and the DHS Office of Intelligence and Analysis (I&A) implemented the National Export Enforcement Coordination Network (NEECN) at DHS headquarters. In furtherance of this initiative, NEECN has solicited information from designated Export Enforcement Coordination Groups (EECGs) on closed and open export enforcement investigations in an effort to coordinate an integrated law enforcement and intelligence community (IC) response aimed at preventing foreign adversaries from illegally obtaining U.S. munitions and sensitive technology, including Weapons of Mass Destruction (WMD) components.

Pursuant to the aforementioned solicitation and responses received from several EECGs, NEECN has identified several occasions where other IC members have documented and disseminated information derived from ICE-led investigations to the IC without review or comment from ICE field offices. In addition, NEECN has encountered several instances where EECGs and/or ICE field offices have denied NEECN requests for concurrence to report information from ongoing investigations to the IC through Homeland Intelligence Reports (HIRs) issued by the DHS I&A HIR Production Team.

With the recent implementation of the Department of Justice Counter-Proliferation Task Force (CPTF), DOJ has placed a greater emphasis on coordination and early deconfliction of export enforcement investigations amongst CPTF participating agencies and the IC. In addition to maintaining lead authority on investigations they initiate, participating agencies also maintain

lead authority as to reciprocal exchange of information with the IC even when export enforcement investigations are worked through the CPTF¹.

NEECN has successfully acquired additional safeguards, to include restrictive caveats and elevated classification beyond "for official use only" that affords greater protection upon initiating routine exchange of information through HIRs to the IC. Furthermore, NEECN will forward draft HIRs to the originating EECG and/or ICE field office for review and comment prior to release by DHS HIR Production Team to the IC. NEECN will ensure that HIRs will not be released without incorporation of comments or modifications recommended by relevant EECGs or ICE field offices.

The restrictive caveats and elevated classification do not impose additional restrictions on the continued use of unclassified information developed by ICE through traditional criminal investigative techniques. As such, continued processing of unclassified information within sensitive but unclassified databases and tools such as TECS and the ICE Pattern Analysis and Information Collection Tool (ICEPIC)² is authorized.

The release of HIRs to the IC that contain information derived from ICE-led export enforcement investigations affords an opportunity for ICE to receive acknowledgement and ownership of information contained therein. In addition, the HIR allows for ICE, through NEECN, to deconflict and coordinate with specific IC members upon dissemination to the IC. This practice elevates the role and standing of ICE and the DHS enterprise within the CPTF and the IC.

In addition, the aforementioned activities also reinforce compliance with DHS strategic objectives by building a unified cohesive enforcement capability to conduct and coordinate law enforcement operations³. Furthermore, these activities also reinforce the Homeland Security WMD Intelligence Strategy for enhancing border and domestic security operations by providing DHS-origin information and intelligence to Federal partners and providing integrated intelligence to support WMD and sensitive technology export control investigations⁴.

As such, EECGs and ICE field offices are strongly encouraged to refer investigations, having direct nexus to Iran and the People's Republic of China (PRC) to NEECN upon the inception of such investigations or as soon as practicable thereafter. In addition, EECGs and ICE field offices are strongly encouraged to authorize release of information to the IC via HIRs at the earliest opportunity. Please refer any questions on this matter to NEECN Director Andre R. Watson at (202) 282-(b)(6); (b)(7)(c) or via e-mail at (b)(6); (b)(7)(c)@dhs.gov.

¹ Wainstein, Kenneth L., "Export Enforcement Initiative." September 25, 2007. U.S. Department of Justice.

² Use of ICEPIC by field offices pending publication of the ICEPIC System of Records Notice and Privacy Impact Assessment.

³ U.S. Department of Homeland Security, *Securing Our Homeland: U.S. Department of Homeland Security Strategic Plan*, 2004, 14, 20.

⁴ U.S. Department of Homeland Security, Office of Intelligence and Analysis, *Homeland Security-Weapons of Mass Destruction Intelligence Strategy*, 2007, 11.