

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED

Feb 18 2021

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

Chen SONG

CR 21-0011 WHA

DEFENDANT(S).

SUPERSEDING INDICTMENT

18 U.S.C. § 1546(a) - Use and Possession of Visa Procured by Fraud;
18 U.S.C. § 1512(c)(2) – Obstruction of Official Proceedings;
18 U.S.C. § 1512(c)(1) – Alteration, Destruction, Mutilation, or Concealment of
Records for Use in Official Proceedings;
18 U.S.C. § 1001(a)(2) – False Statements to a Government Agency;
18 U.S.C. § 982(a)(6) – Forfeiture Allegation

A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 18th day of

February, 2021.

Claire Kurland
Clerk

WBC
Bail, \$ No Process

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

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SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA,) CASE NO. 21-CR-0011 WHA
12 Plaintiff,)
13 v.) VIOLATIONS:
14 CHEN SONG,) 18 U.S.C. § 1546(a) – Use and Possession of Visa
a/k/a SONG Chen,) Procured by Fraud;
15 Defendant.) 18 U.S.C. § 1512(c)(2) – Obstruction of Official
16) Proceedings;
17) 18 U.S.C. § 1512(c)(1) – Alteration, Destruction,
18) Mutilation, or Concealment of Records for Use in
19) Official Proceedings;
20) 18 U.S.C. § 1001(a)(2) – False Statements to a
21) Government Agency;
22) 18 U.S.C. § 982(a)(6) – Forfeiture Allegation
23)
24) SAN FRANCISCO VENUE
25)
26)
27)
28)

20 SUPERSEDING INDICTMENT

21 The Grand Jury charges:

22 Introductory Allegations

23 At all times relevant to this Indictment, except where otherwise stated:

- 24 1. Defendant Chen SONG was a national of the People’s Republic of China (“PRC”). She
25 was not a citizen of the United States of America and had no permanent immigration status in the United
26 States.
27 2. The People’s Liberation Army (“PLA”) was the military of the PRC. The PLA had an
28 Air Force branch.

SUPERSEDING INDICTMENT

1 concealing the obviously military nature of her hospital, AFGH. She described her duties as a
2 neurologist as “diagnose and treat patients, especially with brain disease,” and stated that she had no
3 previous employment. In response to the question on the form asking her about military service, “Have
4 you ever served in the military?”, SONG answered “YES.” However, in response to the prompts asking
5 her “Rank/Position,” SONG falsely wrote “STUDENT,” and in response to the prompts asking for her
6 dates of service, she falsely stated that her service ended on “30 JUNE 2011.” She did not state that she
7 was an active member of the PLA, did not state her rank in the military, and did not state that she was
8 employed by AFGH, AFMMU, FMMU, or any other military-affiliated entity, anywhere on her visa
9 application.

10 9. On or about November 23, 2018, as a result of her application, SONG was issued a J-1
11 visa to enter the United States. A J-1 visa is a non-immigrant document for individuals approved to
12 participate in work- and study-based exchanged visitor programs. Her visa was given a “Control
13 Number” ending in -0018. It stated November 23, 2018 as the “Issue Date” and January 6, 2020 as the
14 “Expiration Date.”

15 10. On or about December 23, 2018, SONG entered the United States through San Francisco
16 International Airport (“SFO”), in the Northern District of California, using the J-1 visa she had been
17 issued the prior month. While in the United States, she resided and worked in the Northern District of
18 California, working at a neurological research lab at Stanford.

19 11. During her time in the United States, SONG received funds from the PRC government
20 via the China Scholarship Council (“CSC”), including \$1,000 per month during her first year. On
21 multiple occasions, SONG sent updates to CSC detailing the nature, results, and value of her research
22 work at Stanford.

23 12. On or about June 10, 2019, SONG temporarily departed the United States, and then on or
24 about June 14, 2019, re-entered the United States using the same J-1 visa. Though her visa (and her
25 appointment at Stanford) were scheduled to expire in early January 2020, SONG obtained extensions to
26 both for another year.

27 13. On or about July 13, 2020, SONG was found in the Northern District of California in
28 possession of the fraudulently obtained J-1 visa, which remained in her PRC passport.

The Scheme to Obstruct Justice

1
2 14. On or about June 7, 2020, a Chinese military officer was charged in the Northern District
3 of California with visa fraud in violation of 18 U.S.C. § 1546(a) for failing to accurately disclose his
4 membership in the PLA Air Force on a J-1 visa application, and he was arrested. The complaint against
5 him, which included the allegation that he was in the PLA, was unsealed on June 8, 2020. On June 11,
6 2020, the United States filed a brief in that case further detailing its allegations against the officer,
7 including that his specific PLA employer was FMMU, and the case was covered by local and national
8 media. SONG was made aware of this case at or around, or shortly after, the time it became public.

9 15. On or about June 21, 2020, SONG attempted to delete a digital folder of documents
10 stored on an external hard drive by moving it to the “Recycling Bin.” The pathname of this folder was
11 “D:\chen song\2018访学重要资料,” which roughly translated from Chinese is “2018 Visiting Scholar
12 Important Information.” This folder contained records and documents relevant to SONG’s visa fraud,
13 including records and documents establishing her membership in the PLA and her true employment at
14 AFGH. Under default Microsoft Windows settings, folders or files that have been moved to the
15 Recycling Bin from an external hard drive are not visible, and those settings must be changed to view
16 such folders or files. Documents and records contained in the folder included:

17 a. A digital version of a letter from SONG, written in Chinese and addressed to the
18 PRC Consulate in New York, in which, roughly translated, SONG explained that she was
19 extending her stay in the United States and that her stated employer, “Beijing Xi Diaoyutai
20 Hospital,” was a false front and that, as a result, she had obtained approval for her extension
21 from both the PLA Air Force and FMMU. She also explained in this letter that, as the relevant
22 approval documents were classified, she was not able to transmit them online, and thus had
23 instead attempted to mail the documents via UPS, but the package was lost.

24 b. An image of SONG’s PLA credentials, with a photograph of her in military dress
25 uniform, covering the time period from July 2016 to July 2020.

26 c. A digital version of a resume for SONG, written in Chinese, with a photograph of
27 SONG in military dress uniform and listing her employer from September 2011 to the present as
28 the Department of Neurology, Air Force General Hospital.

1 16. On or about July 13, 2020, the Federal Bureau of Investigation (“FBI”) executed a search
2 warrant on the residence at which SONG lived as part of its investigation into SONG’s visa fraud. At
3 the time of the search, the FBI sought to interview SONG as part of its investigation to determine
4 SONG’s true affiliations and purpose in the United States, among other things. SONG agreed to be
5 voluntarily interviewed by agents of the FBI. During this interview, SONG repeatedly and falsely
6 denied any current or recent affiliation with the PLA Air Force, PRC military, AFGH, or FMMU,
7 despite being given multiple opportunities to clarify or correct her statements. Instead, SONG falsely
8 stated that she had graduated from FMMU in 2011, and that she had chosen to disaffiliate herself from
9 the Chinese military at that point. When asked whether the hospital at which she works in China was
10 associated with the Air Force, she falsely said no.

11 17. After the investigation of SONG was known to SONG, information relevant to SONG’s
12 visa fraud began to disappear from the Internet as well. Specifically, prior to the July 13, 2020 search,
13 SONG’s name was included on a listing of neurology personnel on the “Air Force General Hospital,
14 PLA” website, available at “www.kj-hospital.com.” Within two days of SONG’s arrest, as of July 20,
15 2020, SONG’s name no longer appeared on the website. Similarly, prior to the search, profiles of
16 SONG existed on “cnkang.com” and “youlai.cn”—Chinese websites providing health and medical
17 information, including doctor lookup pages and profiles. The profiles of SONG on both websites
18 contained a photograph of SONG wearing a PLA military dress uniform. The “cnkang.com” page also
19 described SONG as an attending physician in the Department of Neurology at the AFGH. Following the
20 search, SONG’s profiles from both of these pages were deleted.

21 18. SONG also maintained a Hotmail email account. She used that account in part to
22 communicate about her professional career. The account contained emails and communications relevant
23 to her visa fraud, including SONG’s military service and work, her membership in the PLA, her
24 employment at AFGH, and her relationship with FMMU. After SONG was charged by criminal
25 complaint in *United States v. Chen Song*, Case No. 20-70968 MAG, SONG selectively deleted relevant
26 emails from that account, between on or about August 4, 2020 and on or about November 7, 2020,
27 including certain emails relevant to her military service, employment, and affiliations.

28 //

1 COUNT ONE: (18 U.S.C. § 1546(a) – Use and Possession of Visa Procured by Fraud)

2 19. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated herein.

3 20. From on or about November 23, 2018, to on or about July 13, 2020, in the Northern
4 District of California and elsewhere, the defendant,

5 CHEN SONG,

6 knowingly uttered, used, attempted to use, possessed, obtained, accepted, and received a non-immigrant
7 visa prescribed by statute and regulation for entry into and as evidence of authorized stay and
8 employment in the United States, to wit, a J-1 visa with a control number ending in -0018 in the name of
9 CHEN SONG, knowing the document to have been procured by means of any false claim and statement,
10 otherwise procured by fraud, and unlawfully obtained, in violation of Title 18, United States Code,
11 Section 1546(a).

12 COUNT TWO: (18 U.S.C. §§ 1512(c)(2) – Obstruction of Official Proceedings)

13 21. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated as though
14 fully set forth here.

15 22. From at least as early as June 21, 2020, to a date unknown, but no earlier than on or about
16 August 4, 2020, in the Northern District of California and elsewhere, the defendant,

17 CHEN SONG,

18 corruptly influenced, obstructed, and impeded, and attempted to corruptly influence, obstruct, and
19 impede, an official proceeding, namely, the grand jury investigation of SONG in the Northern District of
20 California and criminal proceedings of *United States v. Chen Song*, 20-70968 MAG, by executing the
21 aforementioned scheme to obstruct justice, in violation of Title 18, United States Code, Section
22 1512(c)(2).

23 COUNT THREE: (18 U.S.C. § 1512(c)(1) – Alteration, Destruction, Mutilation, or Concealment of
24 Records for Use in Official Proceedings)

25 23. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated as though
26 fully set forth here.

27 24. On or about June 21, 2020, in the Northern District of California, the defendant,

28 CHEN SONG,

1 corruptly altered, destroyed, mutilated, and concealed, and attempted to alter, destroy, mutilate, and
2 conceal, records, documents, and other objects, namely, the digital folder of documents and records
3 evidencing her visa fraud as described above in Paragraph 15, with the intent to impair their integrity
4 and availability for use in an official proceeding, namely, the grand jury investigation of SONG in the
5 Northern District of California and criminal proceedings of *United States v. Chen Song*, Case No. 20-
6 70968 MAG, in violation of Title 18, United States Code, Section 1512(c)(1).

7 COUNT FOUR: (18 U.S.C. § 1512(c)(1) – Alteration, Destruction, Mutilation, or Concealment of
8 Records for Use in Official Proceedings)

9 25. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated as though
10 fully set forth here.

11 26. At a date or dates unknown, but between on or about August 4, 2020 and on or about
12 November 7, 2020, in the Northern District of California and elsewhere, the defendant,

13 CHEN SONG,

14 corruptly altered, destroyed, mutilated, and concealed, and attempted to alter, destroy, mutilate, and
15 conceal, records, documents, and other objects, namely, the emails in her Hotmail email account
16 evidencing her visa fraud as described above in Paragraph 18, with the intent to impair their integrity
17 and availability for use in an official proceeding, namely, the grand jury investigation of SONG in the
18 Northern District of California and criminal proceedings of *United States v. Chen Song*, Case No. 20-
19 70968 MAG, in violation of Title 18, United States Code, Section 1512(c)(1).

20 COUNT FIVE: (18 U.S.C. § 1001(a)(2) – False Statements to a Government Agency)

21 27. Paragraphs 1 through 18 of this Indictment are re-alleged and incorporated as though
22 fully set forth here.

23 28. On or about July 13, 2020, in the Northern District of California, the defendant,

24 CHEN SONG,

25 did willfully and knowingly make a material false, fictitious, and fraudulent statement and
26 representation to and in a matter within the jurisdiction of the Federal Bureau of Investigation, an
27 agency of the executive branch of the government of the United States, namely, SONG stated and
28 represented to the FBI that:

- 1 a. SONG had left the Chinese military in 2011;
2 b. SONG had no affiliation with the Chinese military after 2011;
3 c. SONG had no affiliation with the military as of July 13, 2020;
4 d. The hospital at which SONG worked in China was not affiliated with the PLA Air
5 Force; and
6 e. The hospital at which SONG worked in China was not affiliated with
7 FMMU/AFMMU.

8 All in violation of Title 18, United States Code, Section 1001(a)(2).

9 FORFEITURE ALLEGATION: (18 U.S.C. § 982(a)(6))

10 29. The allegations contained this Indictment are re-alleged and incorporated by reference for
11 the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(6).

12 30. Upon conviction of the offense set forth in this Indictment, the defendant,
13 CHEN SONG,
14 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(6):

- 15 a. any conveyance, including any vessel, vehicle, or aircraft, used in the commission of
16 the offense;
17 b. any property, real or personal, that constitutes or is derived from or is traceable to the
18 proceeds obtained directly or indirectly from the commission of the offense; or
19 c. that was used to facilitate, or was intended to be used to facilitate, the commission of
20 the offense.

21 If any of the property described above, as a result of any act or omission of the defendant:

- 22 a. cannot be located upon exercise of due diligence;
23 b. has been transferred or sold to, or deposited with, a third party;
24 c. has been placed beyond the jurisdiction of the court;
25 d. has been substantially diminished in value; or
26 e. has been commingled with other property which cannot be divided without difficulty,

27 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
28 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

1 All pursuant to Title 18, United States Code, Section 982(a)(6) and Federal Rule of Criminal
2 Procedure 32.2.

3
4 DATED: February 18, 2021

A TRUE BILL.

5
6 /s/
FOREPERSON

7
8 DAVID L. ANDERSON
United States Attorney

9
10 /s/ Benjamin Kingsley
BENJAMIN KINGSLEY
ERIC CHENG
11 Assistant United States Attorneys

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT

SUPERSEDING

OFFENSE CHARGED

See Attachment

- Petty
- Minor
- Misdemeanor
- Felony

PENALTY: See Attachment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ Chen SONG

DISTRICT COURT NUMBER
21-CR-0011 WHA

FILED

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SAN FRANCISCO

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

20-MJ-70968

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Benjamin Kingsley, Eric Cheng

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Federal State
- 6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

} If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments: