

Research Integrity & Undue Foreign Influence

In the midst of a global pandemic, international scientific collaboration has perhaps never been more important. However, the U.S. government's efforts to prevent and investigate undue foreign influence in federally-funded research remain active.

Why Foreign Influence Matters

As tensions between the U.S. and various foreign governments increase, accusations of academic espionage by foreign-supported researchers at U.S.-based research institutions are on the rise. The NIH, NSF, DOE, and other agencies are increasingly warning institutions of researchers who have not disclosed foreign associations in compliance with grant funding regulations and other laws. The government continues to initiate enforcement actions and we expect this to increase in frequency and scope during the coming months.

As a result, research and academic institutions in the U.S. need to be ever more vigilant to mitigate brand risk, the loss of federal funds, the risk of undermining intellectual property assets and exposure to enforcement actions.

Protecting Intellectual Property Related to Coronavirus Vaccine Research

As research institutions, hospitals, and pharmaceutical companies race to develop a vaccine or treatments for COVID-19, international collaborations are plentiful, critical and inspiring. At the same time, U.S. officials are warning American institutions to be increasingly vigilant in protecting their intellectual property and other sensitive data. Where U.S. federal dollars are being used to further these efforts, the need for diligence and vigilance is even more important.

- ▶ Assistant Attorney General for National Security John Demers recently emphasized a number of potential threats that foreign countries, and in particular China, pose to U.S. businesses and research efforts.
 - Demers is the Chair of the DOJ's China Initiative, launched in 2018, which aims to counter Chinese national security threats including trade secret theft, hacking, and economic espionage.
 - During a recent Strategic News Service discussion, Demers reported that about 80 percent of all economic espionage prosecutions brought by the DOJ involve China. The DOJ also reports that there is "at least some nexus to China in around 60 percent of all trade secret theft cases."
 - Demers stated that the "logical conclusion" based on past activity is that China is now targeting U.S. hospitals and research labs in an attempt to steal research and information related to the development of a coronavirus vaccine. Demers stressed that China has both an economic and political incentive to steal biomedical research because a coronavirus vaccine would not only lead to great commercial success, but also "a significant geopolitical success story."
- ▶ The FBI and National Counterintelligence and Security Center are concerned about cybercriminals and foreign government hackers targeting U.S. organizations (private and governmental) that are actively researching COVID-19 treatments.
 - The Department of Health and Human Services, which oversees the Centers for Disease Control and Prevention, has reportedly been hit with an increase in daily cyberattacks.
 - FBI Deputy Director Tonya Urogretz recently opined that companies that are open about the work they are doing on the COVID-19 response make themselves "a mark for other nation-states that are interested in gleaning details about what exactly they're doing and maybe even stealing proprietary information that those institutions have."
- ▶ Medical centers, research institutions, health care providers, and pharmaceutical companies should ensure that they have robust data privacy and compliance processes in place to mitigate the potential for cyberattacks and intellectual property theft.
 - Remind employees/faculty to take extra precautions to protect sensitive data and critical research
 - Train employees on cybersecurity and research compliance best practices
 - Establish clear reporting and response protocols for suspected or confirmed security breaches
 - Ensure that international collaborations are vetted through your institution and where applicable, U.S. federal funding agencies