




U.S. Immigration
and Customs
Enforcement

OCT 13 2007

MEMORANDUM FOR: All Special Agents in Charge

FROM: Marcy M. Forman 
Director

SUBJECT: Field Guidance for Participation in Department of Justice-led
Counter-Proliferation Task Forces

Purpose

This memorandum outlines procedures governing U.S. Immigration and Customs Enforcement (ICE) participation in Department of Justice (DOJ) led Counter-Proliferation Task Forces.

Background

One of the highest priorities of ICE is to prevent foreign adversaries from illegally obtaining U.S. military products and sensitive technology, including weapons of mass destruction components. ICE's investigative authorities derive from the Arms Export Control Act (AECA), the Export Administration Act (EAA), the International Emergency Economic Powers Act (IEEPA), the Trading with the Enemy Act (TWEA) and related implementing regulations. These authorities give ICE the broadest export enforcement responsibilities within the U.S. Government.

In an attached memorandum dated September 25, 2007, Assistant Attorney General Kenneth Wainstein, DOJ National Security Division (NSD), disseminated guidance to local United States Attorney's Offices (USAOs) outlining the establishment of DOJ-led Counter-Proliferation Task Forces. The guidance directs USAOs to create some variation of a task force or alternative measure within their respective judicial districts. (b)(6),(b)(7)(C) National Export Control Coordinator, located within the DOJ NSD Counterespionage Section (CES), will assist USAOs in establishing task forces.

Further, the memorandum references an existing pilot "task force" established in the Southern District of New York (SDNY) as a potential model for replicating additional local task forces. While ICE has been monitoring and participating in an interagency arrangement entitled, "the Export Violation Oversight Committee" or EVOC, no criminal investigations have been

SUBJECT: DOJ Counter-Proliferation Task Forces

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developed in the SDNY over the duration of the pilot. Instead, pre-existing ICE cases have been adopted as EVOC successes to bolster the pilot.

Discussion

DOJ NSD has sought ICE's participation in the task forces based upon ICE's historic leadership role in export enforcement and success in perfecting these cases. ICE was given an opportunity to review the attached DOJ guidance and to comment as appropriate. As a result, as noted in the guidance, a core element of the task force approach stipulates that an agency will maintain leadership over cases initiated by that agency. ICE views this as the most critical component in protecting our investigative equities.

SACs are encouraged to engage their local USAOs to evaluate participation in the Counter-Proliferation Task Forces. SACs must assess all the factors affecting their export enforcement programs within their area of responsibility (AOR), and seek to implement partnerships in ways that best support the ICE Arms and Strategic Technology Investigations mission and protect our equities over the long term. Please advise your corresponding Assistant Director for Operations, prior to entering into any formal arrangements with USAOs within your AOR.

Should you have any questions regarding this guidance, or if you have any problems relating to the Counter-Proliferation Task Forces, please contact ASTI Unit Chief (b)(6),(b)(7)(C) at (202) 616-(b)(6),(b)(7)(C)



U.S. Department of Justice

National Security Division

Assistant Attorney General

Washington, D.C. 20530

September 25, 2007

MEMORANDUM

TO: ALL UNITED STATES ATTORNEYS
NATIONAL SECURITY DIVISION COMPONENTS

FROM: Kenneth L. Wainstein *KLW*
Assistant Attorney General

SUBJECT: Export Enforcement Initiative

Introduction

Foreign states and terrorist organizations are actively seeking to acquire technical data, knowledge and equipment that will advance their efforts to develop their technological capacity and build weapons systems and weapons of mass destruction (WMD) programs. Many have targeted our government, industries and universities as sources of this information and material. The theft and other improper transfer of our sensitive technologies undermine our strategic, economic and military position in the world, and raise the risk that a foreign adversary will develop the technology to inflict damage on the United States or its allies.

(b)(7)(E)

(b)(7)(E)

Counter-Proliferation Task Forces

(b)(7)(E)

(b)(7)(E)

Support and Assistance to Prosecutors

(b)(7)(E)

(b)(7)(E)

Moving Forward on the Initiative

(b)(6), (b)(7)(C), (b)(7)(E)