



Counterintelligence

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Economic Espionage

Economic espionage is a problem that costs the American economy hundreds of billions of dollars per year and puts our national security at risk. While it is not a new threat, it is a growing one, and the theft attempts by our foreign competitors and adversaries are becoming more brazen and more varied in their approach. The FBI estimates that hundreds of billions of U.S. dollars are lost to foreign competitors every year. These foreign competitors deliberately target economic intelligence in advanced technologies and flourishing U.S. industries.

Definition

According to the Economic Espionage Act (EEA), Title 18 U.S.C., Section 1831, economic espionage is (1) whoever knowingly performs targeting or acquisition of trade secrets to (2) knowingly benefit any foreign government, foreign instrumentality, or foreign agent. And Theft of Trade Secrets, Title 18 U.S.C., Section 1832, is (1) whoever knowingly misappropriates trade secrets to (2) benefit anyone other than the owner.

Historically, economic espionage has been leveled mainly at defense-related and high-tech industries. But recent FBI cases have shown that no industry, large or small, is immune to the threat. Any company with a proprietary product, process, or idea can be a target; any unprotected trade secret is ripe for the taking by those who wish to illegally obtain innovations to increase their market share at a victim company's expense.

The FBI's role

Economic espionage falls under the Bureau's Counterintelligence Program, designated by the FBI Director as the Bureau's number two investigative priority—second only to terrorism.

In terms of our operational efforts, the FBI:

- Conducts an increasing number of investigations into suspected acts of economic espionage using our full arsenal of lawful tools and techniques.
- Takes part in the DOJ's Intellectual Property Task Force, which seeks to support prosecutions in priority areas, promote innovation through heightened civil enforcement, achieve greater coordination among federal, state, and local law enforcement partners, and increase focus on international law enforcement efforts, including reinforcing relationships with key foreign partners and U.S. industry leaders.
- Participates in the multiagency National Intellectual Property Rights Coordination Center, which facilitates the exchange of intellectual property theft information, plans and coordinates joint domestic and international law enforcement operations, generates investigative leads from industry and the public, provides law enforcement training, and works closely with industry partners on intellectual property crime.

Beyond its investigative activity, the FBI works to counter the economic espionage threat by raising public awareness and directly reaching out to industry partners. For example:

- The Bureau's Economic Espionage Unit is dedicated to countering the economic espionage threat to include developing training and outreach materials; participating in conferences; visiting private industry; working with the law enforcement and intelligence community on requirement issues; and providing classified and unclassified presentations.
- In collaboration with the National Counterintelligence and Security Center, the FBI launched a nationwide campaign and released a short film aimed at educating businesses, industry leaders, and anyone with a trade secret about the threat and how they can help mitigate it. The *Company Man: Protecting America's Secrets*, based on an actual case, illustrates how one U.S. company was targeted by foreign actors and how that company worked with the FBI to resolve the problem and bring the perpetrators to justice. The Bureau has provided more than 1,300 in-person briefings on the economic espionage threat to companies and industry leaders over the past year, using *The Company Man* as a training tool. But through this campaign, the FBI hopes to expand the scope of the audience to include a wider range of industry representatives, trade associations, and smaller companies and encourage them to come forward if they suspect they are a victim of economic espionage.

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