

Threat Finance and Financial Intelligence

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The National Strategy for Counterterrorism¹ and the Strategy to Combat Transnational Organized Crime² identify threat finance as an enabling factor of crime and terrorism, and a challenge to both national and international security.

The integration of global financial systems, as well as technological innovation and proliferation, has reduced barriers to threat finance and money laundering while making it difficult for authorities to detect or disrupt these illicit operations.

The American Security Project has compiled this fact sheet to provide an overview of threat finance and the methods used to launder money, as well as measures aimed at countering these activities.



Defining the concepts:

- Threat finance encompasses the means and methods used by organizations to finance illicit operations and activities that pose a threat to U.S. national security.
- Financial intelligence includes the means and methods used by the US government, international authorities, and legitimate actors in the financial industry to discover, disrupt, and deter the financing of threats to US national security and global stability.
- Money laundering is the process by which proceeds of crime are concealed and made to appear legitimately sourced.³ Anti-Money Laundering (AML) and Counter Threat Finance (CTF) policies and regulations target this practice with the aim of eliminating criminal activity as a collateral effect.

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The actors:

- For actors engaged in illicit activities, employing financing methods that enable them to act without detection by authorities is critical to the continuity of operations. These actors may include:
 - Foreign Terrorist Organizations (FTOs)⁴
 - Narcotics traffickers⁵
 - Human traffickers⁶
 - Transnational Organized Crime (TOC)⁷
 - Weapons of mass destruction (WMD) proliferators
 - Emerging actors and crimes, including cybercrime, identity-related crimes, cultural property trafficking, environmental crimes, organ trafficking, and piracy.⁸
- While the specific needs of actors vary, financing is required for a range of purposes⁹:
 - Safe haven
 - Paying bribes
 - Recruitment, indoctrination, and training activities
 - Operational expenses, including materials and overhead
 - Payment of operatives and operatives' families
 - Humanitarian or good will efforts
 - Miscellaneous expenses



The methods:

- Money laundering is the underlying method of threat finance; however, it takes many forms in practice. The “laundry cycle” has three phases¹⁰:
 - The placement phase is the point at which the proceeds of crime enter the conventional financial system. At this stage, the money entering the financial system is still directly associated with the crime. Funds are sourced from and laundered by means of myriad activities¹¹:
 - Counterfeiting
 - Extortion
 - Fraud
 - Kidnapping
 - Tax evasion
 - Not-for-profit (NFP) or shell organizations
 - Direct donations from (un)knowing individuals or organizations

- The layering phase disperses the funds in order to obscure sources of the proceeds and the individuals involved in the operation. Typologies vary significantly between actors, but frequently include allocating funds to different accounts, shell corporations, or assets. Funds are frequently routed through jurisdictions that have either inadequate AML practices or bank secrecy laws that do not allow for cooperation in AML investigations.¹²
- The integration phase is the stage at which the funds have been “washed” – their direct association with the illicit source adequately obscured – and may be withdrawn from the financial system for use by the actor once again.
 - Exit methods include the legitimate purchase of luxury assets, significant investments in financial markets, or the acquisition of commercial or industrial assets.
- As governments and industries have developed increasingly robust AML/CTF systems, illicit actors have migrated towards alternative remittance systems (ARS), including arms trafficking,¹³ trade-¹⁴ or commodities-based¹⁵ schemes, stored value cards, and digital currencies.¹⁶

Policies and Organizations

- As money laundering has become widespread through the integrated global financial system, the U.S. has enacted a series of AML regulations in an effort to stem the proliferation of such activity.¹⁷ Several significant legislative actions include:
 - Bank Secrecy Act (1970)¹⁸
 - Money Laundering Control Act (1986)¹⁹
 - Anti-Drug Abuse Act (1988)²⁰
 - Annunzio-Wylie Money Laundering Suppression Act²¹
 - Money Laundering Suppression Act (1994)²²
 - Money Laundering and Financial Crimes Strategy Act (1998)²³
 - USA PATRIOT Act (Uniting and Strengthening America by Providing Appropriate Tools to Restrict, Intercept and Obstruct Terrorism Act) of 2001²⁴
- In addition to U.S. authorities, many international organizations are active in anti-money laundering efforts, with several prominent actors including:
 - The Financial Action Task Force (FATF), an inter-governmental body established in 1989, to “examine and develop measures to combat money laundering” and terrorist financing. Membership now includes 34 countries and two regional organizations.²⁵ FATF develops and monitors the implementation of the International Standards on Combating Money Laundering and the



Financing of Terrorism and Proliferation.²⁶

- The Egmont Group of Financial Intelligence Units, a network of Financial Intelligence Units (FIUs) that facilitates international cooperation on combating transnational crime.²⁷ An FIU is a national agency responsible for handling disclosures of financial information related to suspected criminal activity, or as required by national legislation to counter money laundering or terrorist financing.²⁸
- The United Nations Office on Drugs and Crime (UNODC) operates numerous programs targeting money laundering, threat finance, transnational crime, and related activities,²⁹ as well as IMOLIN, the International Money Laundering Information Network.³⁰
- The Organisation for Economic Co-operation and Development (OECD), an inter-governmental organization focused on promoting the “economic and social well-being of people around the world.”³¹ The OECD examines money laundering as part of its Bribery and Corruption focus.³²
- Numerous international organizations are involved in countering money laundering and transnational crime,³³ but the domestic policies of individual nations and voluntary practices undertaken by private industry are equally instrumental in combating money laundering and threat finance.



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Endnotes

1. The White House. “National Strategy for Counterterrorism,” The White House. June 2011. http://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf. [Accessed November 18, 2012].
2. National Security Staff. “Strategy to Combat Transnational Organized Crime,” National Security Council. July 25, 2011. <http://www.whitehouse.gov/administration/eop/nsc/transnational-crime>. [Accessed November 18, 2012].
3. U.S. Department of Treasury. “Money Laundering,” U.S. Department of Treasury. 2012. <http://www.treasury.gov/resource-center/terrorist-illicit-finance/Pages/Money-Laundering.aspx>. [Accessed November 16, 2012].
4. FATF. “Global Money Laundering and Terrorist Financing Threat Assessment,” Financial Action Task Force/Organisation for Economic Co-operation and Development. July 2010. http://www.coe.int/t/dghl/monitoring/moneyval/web_research/FATF_GTA2010.pdf. [Accessed November 16, 2012].
5. United Nations Office on Drugs and Crime. “Drug trafficking,” United Nations. 2012. <http://www.unodc.org/unodc/en/drug-trafficling/index.html>. [Accessed November 19, 2012].
6. United Nations Office on Drugs and Crime. “UNODC on human trafficking and migrant smuggling,” United Nations. 2012. <http://www.unodc.org/unodc/en/human-trafficling/index.html?ref=menuseide>. [Accessed November 16, 2012].
7. United Nations Office on Drugs and Crime. “United Nations Convention Against Transnational Organized Crime and the Protocols Thereto,” United Nations. 2004. <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>. [Accessed November 20, 2012].
8. United Nations Office on Drugs and Crime. “Emerging Crimes,” United Nations. 2012. <http://www.unodc.org/unodc/en/organized-crime/emerging-crimes.html>. [Accessed November 20, 2012].

9. Major Wesley J. L. Anderson. "Disrupting Threat Finances: Utilization of Financial Information to Disrupt Terrorist Organizations in the Twenty-First Century," School of Advanced Military Studies, United States Army Command and General Staff College at Fort Leavenworth, Kansas. Available at the Combined Arms Research Library Digital Library at <http://cgsc.cdmhost.com/cdm/singleitem/collection/p4013coll3/id/1266> . Report AY 06-07, dated November 4, 2007
10. United Nations Office on Drugs and Crime. "The Money-Laundering Cycle," United Nations. 2012. <https://www.unodc.org/unodc/en/money-laundering/laundrycycle.html>. [Accessed November 16, 2012].
11. FATF. "Global Money Laundering and Terrorist Financing Threat Assessment."
12. FATF. "Annual Review of Non-Cooperative Countries and Territories 2006-2007: Eighth NCCT Review." Financial Action Task Force. October 12, 2007. <http://www.fatf-gafi.org/media/fatf/documents/reports/2006%202007%20NCCT%20ENG.pdf>. [Accessed November 19, 2012].
13. FATF. "Terrorist Financing," Financial Action Task Force/Organisation for Economic Co-operation and Development. February 29, 2008. <http://www.fatf-gafi.org/media/fatf/documents/reports/FATF%20Terrorist%20Financing%20Typologies%20Report.pdf>. [Accessed November 16, 2012].
14. ICE. "Trade Transparency Unit," United States Immigration and Customs Enforcement. 2012. <http://www.ice.gov/trade-transparency/>. [Accessed November 16, 2012].
15. FATF. "Money laundering and terrorist financing in the securities sector," Financial Action Task Force/Organisation for Economic Co-operation and Development. October 2009. <http://www.fatf-gafi.org/media/fatf/documents/reports/ML%20and%20TF%20in%20the%20Securities%20Sector.pdf>. [Accessed November 16, 2012].
16. Abe Garver. "Bitcoin + MasterCard: 'Everywhere You Shouldn't Be?'" Forbes. August 24, 2012. <http://www.forbes.com/sites/abegarver/2012/08/24/bitcoin-mastercard-everywhere-you-shouldnt-be/>. [Accessed November 19, 2012].
17. FDIC. "Bank Secrecy and Anti-Money Laundering – History of Anti-Money Laundering Legislation." Federal Deposit Insurance Corporation. June 3, 2004. http://www.fdic.gov/regulations/examinations/bsa/bsa_3.html. [Accessed November 19, 2012].
18. United States Congress. 31 USC Chapter 53, Subchapter II – Records and Reports on Monetary Instruments Transactions. 1970. Available through Cornell University Law School Legal Information Institute at http://www.law.cornell.edu/uscode/text/31/subtitle-IV/chapter-53/subchapter-II?quicktabs_8=1#quicktabs-8. [Accessed November 26, 2012].
19. United States Congress. 18 USC § 1956 – Laundering of Monetary Instruments. Available through Cornell University Law School Legal Information Institute at <http://www.law.cornell.edu/uscode/text/18/1956>. [Accessed November 26, 2012].
20. 100th United States Congress. H.R. 5210 – Anti-Drug Abuse Act of 1988. August 11, 1988. Available through The Library of Congress THOMAS at <http://thomas.loc.gov/cgi-bin/bdquery/z?d100:H.R.5210>:. [Accessed November 26, 2012].
21. FFIEC. Title XV: Annunzio-Wylie Anti-Money Laundering Act. Federal Financial Institutions Examination Council. 1992. http://www.ffiec.gov/bsa_aml_infobase/documents/regulations/Annunzio_Wylie.pdf. [Accessed November 26, 2012].
22. 103rd United States Congress. H.R. 3235 – Money Laundering Suppression Act of 1994. March 21, 1994. Available through the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/pkg/BILLS-103hr3235rh/pdf/BILLS-103hr3235rh.pdf>. [Accessed November 26, 2012].
23. 105th United States Congress. Public Law 105-310 – Money Laundering and Financial Crimes Strategy Act of 1998. October 30, 1998. Available through the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/search/pagedetails.action?st=public+law+105-310&granuleId=&packageId=PLAW-105publ310>. [Accessed November 26, 2012].
24. 107th United States Congress. Public Law 107-56 – Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. Available through the U.S. Government Printing Office at <http://www.gpo.gov/fdsys/pkg/PLAW-107publ56/html/PLAW-107publ56.htm>. [Accessed November 26, 2012].
25. FATF. "About Us," Financial Action Task Force. 2012. <http://www.fatf-gafi.org/pages/aboutus/>. [Accessed November 25, 2012].
26. FATF. "International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation," Financial Action Task Force. Updated February 16, 2012. <http://www.fatf-gafi.org/topics/fatfrecommendations/documents/internationalstandardscombatingmoney-launderingandthefinancingofterrorismproliferation-thefatfrecommendations.html>. [Accessed November 16, 2012].
27. The Egmont Group. "About," The Egmont Group of Financial Intelligence Units. 2012. <http://www.egmontgroup.org/about>. [Accessed November 22, 2012].
28. The Egmont Group. "What is an FIU," The Egmont Group of Financial Intelligence Units. 2012. <http://www.egmontgroup.org/about/what-is-an-fiu>. [Accessed November 22, 2012].
29. UNODC. United Nations Office on Drugs and Crime. 2012. <http://www.unodc.org/>. [Accessed November 16, 2012].
30. IMOLIN. International Money Laundering Information Network. 2012. <http://www.imolin.org/>. [Accessed November 25, 2012].
31. OECD. "About the OECD," Organisation for Economic Co-operation and Development. 2012. <http://www.oecd.org/about/>. [Accessed November 25, 2012].
32. OECD. "Tax and crime," Organisation for Economic Co-operation and Development. 2012. <http://www.oecd.org/corruption/taxandcrime/>. [Accessed November 25, 2012].
33. The Egmont Group. "International Organizations," The Egmont Group of Financial Intelligence Units. 2012. <http://www.egmontgroup.org/international-organizations>. [Accessed November 25, 2012].

Building a New American Arsenal

The American Security Project (ASP) is a nonpartisan initiative to educate the American public about the changing nature of national security in the 21st century.

Gone are the days when a nation's strength could be measured by bombers and battleships. Security in this new era requires a New American Arsenal harnessing all of America's strengths: the force of our diplomacy; the might of our military; the vigor of our economy; and the power of our ideals.

We believe that America must lead other nations in the pursuit of our common goals and shared security. We must confront international challenges with all the tools at our disposal. We must address emerging problems before they become security crises. And to do this, we must forge a new bipartisan consensus at home.

ASP brings together prominent American leaders, current and former members of Congress, retired military officers, and former government officials. Staff direct research on a broad range of issues and engages and empowers the American public by taking its findings directly to them.

We live in a time when the threats to our security are as complex and diverse as terrorism, the spread of weapons of mass destruction, climate change, failed and failing states, disease, and pandemics. The same-old solutions and partisan bickering won't do. America needs an honest dialogue about security that is as robust as it is realistic.

ASP exists to promote that dialogue, to forge consensus, and to spur constructive action so that America meets the challenges to its security while seizing the opportunities the new century offers.



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