



The Evolving Strategy to Combat Transnational Organized Crime

Transnational organized crime (TOC) networks have been adapting and evolving, posing challenges for federal law enforcement. Since the Obama Administration's issuance of an initial strategy in 2011, counter-TOC efforts have evolved through a series of Executive Orders (E.O.s) and an updated strategy published in 2023. Policymakers may opt to examine the implementation of the strategic objectives and directives outlined in the strategies and E.O.s as well as congressional action that may complement or guide these counter-TOC activities.

Conceptualizing TOC

2011 Strategy

In July 2011, the Obama Administration issued the White House Strategy to Combat Transnational Organized Crime (2011 Strategy), which laid out the federal government's first broad conceptualization of TOC, focusing on it as a national security concern. The 2011 Strategy offered the following definition of TOC:

Transnational organized crime refers to those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms. There is no single structure under which transnational organized criminals operate; they vary from hierarchies to clans, networks, and cells, and may evolve to other structures. The crimes they commit also vary. Transnational organized criminals act conspiratorially in their criminal activities and possess certain characteristics which may include, but are not limited to:

In at least part of their activities they commit violence or other acts which are likely to intimidate, or make actual or implicit threats to do so;

They exploit differences between countries to further their objectives, enriching their organization, expanding its power, and/or avoiding detection/apprehension;

They attempt to gain influence in government, politics, and commerce through corrupt as well as legitimate means;

They have economic gain as their primary goal, not only from patently illegal activities but also from investment in legitimate businesses; and

They attempt to insulate both their leadership and membership from detection, sanction, and/or prosecution through their organizational structure.

2023 Strategy

In December 2023, the Biden Administration issued an updated White House Strategy to Combat Transnational Organized Crime (2023 Strategy). It updates the 2011 Strategy, maintaining a similar conceptualization of TOC. The 2023 Strategy defines TOC as follows:

[TOCs] refer to groups, networks, and associated individuals who operate transnationally for the purpose of obtaining power, influence, or monetary or commercial gain, wholly or in part by illegal means, while advancing their activities through a pattern of crime, corruption, or violence, and while protecting their illegal activities through a transnational organizational structure and the exploitation of public corruption or transnational logistics, financial, or communication mechanisms.

Like the 2011 Strategy, the 2023 Strategy also notes the opportunistic, poly-criminal nature of transnational criminal networks, the fluidity of their sizes and structures, and their activities that overlap the licit and illicit realms.

Executive Orders Guiding the Federal Response to TOC

A number of E.O.s have provided direction for the nation's efforts to counter TOC. Examples include the following:

E.O. 13581. The 2011 Strategy's release coincided with President Obama issuing E.O. 13581, which announced economic sanctions on significant transnational criminal organizations.

E.O. 13773. President Trump's E.O. 13773 directed the executive branch to strengthen the enforcement of federal laws and prioritize law enforcement resources to combat transnational criminal groups.

E.O. 13863. President Trump's E.O. 13863 reaffirmed that the threats posed by TOC present a national emergency. It also noted that significant transnational organizations can both engage in and *facilitate* criminal activity. Facilitators can help criminal networks carry out specific functions, such as money laundering.

E.O. 14060. Under President Biden, E.O. 14060 established the U.S. Council on Transnational Organized Crime

(USCTOC) and made it responsible for coordinating federal efforts to combat TOC. The USCTOC was co-led by the Secretaries of State, Homeland Security, the Treasury, and Defense; the Attorney General; and the Director of National Intelligence.

E.O. 14148. Under President Trump, E.O. 14148 rescinded a number of President Biden's E.O.s, including E.O. 14060, which had established the USCTOC. It did not further clarify how the United States would respond to TOC.

E.O. 14157. President Trump's E.O. 14157 did not direct U.S. policy on TCOs directly, but it allowed the State Department to designate criminal networks as terrorists and apply to them certain sanctions.

2023 Strategy's Strategic Pillars

The 2023 Strategy notes that it is designed to complement other national strategies, including the 2022 National Security Strategy, the 2023 National Cybersecurity Strategy, the 2022 National Drug Control Strategy, and the 2021 United States Strategy on Countering Corruption. Each of these strategies has components to specifically target the illicit activities of criminal networks. In doing so, the 2023 Strategy outlines four broad strategic pillars:

Enhancing intelligence and information sharing. The 2023 Strategy mentions various challenges related to sharing intelligence and information between the vast number of departments and agencies with a TOC mission. It proposes to support greater sharing through a number of activities, including prioritizing efforts against TOC actors and issues posing the greatest threats to national security, enhancing existing and creating new tools to facilitate intelligence and information sharing, facilitating a culture of information sharing rather than compartmentalization, and increasing engagement with government and nongovernment partners outside the traditional counter-TOC community.

Strengthening interdictions, investigations, and prosecutions. The 2023 Strategy outlines that task forces and fusion centers undertake many complex TOC investigations and prosecutions and notes that more can be done to facilitate the sharing of tactical and operational information to support these investigations. The strategy sets goals to better understand the current U.S. position against TOC, explore new data sources for investigators, enhance law enforcement's targeting and prosecuting of TOC actors by coordinating and deconflicting across departments and agencies, and expand partnerships with foreign law enforcement.

Targeting TOC enablers. The 2023 Strategy notes that effective targeting of criminal networks involves countering the people, tools, and methods that enable these criminal networks to operate. It proposes enhanced efforts against TOC networks by increasing the identification and targeting of criminal network facilitators, bolstering resources to disrupt illicit finance pathways, and developing new means to counter TOC cyber capabilities—including criminals' use of encrypted communications.

Building international capacity, cooperation, and partnerships. The 2023 Strategy notes that cooperation

with foreign counterparts is critical to countering TOC. To bolster these partnerships, the strategy proposes to convey consistent information and priorities about TOC to international partners, use international information sharing tools and coordinate bilateral and multilateral actions against TOC actors, enhance foreign law enforcement partners' capacity against TOC, engage in closer coordination with *Five Eyes* (FVEY; an intelligence alliance among Australia, Canada, New Zealand, the United Kingdom, and the United States) partners, and increase U.S. involvement in formal and informal multilateral fora that can help counter TOC.

Policy Considerations for Organized Crime Investigations

While there are a number of aspects of the 2023 Strategy that policymakers may consider, one area of interest may be its implementation by federal law enforcement agencies. Federal investigations of organized crime have historically not been a centralized effort, and a host of departments and agencies are involved. Complicating this is what can sometimes appear as a lack of clarity on which agency may lead a certain investigation. For instance, some cases involve the investigation of violations that naturally fall to a specific agency, such as drug trafficking cases led by the Drug Enforcement Administration. However, cases involving other offenses such as various cybercrimes and money laundering may be investigated by a range of agencies such as the U.S. Secret Service, the Federal Bureau of Investigation, and U.S. Immigration and Customs Enforcement. This lack of clarity on which agency will take the lead on a particular case can potentially lead to interagency conflicts and deconfliction challenges.

Recognizing these and other challenges, the 2023 Strategy's strategic pillars seek to enhance coordination and cooperation among federal law enforcement agencies and their partners. Policymakers may examine the extent to which counter-TOC cases are coordinated and deconflicted and the efficacy of existing mechanisms to do so. For instance, the 2023 Strategy notes that many counter-TOC investigations are led by task forces and fusion centers, which consolidate and disseminate intelligence on various organized crime matters. Law enforcement and intelligence agencies across federal, state, and local levels participate in these centers. As they examine the implementation of the 2023 Strategy, policymakers may conduct oversight of existing fusion centers and task force operations, and they may deliberate on the value of existing federal support for these entities. They may also opt to examine what effect the dissolution of certain entities—such as the Organized Crime Drug Enforcement Task Force Program—historically focused on countering criminal networks may have on federal efforts to counter TOC going forward. Congress may also examine metrics—including the outputs and outcomes of their intelligence and investigative activities—that federal law enforcement agencies have developed to help track and evaluate their counter-TOC efforts.

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