

Request for Records Disposition Authority (See Instructions on reverse)		Leave Blank (NARA use only)	
To National Archives and Records Administration (NIR) 8601 Adelphi Road, College Park, MD 20740-6001		Job Number	N1-567-10-17
1 From (Agency or establishment) U S Immigration and Customs Enforcement (ICE)		Date Received	9/16/10
2 Major Subdivision Office of Investigations (OI)		Notification to Agency In accordance with the provisions of 44 U S C 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
3 Minor Subdivision			
4 Name of Person with whom to confer Joseph M Gerhart	5 Telephone (include area code) (202) 732-6337	Date 05 July 2011	Archivist of the United States
6 Agency Certification I hereby certify that I am authorized to act for this agency in the matters pertaining to the disposition of its records and that the records proposed for disposal on the attached ___4___ page(s) are not needed for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manuel for Guidance of Federal Agencies, <input type="checkbox"/> is not required, <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested			
Signature of Agency Representative 		Title Chief, Records Management Branch	Date (mm/dd/yyyy) 06/03/2010
Item Number	8 Description of Item and Proposed disposition	9 GRS OR Superseded Job Citation	10 Action taken (NARA Use Only)
1	See attached sheet(s) for Exodus Accountability Referral System (EARS)		

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Exodus Accountability Referral System (EARS)

In order to enforce federal export control laws, U S Immigration and Customs Enforcement (ICE) and U S Customs and Border Protection (CBP) require information from federal regulatory agencies that are responsible for granting export licenses on controlled items, determining whether a license is required, and whether a license has been granted

The Exodus Accountability Referral System (EARS) is an intranet-based tool that is used to support efforts by ICE and CBP to enforce Federal export control laws, including the Arms Export Control Act [22 U S C 2778] and the Export Administration Act [50 U S C 2410]

ICE special agents initiate criminal investigations into possible export violations, as well as make arrests and obtain indictments for export-related criminal violations. In addition, ICE and CBP conduct thousands of seizures of arms, military weaponry, and other sensitive commodities related to illegal export activities

ICE and CBP have no authority to determine what items or services are licensed or controlled, so they need to consult with the Federal agencies that have regulatory oversight (also referred to as licensing agencies) to determine what items are controlled, whether or not a license is required for an item, and whether or not a license has been granted to an individual or entity to export or import specific items. ICE and CBP make such requests for information using EARS to initiate, track, and manage the request. These requests for information are called "Referrals"

The licensing agencies that may receive referrals through the Exodus Command Center for information are

- Department of State (DOS) Directorate of Defense Trade Controls (DDTC) - Controls exports of single use military components and services
- Department of Treasury Office of Foreign Assets Control (OFAC) - Administers embargoes and sanctions (Iranian embargo)
- Department of Commerce (DOC) Bureau of Industry and Security (BIS) - Controls exports of dual-use components (dual-use have both military and civilian uses)
- Department of Justice (DOJ) Bureau of Alcohol Tobacco, Firearms and Explosives (ATF) - Controls imports of firearms [infrequent]
- Department of Energy (DOE) Nuclear Regulatory Commission (NRC) - Controls exports of goods used in nuclear reactors [infrequent]

The most common types of referrals are

- License Determination This is a request for a determination by the licensing agency as to whether an export of a commodity or service would require a license
- License History This is a request for information on whether a particular individual or company has registered or obtained any licenses from a licensing agency
- License Verification This is a request for a check on a particular license number to determine if it is valid, expired, or counterfeit

Exodus Accountability Referral System (EARS) - attachment to SF 115

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- **Government Jurisdiction** This initiates a review by licensing agencies of a commodity in question in cases where a commodity may be subject to the authority of more than one licensing agency. A determination that a commodity is subject to the authority of a licensing agency provides a suitable basis for an ICE agent to obtain an indictment, search/arrest warrant, or probable cause arrest of an individual.
- **Pre-trial and Trial Certification** This is a request for an in-depth examination of a commodity, service, or brokering activity by the licensing agency to verify its jurisdiction prior to an indictment, plea agreement, or judicial proceeding. Pre-trial certifications verify whether a commodity is within the jurisdiction of the International Traffic in Arms Regulations and the Arms Export Control Act, while Trial certifications involve a Department of State Directorate of Defense Trade Controls commodity that reaches the stage of a trial and has an actual trial date.

Other types of EARS referrals to licensing agencies include those related to undercover operations, such as requests to obtain undercover export licenses or requests for a statement of no objection from an agency to undercover actions taken by ICE agents in an export scenario.

Only ICE and CBP agents, officers, administrators, and managers have access to EARS.

**Records maintained and/or created by this Information Technology system may contain Personally Identifiable Information (PII) such as name, date of birth, Social Security Number, Alien Registration number (A-number), email address, phone number and/or financial information. These records should only be accessed when required for agency business and should be handled with diligence in order to avoid compromise.

1. Exodus Accountability Referral System (EARS)

A. Master File/Data

(1) EARS Primary Data

EARS maintains information about the referral including type of request, date of request, associated case number and/or CBP violation code, type of transaction, previously submitted referral number(s), item or commodity (description, technical data, specifications, photographs), destination country, regulatory agency to which the referral is directed, agency determination, determination received date, and U.S. Munitions List category (if any).

Replies to Referrals are also maintained as a part of the EARS primary data. This is information that is received from licensing agencies, including their determinations on whether or not an item in question is controlled and, if so, under what authority and

Disposition:

TEMPORARY Cutoff at end of fiscal year referral is closed
Destroy/delete twenty-five (25) years after cutoff

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on the existence or histories of licenses

EARS also maintains personal information about individuals who are suspected violators and are the subject of an investigation or inquiry (referred to as Principal Party in Interest). The personal information references name, address, country, type of Principal Party, license type and number.

In addition, EARS maintains information about criminal or civil actions that result from the associated investigation or inquiry, including search warrant date, grand jury date, indictment date, plea date, conviction date, disbarment/sanction date and monetary penalty.

(2) User Account Information

Additionally, EARS maintains user account information on ICE and CBP personnel consisting of username, social security number, name, telephone number, cell/pager number, e-mail address, office code and location and assigned user role.

Disposition:

TEMPORARY Cutoff at end of fiscal year user account is terminated. Destroy/delete ten (10) years after cutoff.

NOTE: GRS 24, Item 6(a) authorizes Federal agencies to destroy these type of records six (6) years after account termination, change or alteration of password, or when no longer needed for investigative or security purposes, whichever period is longer. ICE has determined, based upon business needs, these records should be destroyed/deleted ten (10) years after the user account has been terminated.

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(3) Audit Log

~~EARS has the capability to capture user activity in the system for purposes of identifying any inappropriate or unauthorized use. The type of information captured includes the users' viewing and querying activities, any adding, updating or deleting of records, and any modifications that the user makes to the system. It also tracks each time the user has a logon and logoff.~~

Disposition: *GRS 20 item 1c*
~~TEMPORARY—Cutoff at end of fiscal year user account is terminated—Destroy/delete ten (10) years after cutoff~~

~~NOTE—GRS-20, Item 1c authorizes Federal agencies to destroy these type of records when the agency determines they are no longer needed for administrative, legal, audit, or other operational purposes provided they do not contain substantive information, such as substantive annotations, that is not included in the electronic records (Reports that contain substantive information should be disposed of in accordance with the NARA approved schedule that covers the series in which they are filed)—ICE has determined, based upon business needs, these records should be destroyed/deleted no later than fifteen (10) years after the end of the fiscal year created—*ten*~~

B. Input

(1) Referrals and Replies to Referrals

~~An ICE agent or CBP officer creates a referral by entering information into EARS about the item, service or license in question along with identifying information about a suspected violator, who typically is a business entity or individual who is an importer, exporter, or broker. Then a manager in the ICE Exodus Control Center (ECC) must review and approve the referral before it is sent in paper form or by email to the appropriate licensing agency. The EARS database assigns a unique identifier to each referral to facilitate tracking its status.~~

~~Replies to referrals are received in paper form or by email. ICE ECC personnel scan the received information and update the system with the information that is received from licensing agencies, including their determinations on whether or not an~~

Disposition:
FILING INSTRUCTION—Referrals and Replies to Referrals should be placed in the corresponding Investigative Case file and dispositioned in accordance with approved disposition authority for that Investigative Case file

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~~item in question is controlled and, if so, under what authority and on the existence or histories of licenses.~~

C. Output

(1) Summary/Statistical Reports

~~EARS has the capability to produce a variety of summary reports for use by management, such as the number of requests for information submitted to licensing agencies, types of requests, and the number of requests that are pending a decision. Statistical information includes the number of referrals, referrals by SAC office, wait times between referral submissions and response by licensing agency. These reports are used for internal management and statistical purposes only.~~

Disposition:

GRS 20 Item 16

~~TEMPORARY Cutoff at the end of the fiscal year report is created. Destroy/delete not later than fifteen (15) years after cutoff~~

~~NOTE: GRS 20, Item 16 authorizes Federal agencies to destroy these type of records when the agency determines they are no longer needed for administrative, legal, audit, or other operational purposes provided they do not contain substantive information, such as substantive annotations, that is not included in the electronic records. (Reports that contain substantive information should be disposed of in accordance with the NARA approved schedule that covers the series in which they are filed) ICE has determined, based upon business needs, these records should be destroyed/deleted no later than fifteen (15) years after the end of the fiscal year created~~