

Research Integrity & Undue Foreign Influence

Professor Accused of Hiding China Ties from NASA Acquitted of All Charges

On September 9, 2021, a federal judge granted former University of Tennessee professor Dr. Anming Hu's motion for judgment of acquittal, denying the government the chance to retry its case rooted in allegations that Dr. Hu intentionally hid his ties to a Chinese university while performing work for NASA.

The charges against Dr. Hu hinged on a 2011 defense spending bill provision that prohibits researchers from using NASA funds "to enter into or fund any grant or cooperative agreement of any kind to participate, collaborate, or coordinate bilaterally in any way with China or a Chinese-owned company." According to a February 2020 indictment alleging three counts each of wire fraud and making false statements, Dr. Hu intentionally failed to disclose that he worked at the Beijing University of Technology while working on a NASA grant.

Dr. Hu's trial took place in June 2021. At the close of the government's case, the Court took under advisement Dr. Hu's motion for judgment of acquittal under Rule 29 of the Federal Rules of Criminal Procedure. The Court ultimately declared a mistrial when the jury could not reach a verdict after three days of deliberation. The government later announced its intent to retry Dr. Hu, at which time Dr. Hu asked the Court to rule on his Rule 29 motion – a motion which is often filed but rarely granted.

In its 52-page decision granting Dr. Hu's motion, the Court explained that the government failed to offer sufficient evidence to prove that Dr. Hu intended to deceive anyone about his ties to the Beijing University of Technology. Specifically, the Court found that University of Tennessee guidance suggested that the funding restriction did not apply to University faculty, and that the government failed to show that Dr. Hu personally understood that NASA's China Funding Restriction applied to his affiliation with the Chinese university. Noting that a letter of support for one NASA subcontract made clear that Dr. Hu had a long-time collaboration with a professor at a Chinese institute, the Court found it unlikely that Dr. Hu would highlight that collaboration if he was attempting to conceal his affiliation with Chinese institutions. Ultimately, the Court concluded: "NASA bargained for research on a particular scientific topic in exchange for providing funding to the research project. And there is no evidence that NASA did not receive exactly the type of research that it bargained for."

For more information about these developments, please contact a member of our Foreign Influence and Compliance team:

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