



UNITED STATES DEPARTMENT OF COMMERCE
Office of Legislative and
Intergovernmental Affairs
Washington, D.C. 20230

October 26, 2021

The Honorable Charles E. Grassley
Ranking Member
Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Ranking Member Grassley:

I am writing in further response to your letter of August 2, 2021, addressed to Secretary Raimondo, concerning the Department of Commerce's Investigations and Threat Management Service (ITMS). On September 3, 2021, the Department provided your office with a copy of its "Report of the Programmatic Review on the Investigations and Threat Management Service" (Report), which addresses many of the questions in your August 2 letter. Based on the findings discussed in the Report, the Department is eliminating ITMS and its criminal law enforcement function, transferring its remaining functions to other units, and increasing oversight over those remaining functions. The Report contains an extensive set of recommendations that the Department has adopted and begun implementing.

Your letter also requested information regarding the classified systems to which ITMS had access. ITMS employees with TS/SCI clearance had access to JWICS through the Department's standard application process for JWICS access. ITMS had access to classified information through the National Counterterrorism Center's (NCTC's) Current, NCTC's Terrorist Identities Datamart Environment, NCTC's Terrorism Analysis Support System, the Defense Intelligence Agency's (DIA's) Counterintelligence and HUMINT Requirements Reporting Operations Management Environment, DIA's Think, Analyze, Connect, the Department of Energy's Energy Center, and the National Geospatial Agency's Multimedia Message Manager. The Department is evaluating which of these databases, if any, it requires for its retained security functions. The Department will also ensure that there are updated policies and procedures governing the use of any remaining databases.

Your letter also requested search warrant applications sworn by ITMS agents. The Department has identified two cases in which an ITMS agent provided the affidavits in support of warrants. The affidavits for one case are enclosed with this letter, with minimal redactions for privacy and other sensitive information. The affidavit in the other case is under seal. The same ITMS agent swore the affidavits in both cases and left the Department years before the Department began its review of ITMS this spring.

I hope this information is helpful as you review this matter. Should you have further questions or concerns, please do not hesitate to contact me by phone at (202) 322-7494 or JDGrom@doc.gov.

Sincerely,



J.D. Grom
Senior Advisor for Legislative Affairs,
Performing the Duties of the Assistant Secretary for
Legislative and Intergovernmental Affairs

Encls.

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)
 Email account, [REDACTED], stored at
 Google, Inc. at 1600 Amphitheatre Parkway, Mountain
 View, CA, more fully described in Attachment "A":
)
)
)
)

Case No. 16-2343-mj-white

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location): Email account, [REDACTED], stored at Google, Inc. at 1600 Amphitheatre Parkway, Mountain View, CA, more fully described in Attachment "A".

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
Title 18, United States Code, Sections 209, 287, 371, and 951

Offense Description
18 U.S.C § 209 (Unlawful Compensation), 18 U.S.C § 287 (False, Fraudulent or Fictitious Claims), 18 U.S.C § 371 (Conspiracy), and 18 U.S.C § 951 (Agent of Foreign Government)

The application is based on these facts:

See Attached Affidavit of Special Agent [REDACTED] Special Agent, Dept. of Commerce

Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if under 18 U.S.C. § 3103a, the basis of which is set forth [REDACTED]) is requested

[REDACTED]
Special Agent, Dept. of Commerce

Printed name and title

Sworn to before me and signed in my presence.

Date: 3-17-16

City and state: Miami, Florida

Certified to be a true and correct copy of the document on file.
 Steven M. Larimore, Clerk, Judge's signature
 U.S. District Court,
 Southern District of Florida, United States Magistrate Judge
 By [REDACTED] Deputy Clerk
 Date 3-17-16

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

IN THE MATTER OF THE SEARCH
OF THE EMAIL ACCOUNT

████████████████████
STORED AT GOOGLE, INC. AT 1600
AMPHITHEATRE PARKWAY MOUNTAIN
VIEW, CA

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, ██████████ being first duly sworn, hereby depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with the email account ██████████ that is stored at premises owned, maintained, controlled, or operated by Google, Inc., an email provider headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under Fed. R. Crim. P. 41, 18 U.S.C. § 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google, Inc. to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the account, including the contents of communications pertaining to violations of: (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951.

2. I am a Special Agent with the U.S. Department of Commerce, Office of the Secretary, Office of Security, Investigations and Threat Management Division (ITMD) in Washington, DC and have been employed as such for approximately seven years. As an ITMD Special Agent, I

am authorized under 18 U.S.C. § 3053 to enforce violations of Title 18 offenses and to seek and execute search warrants. I investigate threats to the Department's critical assets from compromises that would cause significant damage to U.S. economic advancement or U.S. Government functioning. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program, and have served as the lead investigator on numerous investigations of alleged violations of U.S. Code.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

4. Chunzai WANG is a U.S. citizen and federal employee of the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic & Atmospheric Research (OAR), Atlantic Oceanographic and Meteorological Laboratory (AOML), Physical Oceanography Division (PHOD). NOAA's AOML is located in Miami, Florida, and WANG works at that facility.

5. WANG's responsibilities as a NOAA employee include conducting basic and applied research in order to better understand the factors affecting both climate and the environment. WANG's responsibilities include collaboration with other academic and governmental institutions, however as a federal government employee WANG is prohibited from accepting or receiving any salary, contribution or supplementation of salary as compensation for his services as an employee of an agency of the United States from any source other than the Government of the United States pursuant to Title 18, United States Code, Section 209(a). The facts presented below in this affidavit demonstrate that WANG has entered into a contractual relationship with the People's Republic of China Chinese Academy of Sciences (CAS) and the Ocean University of China (OUC) for the performance of services for which WANG received salary and

reimbursement payments which conflict with his legitimate remuneration as a U.S. Government employee, and were unknown, and undisclosed, to [REDACTED] at the NOAA-AOML facility. As set forth below WANG used email communications in furtherance of his illegal activities.

6. In September 2013, NOAA-AOML management began questioning WANG in reference to his participation in a suspicious incident involving [REDACTED] a foreign national who was under WANG's supervision at NOAA-AOML. [REDACTED] returned to the PRC in February 2013, but signed time and attendance records were submitted to NOAA-AOML indicating that [REDACTED] was in a paid status through September 2013. When initially questioned by NOAA-AOML management, WANG said that [REDACTED] returned to the PRC in September, when in fact WANG knew that [REDACTED] had left Miami to return to the PRC in February 2013. Upon his return to the PRC [REDACTED] assisted WANG with completing his application for the Chinese Academy of Sciences Overseas Expert Program (CAS) financial award as set forth below.

PRC's 973 PROGRAM

7. An official PRC web site (www.973.gov.cn) states that the 973 Program organizes and implements basic research to meet China's major strategic needs. The purpose of the Program is to strengthen original innovation, resolve major scientific problems concerning socio-economic development, enhance China's capacity in innovation and in resolving major problems and provide scientific support to boost future development. On September 2, 2012 WANG exchanged emails from his NOAA account with [REDACTED] who WANG identified in email correspondence as a researcher for the PRC's State Oceanic Administration (SOA), and 973 Program coordinator. WANG advised [REDACTED] that WANG had no experience in doing a budget in China and might seek help from OUC to do it for him.

8. On September 4, 2012 WANG sent an email from his NOAA account to Professor [REDACTED] OUC, as well as [REDACTED] In the email, WANG asks [REDACTED] "to do a budget for my 973 project . . . If possible, budget some money for my salary." On the same day, [REDACTED]

responded to WANG and said “here is a draft of your budget. According to your suggestion, you have 20,000 for computer . . . and 20,000 for your salary. If you have any question, you can make a phone call to me. I think I can explain some policy for you.”

9. On November 3, 2012, WANG exchanged emails with [REDACTED] using his NOAA email account. A machine translation for this email reveals that WANG identified a bank account at the [REDACTED] and [REDACTED] advised that 34,205 yuan would be placed onto WANG's card.

10. On December 4, 2012 WANG received an email from [REDACTED] which, according to a machine translation, advised that WANG's ticket was reimbursed and to get the money WANG should save the money to his debit card where he could take his 40,000 salary payment.

11. On December 6, 2012, WANG received an email from [REDACTED] which, according to a machine translation, advised WANG that reimbursement had hit his card for a total of 14,988 yuan.

12. On December 9, 2012, WANG sent an email to [REDACTED] advising that he had checked and it was deposited.

13. On May 23, 2013 WANG sent an email to [REDACTED] asking when the contract would be ready. On May 28, 2013 WANG received an email from [REDACTED] which said that the “contract is fine.” Attached to the email was a Chinese document that was professionally translated as “typhoon 973 researcher's contract.” The contract detailed funding of 200,000 yuan (appx. 32,253 USD based on currency rates from the date of the contract), and WANG was named as Party B in the contract. The contract identified an appointment term from January 1, 2013 – December 31, 2014.

14. WANG submitted input for his mid-term performance review for the period of October 2012 through April 2013 for his position at NOAA. One of the elements of WANG's performance appraisal was that he work to procure funding for research in areas mandated by NOAA's mission responsibilities. In support of this requirement WANG included involvement

in a grant or proposal regarding the National Basic Research Program of China (973 Program). Specifically, this grant or proposal was described as “The Interaction between Typhoon and Ocean in the Western North Pacific” and listed WANG as the principal investigator with an amount of “500.0k Chinese dollars.” This grant or proposal was listed as running from March 1, 2013 to February 28, 2018, and was listed as current. WANG also listed his review of 973 proposals in China as an element of his NOAA performance appraisal. WANG’s responsibility as a NOAA employee is to obtain funding for research proposals; however, both [REDACTED]

[REDACTED] said that AOML has never received funding from the PRC, and that under no circumstance would WANG ever receive payments or reimbursements for work that he was conducting in an official capacity as a U.S. Government employee. [REDACTED]

[REDACTED] said that the work referenced in the 973 proposal was work that he expected WANG to be working on as part of his duties for NOAA.

15. On August 9, 2013 [REDACTED] emailed WANG asking WANG to provide a PowerPoint discussing the results of his work on 973. On August 12, 2013 WANG replied to the email with a PowerPoint titled “Publications supported by 973 project.” [REDACTED] replied the same day advising WANG that “You are very productive.” [REDACTED] said that all of the work that WANG referenced in the PowerPoint was listed as work that WANG had claimed as accomplishments during his FY13 and FY14 performance reviews as a NOAA-AOML employee.

16. A search warrant of WANG’s personal email address [REDACTED] address identified a November 22, 2013 email to [REDACTED] with the subject line “973.” The email identified [REDACTED] as the person in charge of WANG’s 973 account and WANG also said “In the future, please use this e-mail account for me (instead of my NOAA e-mail).”

17. On December 2, 2013, WANG received an email on his NOAA email account from OUC stating “Prof. Wang, there is one more thing to trouble you. Do you have a personal

account in [REDACTED]? The financial department needs the debit card number for salary payment." This email was forwarded by WANG to his personal email account at [REDACTED]

18. As recent as May 1, 2015 WANG used his personal email [REDACTED] to email [REDACTED] to advise [REDACTED] to acknowledge the 973 program in one of their joint publications. WANG again used this email address on May 11, 2015 to send a list of updated publications supported by the 973 project to personnel at OUC. Both emails were obtained in a prior search warrant of WANG's [REDACTED] account. After reviewing the updated publications which WANG reported to OUC, [REDACTED] said that all of these publications had been provided to him as accomplishments for WANG's work with NOAA during the FY12 – FY15 rating periods.

THOUSAND TALENTS PROGRAM

19. Information obtained from the University of Chinese Academy of Sciences website describes the Thousand Talents Program as follows:

The Long-Term Thousand Talents Program offers full-time positions to overseas Chinese applicants under 55 years old who have received their doctorates from a distinguished international university and work as professors or an equivalent position at an accredited academic institution. Hired employees will be required to work full-time in China and will be awarded grants of RMB ¥2,000,000.00 and RMB ¥1,000,000.00, respectively by the Chinese Academy of Sciences and UCAS. In addition, the candidate will receive a RMB ¥1,000,000.00 allowance (free of tax) from the Chinese government.

The Short-Term Thousand Talents Program offers part-time positions to overseas Chinese applicants under 55 years old who have received their doctorates from a distinguished international university and work as professors or an equivalent position at an accredited academic institution. Hired employees should work in China for a minimum of two months per academic year under a three-year (minimum) working contract. They will receive a RMB ¥500,000 allowance (free of tax) from the Chinese government in addition to research funds provided by UCAS.

20. On June 9, 2013 WANG sent an email to [REDACTED] from his NOAA account which said "[REDACTED] I signed the contract (attached). You can proceed. Thanks. Chunzai." Attached to the email was a document titled "Thousand Talents Program Professor Appointment

Contract". The document was written in Chinese and was translated by a professional service. The contract detailed an annual wage of 200,000 RMB (approximately \$32,200 USD based on currency rates from the date of the contract); a 500,000 RMB (approximately \$80,500 USD based on currency rates from the date of the contract) "subsidy provided by the central government to attract talent under the Thousand Talents Program, the 500,000 RMB (approximately \$80,500 USD based on currency rates from the date of the contract) matching subsidy provided by Shangdong Province, and the 250,000 RMB (approximately \$40,250 USD based on currency rates from the date of the contract) subsidy provided by Qingdao Municipality, are administered by Party B [WANG], and are used by Party B to improve living conditions and so on." The contract showed WANG's appointment from July 1, 2013 through June 30, 2018 and had objectives and tasks including:

[...] within 3-5 years through talent introduction and training, focus on training young academic leaders, create an internationally-influential team, cooperatively and jointly publish high level research papers in first rate international journals, solve 1-2 major scientific research problems related to air-sea interaction and climate change, and strive to achieve breakthroughs related to Pacific Ocean warm pool variation mechanisms and typhoon activity characteristics.

The contract states that an annual inspection of WANG's work will be conducted, and will show WANG's progress on the contractually agreed upon milestones. The contract further stipulates that WANG's "published research papers, authored works, and reported awards, patents and research projects and expenses must all be credited to [WANG] and [OUC]." WANG's [REDACTED]

[REDACTED] said that the term "warm pool", as set forth in the description of objectives and tasks above, was developed by WANG and is a main focus of his research as a NOAA employee.

21. In conjunction with foreign nationals from the PRC whom WANG sponsored to work at NOAA-AOML, WANG produced six academic articles which he claimed as work products for his position at NOAA-AOML. According to WANG's [REDACTED], the articles appear to have been used by WANG to meet the research requirements specified in the Thousand Talents contract between WANG and the PRC. WANG's Thousand Talents contract states that WANG

will “publish 5-10 research papers with Key laboratory of Physical Oceanography instructors and graduate students as co-authors.” The six articles referenced above were published after the execution of the Thousand Talents contract, and the co-authors had current or previous academic affiliations with OUC. Furthermore, the Key Laboratory of Physical Oceanography is affiliated with OUC.

22. The Thousand Talents contract also directed WANG to “serve an important bridging role between Party A (Ocean University of China Ministry of Education Key Laboratory of Physical Oceanography) and the National Oceanic and Atmospheric Administration (NOAA)” and included a requirement that while he is “working in the United States, the applicant will lead joint training of Ph.D. graduate students and Thousand Talent Team members in related work, mainly undertaking the following research: Northern Pacific Ocean subtropical circulation region air-sea coupling and its subtropical and tropical ocean exchanges,” and “[. . .] Western Pacific Ocean warm pool variation climate effects and influence on Western Pacific typhoon activity”.

23. WANG’s NOAA-AOML FY13 performance plan (dated November 11, 2013) required him to “promote collaboration with other investigators in [. . .] other academic and governmental institutions.” WANG listed in his FY13 final evaluation (which covered input from April 2013 – September 2013) that he “promote a collaboration with the OUC: A proposal to support and sponsor Ph.D students enrolled in OUC, China.”, thereby using his position at NOAA to fulfill the requirements of his June 9, 2013 Thousand Talents contract with the PRC.

24. An email obtained through a prior search warrant of WANG’s personal email [REDACTED] identified an October 10, 2013 email from WANG to [REDACTED] referencing an interview as a result of WANG’s acceptance into the Thousand Talents Program. In the email, WANG states “Thank you and others for offering the interview. As a scientist and a person, I always keep low profile. I do not like that the interview was reported in University Newspaper or other newspapers. For this reason, I will not do the interview. Thank you for understanding.”

25. On April 18, 2015 WANG sent another email from [REDACTED] to [REDACTED] where WANG said that he "would like to inform you about my decision to postpone my participation of "Thousand People Plan."" WANG's email to [REDACTED] occurred twenty-two months after WANG sent the ratified contract to OUC, and after WANG was informed that the Department of Commerce was investigating the incident detailed in paragraph (6).

CAS OVERSEAS EXPERT PROGRAM

26. The Chinese Academy of Sciences Overseas Expert Program (CAS) focuses on obtaining "high-level expertise in the key sectors of China's socio-economic development. A strong emphasis is placed on the introduction of a number of strategic scientists, leading experts in science and technology, and internationalized innovative teams who are capable of achieving critical technological breakthroughs, advancing the high-tech industries, and promoting new disciplines." On May 27, 2013 WANG received an email in his NOAA account from the CAS Personnel Department inviting WANG to become an "overseas reviewing expert." The email was written in Chinese and translated with machine assistance. On May 29, 2013 WANG responded to the email and said "Thank you. I sign the recognition form [...] Please confirm after you receive this email. I look forward to working with you." Attached to the email was a signed and dated form titled "the CAS Overseas Experts" confirmation letter. The email and attached signed confirmation letter discussed WANG being able to apply for funding of 100,000 RMB (approximately \$16,100 USD, based on currency rates from the date of the contract) for WANG's participation at the academy once a year for three years. The confirmation letter referenced WANG's "high-level international influence," and detailed WANG's role in participating in CAS' "technology development strategy."

27. On May 28, 2013 [REDACTED] sent WANG an email that said "according to your and [REDACTED]'s revisions, the corrected news story is attached." The Chinese document which was professionally translated was titled "NOAA's Professor Wang Chunzai appointed Chinese Academy of Sciences Overseas Reviewing Expert" and detailed how WANG had "entertained

short-term visits from many young scientists at the institute, and has trained two researchers who have been selected to the Chinese Academy of Sciences' Hundred Talents Program." The article also stated that the main duties of an overseas reviewing expert are to:

Participate in consulting and evaluation work for our academy's science and technology development strategy [...] high level talent evaluation [...] The academy also encourages qualified overseas reviewing experts to participate in the academy's [...] "Thousand Talents Program" to return to China to provide services to China.

28. On November 20, 2013 WANG received an email from [REDACTED] of CAS stating that "We have booked a room at the Foreign Experts Building for you, and I'll see you at the airport on December 5." DHS travel records show WANG arrived in Beijing on December 4, 2013 with a return to the United States on December 14, 2013. WANG listed "I was awarded as an Overseas Expert of the Chinese Academy of Sciences" in his FY13 performance plan but did not disclose his participation as detailed in the confirmation letter and his financial compensation to [REDACTED]

CHANGJIANG SCHOLAR PROGRAM

29. The PRC's Changjiang Scholar award is an award issued by the PRC's Ministry of Education. The Ministry website detailed a three-year appointment under the program. Recipients of the award can receive salary, laboratory and office space, scientific research funding, and a housing allowance.

30. A review of WANG's resume which was posted to NOAA-AOML's website indicated that WANG was a recipient of this award in 2010. On May 8, 2012 WANG received an email from [REDACTED] advising WANG that he failed the application process for the Taishan award (another foreign expert award), as he [WANG] "already got the "Changjiang" title and they thought it was overlap with Taishan." On January 6, 2013 WANG sent an email from his NOAA account to [REDACTED] advising [REDACTED] that WANG would be visiting China during the end of February and early March and asked if he could use his remaining funding to pay for [REDACTED]'s travel as the OUC's Human Resources Changjiang Scholar Program would pay for his

travel.

FRAUDULENT TRAVEL TO THE PRC

31. In 2011, WANG's [REDACTED] identified WANG as traveling to the PRC without authorization while claiming that he was in paid employment status. A review was conducted of WANG's [REDACTED]

[REDACTED] The review showed:

Between November 11, 2011 and December 10, 2011, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management. On April 18, 2012 WANG exchanged emails from his NOAA account with Dr. [REDACTED] of OUC, in which WANG requested reimbursement for a trip he took in November.

Between June 23, 2012 and July 23, 2012, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management.

Between February 23, 2013 and March 08, 2013, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA management. On October 31, 2012 WANG exchanged emails from his NOAA account with Dr. [REDACTED] OUC, in which WANG advised [REDACTED] that he had returned to [REDACTED] on Monday and had mailed the receipts for reimbursement. WANG also requested that [REDACTED] obtain the salary for WANG and try to arrange another trip through OUC's Human Resource Office as WANG planned to visit China in Feb/March. Additionally, WANG discussed using Changjiang funding to travel to the PRC during this timeframe (paragraph 25).

Between July 5, 2013 and July 20, 2013, WANG certified in NOAA time and attendance records that he was in a paid status, when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management. WANG's Thousand

Talents contract specified that “the applicant will return to the country for work for at least two months each year.”

REIMBURSEMENTS AND TRAVEL

32. On January 6, 2012 WANG exchanged emails from his NOAA account with [REDACTED] from OUC, in which WANG requested reimbursement in the amount of \$906.29 for the purchase of an iPad to be deposited into WANG’s bank account in China. Both WANG’s [REDACTED] [REDACTED] were unaware of any outside reimbursements that WANG was receiving, and said that WANG had never brought to their attention any activities that would have resulted in payments.

33. On June 21, 2013 WANG emailed [REDACTED] and said “[REDACTED] Thank you. You can deposit these reimbursed money to my account.” WANG then provided a bank account for the [REDACTED] Bank. Both WANG’s [REDACTED] were unaware of any outside salary or reimbursements that WANG was receiving, and said that WANG had never brought to their attention any activities that would have resulted in payments.

34. On December 2, 2013 WANG received another email on his NOAA email account from OUC staff stating “Prof. Wang, there is one more thing to trouble you. Do you have a personal account in [REDACTED]? The financial department needs the debit card number for salary payment.” A response to this email was not found in WANG’s NOAA email account, but this message was forwarded by WANG to his personal email account at [REDACTED]

35. On May 7, 2015 [REDACTED] sent WANG an email to his [REDACTED] account and said “I just got the response that you will have new funding for the next 3 years. There will be 20,000RMB for PCs and Laptops [...] So you can first buy one with current funding and buy another later when funding is available.”

36. Based on these facts, I respectfully submit that a search of the [REDACTED] account may continue reveal evidence of violations of 18 U.S.C.

§ 209, 18 U.S.C. § 287, 18 U.S.C. § 371, and/or 18 U.S.C. § 951. Pursuant to 18 U.S.C. § 2703(f), on April 6, 2015 I provided written notice to Gmail, Inc. to request the preservation of all emails associated with [REDACTED]

TECHNICAL BACKGROUND

37. Based on my training and experience, I know that Google, Inc. provides a variety of on-line services, including electronic mail ("email") access, to the general public. Subscribers obtain an account by registering with Google, Inc. During the registration process, Google, Inc. asks subscribers to provide basic personal information. Therefore, the computers of Google, Inc. are likely to contain stored electronic communications (including retrieved and unretrieved email for Google, Inc. subscribers) and information concerning subscribers and their use of Google, Inc. services, such as account access information, email transaction information, and account application information.

38. In general, an email that is sent to a Google, Inc. subscriber is stored in the subscriber's "mail box" on Google, Inc. servers until the subscriber deletes the email. If the subscriber does not delete the message, the message can remain on Google, Inc. servers indefinitely.

39. When the subscriber sends an email, it is initiated at the user's computer, transferred via the Internet to Google, Inc.'s servers, and then transmitted to its end destination. Google, Inc. often saves a copy of the email sent. Unless the sender of the email specifically deletes the email from the Google, Inc. server, the email can remain on the system indefinitely.

40. A Google, Inc. subscriber can also store files, including emails, address books, contact or buddy lists, pictures, and other files, on servers maintained and/or owned by Google, Inc.

41. Subscribers to Google, Inc. might not store on their home computers copies of the

emails stored in their Google, Inc. account. This is particularly true when they access their Google, Inc. account through the web, or if they do not wish to maintain particular emails or files in their residence.

42. In general, email providers like Google, Inc. ask each of their subscribers to provide certain personal identifying information when registering for an email account. This information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number).

43. Email providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via Google, Inc.'s website), and other log files that reflect usage of the account. In addition, email providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the email account.

44. In some cases, email account users will communicate directly with an email service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Email providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

45. This warrant will be executed under the Stored Communications Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Google, Inc.

to disclose to the government copies of the records and other information (including the content of communications) particularly described in Attachment B. Upon receipt of the information described in Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

46. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that on the computer systems in the control of Google, Inc. there exists evidence of a crime. Accordingly, a search warrant is requested.

47. This Court has jurisdiction to issue the requested warrant because it is “a court with jurisdiction over the offense under investigation.” 18 U.S.C. § 2703(a).

48. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

REQUEST FOR NONDISCLOSURE AND SEALING

49. The United States requests that pursuant to the preclusion of notice provisions of 18 U.S.C. § 2705(b), Google, Inc. be ordered not to notify any person (including the subscriber or customer to which the materials relate) of the existence of this warrant for such period as the Court deems appropriate. The United States submits that such an order is justified because notification of the existence of this Order would seriously jeopardize the ongoing investigation. Such a disclosure would give the subscriber an opportunity to destroy evidence, change patterns of behavior, notify confederates, or flee or continue his flight from prosecution.

50. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an on-going investigation into on-going criminal activity and not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and search warrants via the

internet, and disseminate them to other online criminals as they deem appropriate, e.g., by posting them publicly online through the carding forums. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness. [REDACTED]

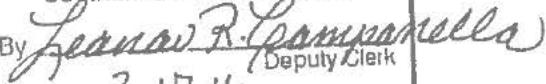
[REDACTED]
Respectfully submitted, [REDACTED]

[REDACTED]
Special Agent [REDACTED]
Investigations & Threat Management Division
Office of Security
U.S. Department of Commerce

Subscribed and sworn to before me on March 17th, 2016.


PATRICK A. WHITE

UNITED STATES MAGISTRATE JUDGE
Certified to be a true and
correct copy of the document on file
Steven M. Larimore, Clerk,
U.S. District Court
Southern District of Florida

By 
Seanav R. Campanella
Deputy Clerk
Date 3-17-16

ATTACHMENT A

Place to Be Searched

This warrant applies to information associated with [REDACTED] that is stored at premises owned, maintained, controlled, or operated by Google, Inc. a company headquartered at 1600 Amphitheatre Parkway Mountain View, CA 94043.

ATTACHMENT B
Particular Things to be Seized

I. Information to be disclosed by Google, Inc.

To the extent that the information described in Attachment A is within the possession, custody, or control of Google, Inc., Google, Inc. is required to disclose the following information to the government for the account or identifier listed in Attachment "A":

- a. The contents of all emails stored in the account, including copies of emails sent from the account;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- c. All records or other information stored by an individual using the account, including address books, contact and buddy lists, pictures, and files;
- d. All records pertaining to communications between Google, Inc. and any person regarding the account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of the statutes listed on the Search Warrant involving Chunzai WANG including, for the account or identifier listed on Attachment A,

information pertaining to the following matters:

- a. Communications between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government discussing evidence of compensation provided by a PRC person or entity to WANG for his services with NOAA, or compensation provided to WANG by a PRC person or entity for services outside the scope of WANG's NOAA employment.
- b. Communications between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government, that indicate WANG has taken preparatory steps to act, is acting, or has acted under the direction or control of the PRC government.
- c. Records relating to who created, used, or communicated with the account.
- d. Attachments to communications between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government discussing evidence of compensation provided by a PRC person or entity to WANG for his services with NOAA, or compensation provided to WANG by a PRC person or entity for services outside the scope of WANG's NOAA employment.
- e. Attachments to communications between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government, that indicate WANG has taken preparatory steps to act, is acting, or has acted under the direction or control of the PRC government.

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

THE RESIDENCE OF CHUNZAI WANG

as further described in Attachment "A"

Case No. 16-2342-mj-White

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

THE RESIDENCE OF CHUNZAI WANG LOCATED AT

as further described in Attachment "A"

located in the Southern District of Florida, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more):*

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section Title 18, United States Code, Sections 209, 287, 371, and 951 *Offense Description* 18 U.S.C § 209(Unlawful Compensation), 18 U.S.C § 287 (False, Fraudulent or Fictitious Claims), 18 U.S.C § 371 (Conspiracy), and 18 U.S.C § 951 (Agent of Foreign Government)

The application is based on these facts:

See Attached Affidavit of Special Agent [REDACTED] Special Agent, Dept. of Commerce

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date in _____, _____, _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth in the attached sheet.

Special Agent, Dept. of Commerce

Printed name and title

Sworn to before me and signed in my presence.

Date: 3-17-16

Certified to be a true and
correct copy of the document on file
Steven M. Larimore, Clerk ^{Judge} [Signature]
U.S. District Court
FORTRESS BISHOP OFFICE, United States
By Leanne R. Thompson [Signature]
Deputy Clerk
Date 3-17-16

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

IN THE MATTER OF THE SEARCH OF
OF THE RESIDENCE OF CHUNZAI WANG
LOCATED AT [REDACTED]

[REDACTED] as further
described in Attachment A

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

1. [REDACTED] being first duly sworn, hereby depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant of [REDACTED]

[REDACTED] I am a Special Agent with the U.S. Department of Commerce, Office of the Secretary, Office of Security, Investigations and Threat Management Division (ITMD) in Washington, DC and have been employed as such for approximately seven years. As an ITMD Special Agent, I am authorized under 18 U.S.C. § 3053 to enforce violations of Title 18 offenses and to seek and execute search warrants. I investigate threats to the Department's critical assets from compromises that would cause significant damage to U.S. economic advancement or U.S. Government functioning. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program, and have served as the lead investigator on numerous investigations of alleged violations of U.S. Code.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PREMISES TO BE SEARCHED

3. Based on information obtained by me and other sources to this investigation, there is

probable cause to believe that there is kept and concealed within the location known and described as:

- a. The residence of Chunzai WANG: [REDACTED]
[REDACTED] as further described in Attachment A

fruits, instrumentalities and evidence of violations of: (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951.

PROBABLE CAUSE

4. Chunzai WANG is a U.S. citizen and federal employee of the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic & Atmospheric Research, Atlantic Oceanographic and Meteorological Laboratory (AOML), Physical Oceanography Division. NOAA-AOML is located in Miami, Florida, and WANG works at that facility.

5. WANG's responsibilities as a NOAA employee include conducting basic and applied research in order to better understand the factors affecting both climate and the environment. WANG's responsibilities include collaboration with other academic and governmental institutions; however, as a federal government employee WANG is prohibited from accepting or receiving any salary, contribution or supplementation of salary as compensation for his services as an employee of an agency of the United States from any source other than the Government of the United States pursuant to Title 18, United States Code, Section 209(a). The facts presented below in this affidavit demonstrate that WANG has entered into a contractual relationship with the People's Republic of China (PRC) Chinese Academy of Sciences (CAS) and the Ocean University of China (OUC) for the performance of services for which WANG received salary and reimbursement payments that conflict with his legitimate remuneration as a U.S. Government employee, and were unknown, and undisclosed, to [REDACTED] at the

NOAA-AOML facility.

6. In September 2013, NOAA-AOML management began questioning WANG in reference to his participation in a suspicious incident involving [REDACTED] a foreign national who was under WANG's supervision at NOAA-AOML. [REDACTED] returned to the PRC in February 2013, but signed time and attendance records were submitted to NOAA-AOML indicating that [REDACTED] was in a paid status through September 2013. When initially questioned by NOAA-AOML management, WANG said that [REDACTED] returned to the PRC in September, when in fact WANG knew that [REDACTED] had left [REDACTED] to return to the PRC in February 2013. Upon his return to the PRC [REDACTED] assisted WANG with completing his application for the Chinese Academy of Sciences Overseas Expert Program (CAS) financial award.

PRC's 973 PROGRAM

7. An official PRC web site (www.973.gov.cn) states that the 973 Program organizes and implements basic research to meet China's major strategic needs. The purpose of the Program is to strengthen original innovation, resolve major scientific problems concerning socio-economic development, enhance China's capacity in innovation and in resolving major problems and provide scientific support to boost future development. On September 2, 2012 WANG exchanged emails from his NOAA account with [REDACTED] who WANG identified in email correspondence as a researcher for the PRC's State Oceanic Administration (SOA), and 973 Program coordinator. WANG advised [REDACTED] that WANG had no experience in doing a budget in China and might seek help from OUC to do it for him.

8. On September 4, 2012 WANG sent an email from his NOAA account to Professor [REDACTED] OUC, as well as [REDACTED]. In the email, WANG asks [REDACTED] "to do a budget for my 973 project . . . If possible, budget some money for my salary." On the same day, [REDACTED] responded to WANG and said "here is a draft of your budget. According to your suggestion, you have 20,000 for computer . . . and 20,000 for your salary. If you have any question, you can make a phone call to me. I think I can explain some policy for you."

9. On November 3, 2012, WANG exchanged emails with [REDACTED] using his NOAA email account. A machine translation for this email reveals that WANG identified a bank account at the [REDACTED] and [REDACTED] advised that 34,205 yuan would be placed onto WANG's card.

10. On December 4, 2012 WANG received an email from [REDACTED] which, according to a machine translation, advised that WANG's ticket was reimbursed and to get the money WANG should save the money to his debit card where he could take his 40,000 salary payment.

11. On December 6, 2012, WANG received an email from [REDACTED] which, according to a machine translation, advised WANG that reimbursement had hit his card for a total of 14,988 yuan.

12. On December 9, 2012, WANG sent an email to [REDACTED] advising that he had checked and it was deposited.

13. On May 23, 2013 WANG sent an email to [REDACTED] asking when the contract would be ready. On May 28, 2013 WANG received an email from [REDACTED] which said that the "contract is fine." Attached to the email was a Chinese document that was professionally translated as "typhoon 973 researcher's contract." The contract detailed funding of 200,000 yuan (appx. 32,253 USD based on currency rates from the date of the contract), and WANG was named as Party B in the contract. The contract identified an appointment term from January 1, 2013 – December 31, 2014.

14. WANG submitted input for his mid-term performance review for the period of October 2012 through April 2013 for his position at NOAA. One of the elements of WANG's performance appraisal was that he work to procure funding for research in areas mandated by NOAA's mission responsibilities. In support of this requirement WANG included involvement in a grant or proposal regarding the National Basic Research Program of China (973 Program). Specifically, this grant or proposal was described as "The Interaction between Typhoon and Ocean in the Western North Pacific" and listed WANG as the principal investigator with an

amount of “500.0k Chinese dollars.” This grant or proposal was listed as running from March 1, 2013 to February 28, 2018, and was listed as current. WANG also listed his review of 973 proposals in China as an element of his NOAA performance appraisal. WANG’s responsibility as a NOAA employee is to obtain funding for research proposals; however, both WANG’s [REDACTED]

[REDACTED] said that AOML has never received funding from the PRC, and that under no circumstance would WANG ever receive payments or reimbursements for work that he was conducting in an official capacity as a U.S. Government employee. [REDACTED]

[REDACTED] said that the work referenced in the 973 proposal was work that he expected WANG to be working on as part of his duties for NOAA.

15. On August 9, 2013 [REDACTED] emailed WANG asking WANG to provide a PowerPoint discussing the results of his work on 973. On August 12, 2013 WANG replied to the email with a PowerPoint titled “Publications supported by 973 project.” [REDACTED] replied the same day advising WANG that “You are very productive.” WANG’s [REDACTED] said that all of the work that WANG referenced in the PowerPoint was listed as work that WANG had claimed as accomplishments during his FY13 and FY14 performance reviews as a NOAA-AOML employee.

16. A search warrant of WANG’s personal email address [REDACTED] address identified a November 22, 2013 email to [REDACTED] with the subject line “973.” The email identified [REDACTED] as the person in charge of WANG’s 973 account and WANG also said “In the future, please use this e-mail account for me (instead of my NOAA e-mail).”

17. On December 2, 2013, WANG received an email on his NOAA email account from OUC stating “Prof. Wang, there is one more thing to trouble you. Do you have a personal account in [REDACTED]? The financial department needs the debit card number for salary payment.” This email was forwarded by WANG to his personal email account at [REDACTED]

18. As recent as May 1, 2015 WANG used his personal email [REDACTED] to email [REDACTED] to advise [REDACTED] to acknowledge the 973 program in one of their joint publications. WANG again used this email address on May 11, 2015 to send a list of updated publications supported by the 973 project to personnel at OUC. Both emails were obtained in a prior search warrant of WANG's [REDACTED] account. After reviewing the updated publications which WANG reported to OUC, [REDACTED] said that all of these publications had been provided to him as accomplishments for WANG's work with NOAA during the FY12 – FY15 rating periods.

THOUSAND TALENTS PROGRAM

19. Information obtained from the University of Chinese Academy of Sciences website describes the Thousand Talents Program as follows:

The Long-Term Thousand Talents Program offers full-time positions to overseas Chinese applicants under 55 years old who have received their doctorates from a distinguished international university and work as professors or an equivalent position at an accredited academic institution. Hired employees will be required to work full-time in China and will be awarded grants of RMB ¥2,000,000.00 and RMB ¥1,000,000.00, respectively by the Chinese Academy of Sciences and UCAS. In addition, the candidate will receive a RMB ¥1,000,000.00 allowance (free of tax) from the Chinese government.

The Short-Term Thousand Talents Program offers part-time positions to overseas Chinese applicants under 55 years old who have received their doctorates from a distinguished international university and work as professors or an equivalent position at an accredited academic institution. Hired employees should work in China for a minimum of two months per academic year under a three-year (minimum) working contract. They will receive a RMB ¥500,000 allowance (free of tax) from the Chinese government in addition to research funds provided by UCAS.

20. On June 9, 2013 WANG sent an email to [REDACTED] from his NOAA account which said “[REDACTED] I signed the contract (attached). You can proceed. Thanks. Chunzai.” Attached to the email was a document titled “Thousand Talents Program Professor Appointment Contract”. The document was written in Chinese and was translated by a professional service. The contract detailed an annual wage of 200,000 RMB (approximately \$32,200 USD based on

currency rates from the date of the contract); a 500,000 RMB (approximately \$80,500 USD based on currency rates from the date of the contract) “subsidy provided by the central government to attract talent under the Thousand Talents Program, the 500,000 RMB (approximately \$80,500 USD based on currency rates from the date of the contract) matching subsidy provided by Shangdong Province, and the 250,000 RMB (approximately \$40,250 USD based on currency rates from the date of the contract) subsidy provided by Qingdao Municipality, are administered by Party B [WANG], and are used by Party B to improve living conditions and so on.” The contract showed WANG’s appointment from July 1, 2013 through June 30, 2018 and had objectives and tasks including:

[...] within 3-5 years through talent introduction and training, focus on training young academic leaders, create an internationally-influential team, cooperatively and jointly publish high level research papers in first rate international journals, solve 1-2 major scientific research problems related to air-sea interaction and climate change, and strive to achieve breakthroughs related to Pacific Ocean warm pool variation mechanisms and typhoon activity characteristics.

The contract states that an annual inspection of WANG’s work will be conducted, and will show WANG’s progress on the contractually agreed upon milestones. The contract further stipulates that WANG’s “published research papers, authored works, and reported awards, patents and research projects and expenses must all be credited to [WANG] and [OUC].” [REDACTED]

[REDACTED] said that the term “warm pool”, as set forth in the description of objectives and tasks above, was developed by WANG and is a main focus of his research as a NOAA employee.

21. In conjunction with foreign nationals from the PRC whom WANG sponsored to work at NOAA-AOML, WANG produced six academic articles which he claimed as work products for his position at NOAA-AOML. According to [REDACTED] the articles appear to have been used by WANG to meet the research requirements specified in the Thousand Talents contract between WANG and the PRC. WANG’s Thousand Talents contract states that WANG will “publish 5-10 research papers with Key laboratory of Physical Oceanography instructors and graduate students as co-authors.” The six articles referenced above were published after the

execution of the Thousand Talents contract, and the co-authors had current or previous academic affiliations with OUC. Furthermore, the Key Laboratory of Physical Oceanography is affiliated with OUC.

22. The Thousand Talents contract also directed WANG to “serve an important bridging role between Party A (Ocean University of China Ministry of Education Key Laboratory of Physical Oceanography) and the National Oceanic and Atmospheric Administration (NOAA)” and included a requirement that while he is “working in the United States, the applicant will lead joint training of Ph.D. graduate students and Thousand Talent Team members in related work, mainly undertaking the following research: Northern Pacific Ocean subtropical circulation region air-sea coupling and its subtropical and tropical ocean exchanges,” and “[. . .] Western Pacific Ocean warm pool variation climate effects and influence on Western Pacific typhoon activity”.

23. WANG’s NOAA-AOML FY13 performance plan (dated November 11, 2013) required him to “promote collaboration with other investigators in [. . .] other academic and governmental institutions.” WANG listed in his FY13 final evaluation (which covered input from April 2013 – September 2013) that he “promote a collaboration with the OUC: A proposal to support and sponsor Ph.D students enrolled in OUC, China.”, thereby using his position at NOAA to fulfill the requirements of his June 9, 2013 Thousand Talents contract with the PRC.

24. An email obtained through a prior search warrant of WANG’s personal email [REDACTED] identified an October 10, 2013 email from WANG to [REDACTED] referencing an interview as a result of WANG’s acceptance into the Thousand Talents Program. In the email, WANG states “Thank you and others for offering the interview. As a scientist and a person, I always keep low profile. I do not like that the interview was reported in University Newspaper or other newspapers. For this reason, I will not do the interview. Thank you for understanding.”

25. On April 18, 2015 WANG sent another email from [REDACTED] to [REDACTED] where WANG said that he “would like to inform you about my decision to postpone

my participation of “Thousand People Plan.”” WANG’s email to [REDACTED] occurred twenty-two months after WANG sent the ratified contract to OUC, and after WANG was informed that the Department of Commerce was investigating the incident detailed in paragraph (6).

CAS OVERSEAS EXPERT PROGRAM

26. The Chinese Academy of Sciences Overseas Expert Program (CAS) focuses on obtaining “high-level expertise in the key sectors of China’s socio-economic development. A strong emphasis is placed on the introduction of a number of strategic scientists, leading experts in science and technology, and internationalized innovative teams who are capable of achieving critical technological breakthroughs, advancing the high-tech industries, and promoting new disciplines.” On May 27, 2013 WANG received an email in his NOAA account from the CAS Personnel Department inviting WANG to become an “overseas reviewing expert.” The email was written in Chinese and translated with machine assistance. On May 29, 2013 WANG responded to the email and said “Thank you. I sign the recognition form [...] Please confirm after you receive this email. I look forward to working with you.” Attached to the email was a signed and dated form titled “the CAS Overseas Experts” confirmation letter. The email and attached signed confirmation letter discussed WANG being able to apply for funding of 100,000 RMB (approximately \$16,100 USD, based on currency rates from the date of the contract) for WANG’s participation at the academy once a year for three years. The confirmation letter referenced WANG’s “high-level international influence,” and detailed WANG’s role in participating in CAS’ “technology development strategy.”

27. On May 28, 2013 [REDACTED] sent WANG an email that said “according to your and [REDACTED]’s revisions, the corrected news story is attached.” The Chinese document which was professionally translated was titled “NOAA’s Professor Wang Chunzai appointed Chinese Academy of Sciences Overseas Reviewing Expert” and detailed how WANG had “entertained short-term visits from many young scientists at the institute, and has trained two researchers who have been selected to the Chinese Academy of Sciences’ Hundred Talents Program.” The article

also stated that the main duties of an overseas reviewing expert are to:

Participate in consulting and evaluation work for our academy's science and technology development strategy [...] high level talent evaluation [...] The academy also encourages qualified overseas reviewing experts to participate in the academy's [...] "Thousand Talents Program" to return to China to provide services to China.

28. On November 20, 2013 WANG received an email from ██████████ of CAS stating that "We have booked a room at the Foreign Experts Building for you, and I'll see you at the airport on December 5." DHS travel records show WANG arrived in Beijing on December 4, 2013 with a return to the United States on December 14, 2013. WANG listed "I was awarded as an Overseas Expert of the Chinese Academy of Sciences" in his FY13 performance plan but did not disclose his participation as detailed in the confirmation letter and his financial compensation to ██████████ at NOAA-AOML.

CHANGJIANG SCHOLAR PROGRAM

29. The PRC's Changjiang Scholar award is an award issued by the PRC's Ministry of Education. The Ministry website detailed a three-year appointment under the program. Recipients of the award can receive salary, laboratory and office space, scientific research funding, and a housing allowance.

30. A review of WANG's resume which was posted to NOAA-AOML's website indicated that WANG was a recipient of this award in 2010. On May 8, 2012 WANG received an email from ██████████ advising WANG that he failed the application process for the Taishan award (another foreign expert award), as he [WANG] "already got the "Changjiang" title and they thought it was overlap with Taishan." On January 6, 2013 WANG sent an email from his NOAA account to ██████████, advising ██████████ that WANG would be visiting China during the end of February and early March and asked if he could use his remaining funding to pay for ██████████'s travel as the OUC's Human Resources Changjiang Scholar Program would pay for his travel.

FRAUDULENT TRAVEL TO THE PRC

31. In 2011, WANG's [REDACTED] identified WANG as traveling to the PRC without authorization while claiming that he was in paid employment status. A review was conducted of WANG's [REDACTED]

[REDACTED] The review showed:

Between November 11, 2011 and December 10, 2011, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management. On April 18, 2012 WANG exchanged emails from his NOAA account with Dr. [REDACTED] of OUC, in which WANG requested reimbursement for a trip he took in November.

Between June 23, 2012 and July 23, 2012, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management.

Between February 23, 2013 and March 08, 2013, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA management. On October 31, 2012 WANG exchanged emails from his NOAA account with Dr. [REDACTED] OUC, in which WANG advised [REDACTED] that he had returned to [REDACTED] on Monday and had mailed the receipts for reimbursement. WANG also requested that [REDACTED] obtain the salary for WANG and try to arrange another trip through OUC's Human Resource Office as WANG planned to visit China in Feb/March. Additionally, WANG discussed using Changjiang funding to travel to the PRC during this timeframe (paragraph 25).

Between July 5, 2013 and July 20, 2013, WANG certified in NOAA time and attendance records that he was in a paid status, when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management. WANG's Thousand Talents contract specified that "the applicant will return to the country for work for at

least two months each year."

REIMBURSEMENTS AND TRAVEL

32. On January 6, 2012 WANG exchanged emails from his NOAA account with [REDACTED] from OUC, in which WANG requested reimbursement in the amount of \$906.29 for the purchase of an iPad to be deposited into WANG's bank account in China. Both [REDACTED] were unaware of any outside reimbursements that WANG was receiving, and said that WANG had never brought to their attention any activities that would have resulted in payments.

33. On June 21, 2013 WANG emailed [REDACTED] and said "[REDACTED] : Thank you. You can deposit these reimbursed money to my account." WANG then provided a bank account for the [REDACTED] Bank. Both [REDACTED] were unaware of any outside salary or reimbursements that WANG was receiving, and said that WANG had never brought to their attention any activities that would have resulted in payments.

34. On December 2, 2013 WANG received another email on his NOAA email account from OUC staff stating "Prof. Wang, there is one more thing to trouble you. Do you have a personal account in [REDACTED]? The financial department needs the debit card number for salary payment." A response to this email was not found in WANG's NOAA email account, but this message was forwarded by WANG to his personal email account at [REDACTED]

35. On May 7, 2015 [REDACTED] sent WANG an email to his [REDACTED] account and said "I just got the response that you will have new funding for the next 3 years. There will be 20,000RMB for PCs and Laptops [REDACTED] So you can first buy one with current funding and buy another later when funding is available."

36. I know that on June 21, 2013 WANG emailed [REDACTED] and said "[REDACTED] Thank you. You can deposit these reimbursed money to my account." WANG then provided a bank account for the [REDACTED] Bank. Additionally, I know that WANG was asked

about a personal bank account in a December 2, 2013 email from OUC, specifically as it related to salary payment. Searches were conducted in WANG's personal and work email for any documents related to this Chinese bank account, but no results were found within the two email accounts. I know that banks commonly send paper statements to their customers, and that these statements are often sent directly to the bank customer as an alternate method to electronic statements.

37. Through a review of WANG's personal email and work email, I know that WANG had requested to purchase an Ipad, Iphone, and Macbook through OUC funds. I also know that WANG's contractual obligation through OUC's Thousand Talents Contract required WANG's work to be inspected by OUC. Due to the scientific nature of the work product that was detailed in the Thousand Talents contract with OUC, it is probable that this work product would have been created in a digital format, and would reside on WANG's personal computer(s), tablet(s) and/or digital media; or U.S. Government issued computer(s), tablet(s) and/or digital media.

38. Based upon my experience, I believe that WANG could maintain personal financial documents, as well as other physical and digital evidence at the location to be searched, which would include fruits and instrumentalities of the crime alleged in this affidavit.

39. Based upon my experience, I know that personal residences commonly contain desks, file cabinets, and boxes for the purpose of organizing correspondence and other documents, written or electronically recorded. I also know that other valuable documents are commonly kept in locked desks, file cabinets, or safes. I expect to find personal records and documents related to WANG's participation in the contractually obligated programs listed above, as well as documents detailing financial payments to WANG from OUC inside the premises listed in Attachment A. Based on my training, experience, and knowledge of this investigation to date, I believe that the records and documents listed in Attachment B constitute evidence, fruits and instrumentalities of the alleged criminal violations and would be kept on the premises of [REDACTED]

409. I also seek authorization to seize and analyze items including any hardware, software, documentation, and other items needed to conduct an examination. Such items are further described in Attachment B to the search warrant. Based upon my training and experience, I know that it is not always possible to search computer equipment for data during the search of the premises, and so such items may need to be seized so that they can be examined in a controlled environment. These reasons include the following:

- a. Imaging, searching, and analyzing computer systems is a highly technical process that requires specific expertise and specialized equipment. It often is impossible to bring to the search site all of the necessary technical manuals and specialized equipment necessary to conduct a thorough search and analysis of all of the many types of computer hardware and software in use today. Because computer data is particularly vulnerable to inadvertent or intentional modification or destruction, a controlled environment is essential to conducting a complete analysis of the equipment and storage devices from which the data will be extracted.
- b. The volume of the data stored on many computer systems and storage devices often is too large to permit a thorough search and analysis for data during the physical search of the premises.
- c. Computer users can use a number of methods to conceal data within computer equipment and storage devices, including the use of innocuous or misleading filenames and extensions. For example, files with the extension ".jpg" often are image files; however, a user can easily change the extension to ".txt" to conceal the image and make it appear that the file contains a text. Because these and other concealment strategies may be employed by a computer user, a substantial amount of time may be necessary to extract and sort through data that are concealed or encrypted to determine whether it is evidence, contraband, or the instrumentality of a crime.

41. Based upon my training and experience, and on information related to me by agents and others involved in the forensic examination of computers, I also know that to search for digital evidence relating to the crimes described in this affidavit law enforcement personnel may need to seize the following items:

- a. Computers, including programs and data on those computers, as well as digital devices to include tablets, cellular phones, video gaming units, music players with internet access capabilities;
- b. Computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, CD/DVD/Blu-Ray burners, printers, plotters, encryption devices, scanners, external hard drives, USB thumb drives and network storage devices;
- c. Physical keys, encryption devices, write passcodes, passwords and similar physical items that are necessary to access the computer equipment and digital devices with internet access capabilities.

42. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that a search of [REDACTED] may reveal evidence of violations of (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951. Accordingly, a search warrant is requested.

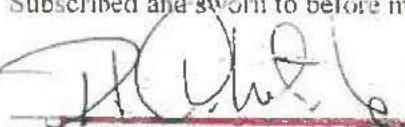
REQUEST FOR SEALING

43. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an on-going investigation into on-going criminal activity and not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and search warrants via the internet, and disseminate them to other online criminals as they deem appropriate, e.g. by posting them publicly online. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

[REDACTED]
Respectfully submitted
[REDACTED]

Special Agent
Investigations & Threat Management Division
Office of Security, U.S. Department of Commerce

Subscribed and sworn to before me on March 17, 2016.



PATRICK A. WHALEY, to be a true and	
UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA	
Steven M. Larimore, Clerk,	
U.S. District Court	
Southern District of Florida	
By	Leann B. Campanella
Date	3-17-16

Deputy Clerk

ATTACHMENT A

Property to Be Searched

This PREMISES to be searched is the residential address of Chunzai Wang, [REDACTED]

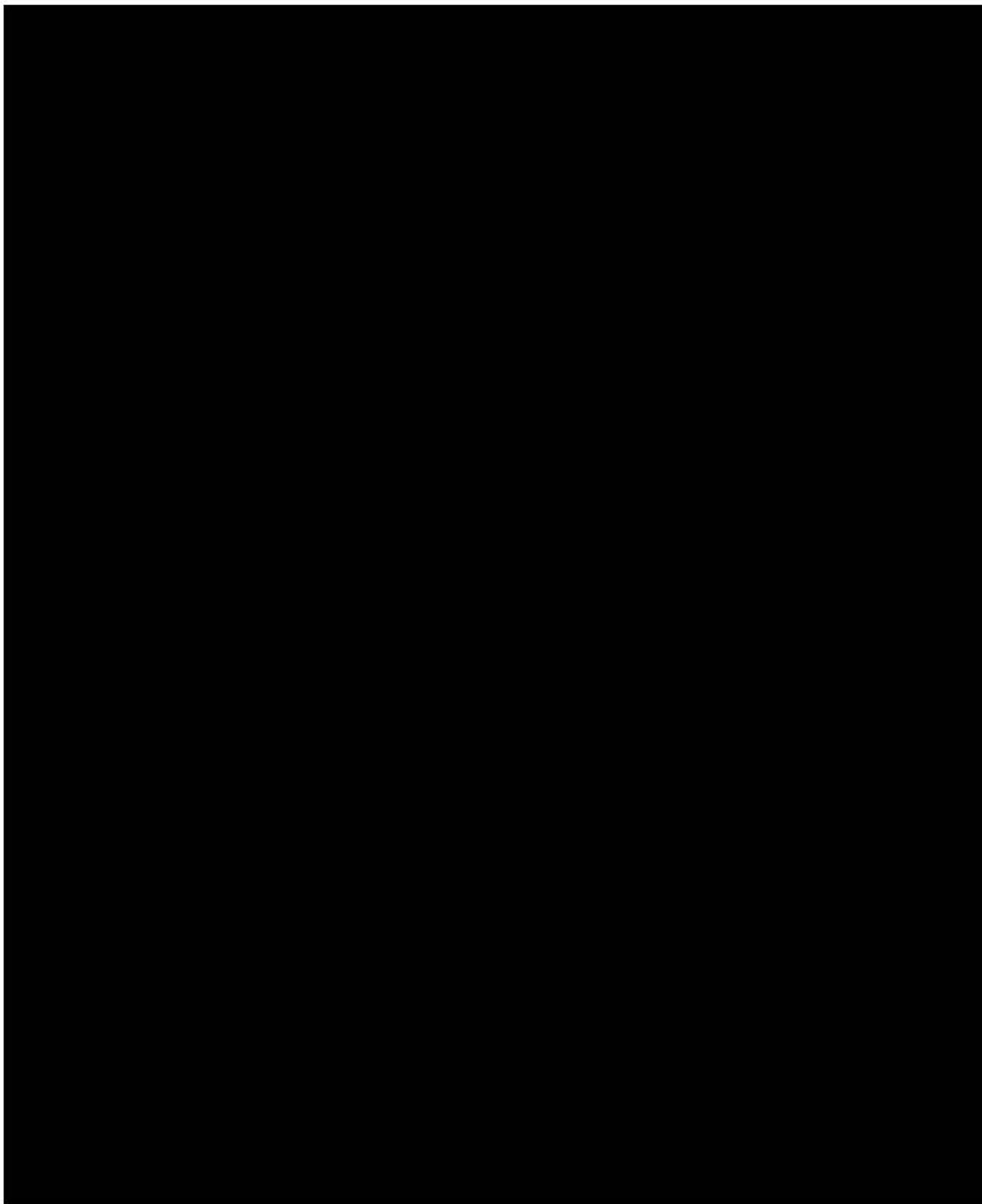
[REDACTED] The PREMISES is located on the intersection [REDACTED]

[REDACTED] The PREMISES is an 11 story tan colored building with a guard's booth and a sign located on the corner of [REDACTED] which reads

[REDACTED] the PREMISES sits [REDACTED]

[REDACTED] The premises is further identified by a sign stating [REDACTED] The unit to be searched is located [REDACTED] on the door.

[REDACTED]



ATTACHMENT B
Particular Items to be Seized

I. All data, information and records in both physical and digital format located at the premises described in Attachment A that relate to violations (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951.

1. All documents identifying Chunzai WANG's affiliation, work products, and/or payments and or remuneration, including debit cards, by Ocean University of China (OUC); Chinese Academy of Sciences; Thousand Talents Program; Changjiang Scholar Program; 973 Program; or any other PRC based program which may provide salary and or remuneration for services rendered.
2. All documents relating or referring to contracts or other agreements between WANG and OUC; Chinese Academy of Sciences; Thousand Talents Program; Changjiang Scholar Program; 973 Program; or any other PRC based program which may provide salary and or remuneration for services rendered.
3. All documents identifying financial institutions which WANG could have used to receive salary and or remuneration, including any account statements and other documents establishing account ownership.
4. All documents and any other documentary or electronic/digital correspondence between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government, including OUC and other PRC based educational institutions.
5. Computer hardware consisting of all equipment which can collect, analyze,

create, display, convert, store, conceal, or transmit electronic/digital, magnetic, optical, or similar computer impulses or data. Hardware includes, but is not limited to, any data-processing devices (such as central processing units, memory typewriters, self-contained laptop or notebook computers, internal and peripheral storage devices (including fixed disks, external hard drives, floppy disk drives and diskettes, zip disks, tape drives and tapes, optical storage devices, transistor-like binary devices, and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); and related communication devices (including modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signal devices, and electronic/digital tone-generating devices); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

6. Computer software, that is, digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic/digital, magnetic, optical, or other digital forms. It commonly includes programs to run operating systems, applications (like word processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs.

7. Computer-related documentation consisting of written, recorded, printed, or electronically/digitally stored material which explains or illustrates how to configure or use the computer hardware, software, or other related items.

8. Computer passwords and other data security devices, that is, a string of alpha-

numeric characters designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital code may include programming code that creates "test" or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or "bobby-trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

9. Logs of electronic/digital communication, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records, bank account information or wire transfer information.

10. The terms "records", "documents", and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafts, or their modifications may have been created or stored, including, any handmade form (such as writing, drawing, painting, with any implement on any surface, directly or indirectly); and photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (such as phonograph records, printing, or typing); any electrical, electronic/digital, or magnetic form (such as tape recordings, cassettes, compact discs, or any information on an electronic/digital or magnetic storage device,

such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic/digital notebooks, as well as printouts or readouts from any magnetic storage device).

11. Any and all fruits, instrumentalities, and evidence of the violations of (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951.

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

The office of CHUNZAI WANG [REDACTED]

[REDACTED] see Attachment "A"

Case No. 16-2341-mj-white

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The office of CHUNZAI WANG [REDACTED]

[REDACTED] further described in Attachment "A"

located in the Southern District of Florida, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Title 18, United States Code, Sections 209, 287, 371, and 951

Offense Description

18 U.S.C. § 209 (Unlawful Compensation), 18 U.S.C. § 287 (False, Fraudulent or Fictitious Claims), 18 U.S.C. § 371 (Conspiracy), and 18 U.S.C. § 951 (Agent of Foreign Government)

The application is based on these facts:

See Attached Affidavit of Special Agent [REDACTED] Special Agent, Dept. of Commerce

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet

[REDACTED]
Special Agent, Dept. of Commerce

Printed name and title

Sworn to before me and signed in my presence.

Date: 3-17-16

City and state: Miami, Florida

Certified to be a true and correct copy of the document on file.	
Steven M. Larimore, Clerk,	
PATRICK J. O'NEIL, United States Magistrate Judge	
Southern District of Florida	
By <u>Leanne R. Lamparsella</u> Deputy Clerk	
Date	3-17-16

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

IN THE MATTER OF THE SEARCH OF
THE OFFICE OF CHUNZAI WANG [REDACTED]
LOCATED WITHIN THE ATLANTIC OCEANOGRAPHIC AND
METEOROLOGIC LABORATORIES [REDACTED]

[REDACTED] further described in Attachment A

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, [REDACTED] being first duly sworn, hereby depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant of [REDACTED]

[REDACTED] I am a Special Agent with the U.S.

Department of Commerce, Office of the Secretary, Office of Security, Investigations and Threat Management Division (ITMD) in Washington, DC and have been employed as such for approximately seven years. As an ITMD Special Agent, I am authorized under 18 U.S.C. § 3053 to enforce violations of Title 18 offenses and to seek and execute search warrants. I investigate threats to the Department's critical assets from compromises that would cause significant damage to U.S. economic advancement or U.S. Government functioning. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program, and have served as the lead investigator on numerous investigations of alleged violations of U.S. Code.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PREMISES TO BE SEARCHED

3. Based on information obtained by me and other sources to this investigation, there is

probable cause to believe that there is kept and concealed within the location known and described as:

THE OFFICE OF CHUNZAI WANG BEARING [REDACTED]
LOCATED WITHIN THE [REDACTED]

[REDACTED] and further described in Attachment A

fruits, instrumentalities and evidence of violations of: (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951 as set forth in Attachment B.

PROBABLE CAUSE

4. Chunzai WANG is a U.S. citizen and federal employee of the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic & Atmospheric Research, Atlantic Oceanographic and Meteorological Laboratory (AOML), Physical Oceanography Division. NOAA-AOML is located in Miami, Florida, and WANG works at that facility.

5. WANG's responsibilities as a NOAA employee include conducting basic and applied research in order to better understand the factors affecting both climate and the environment. WANG's responsibilities include collaboration with other academic and governmental institutions; however, as a federal government employee WANG is prohibited from accepting or receiving any salary, contribution or supplementation of salary as compensation for his services as an employee of an agency of the United States from any source other than the Government of the United States pursuant to Title 18, United States Code, Section 209(a). The facts presented below in this affidavit demonstrate that WANG has entered into a contractual relationship with the People's Republic of China (PRC) Chinese Academy of Sciences (CAS) and the Ocean University of China (OUC) for the performance of services for which WANG received salary and

reimbursement payments that conflict with his legitimate remuneration as a U.S. Government employee, and were unknown, and undisclosed, to [REDACTED] at the NOAA-AOML facility.

6. In September 2013, NOAA-AOML management began questioning WANG in reference to his participation in a suspicious incident involving [REDACTED] a foreign national who was under WANG's supervision at NOAA-AOML. [REDACTED] returned to the PRC in February 2013, but signed time and attendance records were submitted to NOAA-AOML indicating that [REDACTED] was in a paid status through September 2013. When initially questioned by NOAA-AOML management, WANG said that [REDACTED] returned to the PRC in September, when in fact WANG knew that [REDACTED] had left [REDACTED] to return to the PRC in February 2013. Upon his return to the PRC [REDACTED] assisted WANG with completing his application for the Chinese Academy of Sciences Overseas Expert Program (CAS) financial below.

PRC's 973 PROGRAM

7. An official PRC web site (www.973.gov.cn) states that the 973 Program organizes and implements basic research to meet China's major strategic needs. The purpose of the Program is to strengthen original innovation, resolve major scientific problems concerning socio-economic development, enhance China's capacity in innovation and in resolving major problems and provide scientific support to boost future development. On September 2, 2012 WANG exchanged emails from his NOAA account with [REDACTED] who WANG identified in email correspondence as a researcher for the PRC's State Oceanic Administration (SOA), and 973 Program coordinator. WANG advised [REDACTED] that WANG had no experience in doing a budget in China and might seek help from OUC to do it for him.

8. On September 4, 2012 WANG sent an email from his NOAA account to Professor [REDACTED] OUC, as well as [REDACTED]. In the email, WANG asks [REDACTED] "to do a budget for my 973 project . . . If possible, budget some money for my salary." On the same day, [REDACTED] responded to WANG and said "here is a draft of your budget. According to your suggestion, you

have 20,000 for computer . . . and 20,000 for your salary. If you have any question, you can make a phone call to me. I think I can explain some policy for you."

9. On November 3, 2012, WANG exchanged emails with [REDACTED] using his NOAA email account. A machine translation for this email reveals that WANG identified a bank account at [REDACTED] and [REDACTED] advised that 34,205 yuan would be placed onto WANG's card.

10. On December 4, 2012 WANG received an email from [REDACTED] which, according to a machine translation, advised that WANG's ticket was reimbursed and to get the money WANG should save the money to his debit card where he could take his 40,000 salary payment.

11. On December 6, 2012, WANG received an email from [REDACTED] which, according to a machine translation, advised WANG that reimbursement had hit his card for a total of 14,988 yuan.

12. On December 9, 2012, WANG sent an email to [REDACTED] advising that he had checked and it was deposited.

13. On May 23, 2013 WANG sent an email to [REDACTED] asking when the contract would be ready. On May 28, 2013 WANG received an email from [REDACTED] which said that the "contract is fine." Attached to the email was a Chinese document that was professionally translated as "typhoon 973 researcher's contract." The contract detailed funding of 200,000 yuan (appx. 32,253 USD based on currency rates from the date of the contract), and WANG was named as Party B in the contract. The contract identified an appointment term from January 1, 2013 – December 31, 2014.

14. WANG submitted input for his mid-term performance review for the period of October 2012 through April 2013 for his position at NOAA. One of the elements of WANG's performance appraisal was that he work to procure funding for research in areas mandated by NOAA's mission responsibilities. In support of this requirement WANG included involvement in a grant or proposal regarding the National Basic Research Program of China (973 Program).

Specifically, this grant or proposal was described as "The Interaction between Typhoon and Ocean in the Western North Pacific" and listed WANG as the principal investigator with an amount of "500.0k Chinese dollars." This grant or proposal was listed as running from March 1, 2013 to February 28, 2018, and was listed as current. WANG also listed his review of 973 proposals in China as an element of his NOAA performance appraisal. WANG's responsibility as a NOAA employee is to obtain funding for research proposals; however, both [REDACTED] and [REDACTED] said that AOML has never received funding from the PRC, and that under no circumstance would WANG ever receive payments or reimbursements for work that he was conducting in an official capacity as a U.S. Government employee. [REDACTED]

[REDACTED] said that the work referenced in the 973 proposal was work that he expected WANG to be working on as part of his duties for NOAA.

15. On August 9, 2013 [REDACTED] emailed WANG asking WANG to provide a PowerPoint discussing the results of his work on 973. On August 12, 2013 WANG replied to the email with a PowerPoint titled "Publications supported by 973 project." [REDACTED] replied the same day advising WANG that "You are very productive." [REDACTED] said that all of the work that WANG referenced in the PowerPoint was listed as work that WANG had claimed as accomplishments during his FY13 and FY14 performance reviews as a NOAA-AOML employee.

16. A search warrant of WANG's personal email address [REDACTED] address identified a November 22, 2013 email to [REDACTED] with the subject line "973." The email identified [REDACTED] as the person in charge of WANG's 973 account and WANG also said "In the future, please use this e-mail account for me (instead of my NOAA e-mail)."

17. On December 2, 2013, WANG received an email on his NOAA email account from OUC stating "Prof. Wang, there is one more thing to trouble you. Do you have a personal account in [REDACTED]? The financial department needs the debit card number for salary

payment." This email was forwarded by WANG to his personal email account at [REDACTED]

18. As recent as May 1, 2015 WANG used his personal email [REDACTED] to email [REDACTED] to advise [REDACTED] to acknowledge the 973 program in one of their joint publications. WANG again used this email address on May 11, 2015 to send a list of updated publications supported by the 973 project to personnel at OUC. Both emails were obtained in a prior search warrant of WANG's [REDACTED] account. After reviewing the updated publications which WANG reported to OUC, WANG's [REDACTED] said that all of these publications had been provided to him as accomplishments for WANG's work with NOAA during the FY12 – FY15 rating periods.

THOUSAND TALENTS PROGRAM

19. Information obtained from the University of Chinese Academy of Sciences website describes the Thousand Talents Program as follows:

The Long-Term Thousand Talents Program offers full-time positions to overseas Chinese applicants under 55 years old who have received their doctorates from a distinguished international university and work as professors or an equivalent position at an accredited academic institution. Hired employees will be required to work full-time in China and will be awarded grants of RMB ¥2,000,000.00 and RMB ¥1,000,000.00, respectively by the Chinese Academy of Sciences and UCAS. In addition, the candidate will receive a RMB ¥1,000,000.00 allowance (free of tax) from the Chinese government.

The Short-Term Thousand Talents Program offers part-time positions to overseas Chinese applicants under 55 years old who have received their doctorates from a distinguished international university and work as professors or an equivalent position at an accredited academic institution. Hired employees should work in China for a minimum of two months per academic year under a three-year (minimum) working contract. They will receive a RMB ¥500,000 allowance (free of tax) from the Chinese government in addition to research funds provided by UCAS.

20. On June 9, 2013 WANG sent an email to [REDACTED] from his NOAA account which said "[REDACTED] I signed the contract (attached). You can proceed. Thanks. Chunzai." Attached to the email was a document titled "Thousand Talents Program Professor Appointment Contract". The document was written in Chinese and was translated by a professional service.

The contract detailed an annual wage of 200,000 RMB (approximately \$32,200 USD based on currency rates from the date of the contract); a 500,000 RMB (approximately \$80,500 USD based on currency rates from the date of the contract) “subsidy provided by the central government to attract talent under the Thousand Talents Program, the 500,000 RMB (approximately \$80,500 USD based on currency rates from the date of the contract) matching subsidy provided by Shandong Province, and the 250,000 RMB (approximately \$40,250 USD based on currency rates from the date of the contract) subsidy provided by Qingdao Municipality, are administered by Party B [WANG], and are used by Party B to improve living conditions and so on.” The contract showed WANG’s appointment from July 1, 2013 through June 30, 2018 and had objectives and tasks including:

[...] within 3-5 years through talent introduction and training, focus on training young academic leaders, create an internationally-influential team, cooperatively and jointly publish high level research papers in first rate international journals, solve 1-2 major scientific research problems related to air-sea interaction and climate change, and strive to achieve breakthroughs related to Pacific Ocean warm pool variation mechanisms and typhoon activity characteristics.

The contract states that an annual inspection of WANG’s work will be conducted, and will show WANG’s progress on the contractually agreed upon milestones. The contract further stipulates that WANG’s “published research papers, authored works, and reported awards, patents and research projects and expenses must all be credited to [WANG] and [OUC].” [REDACTED]

[REDACTED] said that the term “warm pool”, as set forth in the description of objectives and tasks above, was developed by WANG and is a main focus of his research as a NOAA employee.

21. In conjunction with foreign nationals from the PRC whom WANG sponsored to work at NOAA-AOML, WANG produced six academic articles which he claimed as work products for his position at NOAA-AOML. According to WANG’s supervisor, the articles appear to have been used by WANG to meet the research requirements specified in the Thousand Talents contract between WANG and the PRC. WANG’s Thousand Talents contract states that WANG will “publish 5-10 research papers with Key laboratory of Physical Oceanography instructors and

graduate students as co-authors.” The six articles referenced above were published after the execution of the Thousand Talents contract, and the co-authors had current or previous academic affiliations with OUC. Furthermore, the Key Laboratory of Physical Oceanography is affiliated with OUC.

22. The Thousand Talents contract also directed WANG to “serve an important bridging role between Party A (Ocean University of China Ministry of Education Key Laboratory of Physical Oceanography) and the National Oceanic and Atmospheric Administration (NOAA)” and included a requirement that while he is “working in the United States, the applicant will lead joint training of Ph.D. graduate students and Thousand Talent Team members in related work, mainly undertaking the following research: Northern Pacific Ocean subtropical circulation region air-sea coupling and its subtropical and tropical ocean exchanges,” and “[. . .] Western Pacific Ocean warm pool variation climate effects and influence on Western Pacific typhoon activity”.

23. WANG’s NOAA-AOML FY13 performance plan (dated November 11, 2013) required him to “promote collaboration with other investigators in [. . .] other academic and governmental institutions.” WANG listed in his FY13 final evaluation (which covered input from April 2013 – September 2013) that he “promote a collaboration with the OUC: A proposal to support and sponsor Ph.D students enrolled in OUC, China.”, thereby using his position at NOAA to fulfill the requirements of his June 9, 2013 Thousand Talents contract with the PRC.

24. An email obtained through a prior search warrant of WANG’s personal email

[REDACTED] identified an October 10, 2013 email from WANG to [REDACTED]

referencing an interview as a result of WANG’s acceptance into the Thousand Talents Program. In the email, WANG states “Thank you and others for offering the interview. As a scientist and a person, I always keep low profile. I do not like that the interview was reported in University Newspaper or other newspapers. For this reason, I will not do the interview. Thank you for understanding.”

25. On April 18, 2015 WANG sent another email from [REDACTED] o

[REDACTED] where WANG said that he “would like to inform you about my decision to postpone my participation of “Thousand People Plan.”” WANG’s email to [REDACTED] occurred twenty-two months after WANG sent the ratified contract to OUC, and after WANG was informed that the Department of Commerce was investigating the incident detailed in paragraph (6).

CAS OVERSEAS EXPERT PROGRAM

26. The Chinese Academy of Sciences Overseas Expert Program (CAS) focuses on obtaining “high-level expertise in the key sectors of China’s socio-economic development. A strong emphasis is placed on the introduction of a number of strategic scientists, leading experts in science and technology, and internationalized innovative teams who are capable of achieving critical technological breakthroughs, advancing the high-tech industries, and promoting new disciplines.” On May 27, 2013 WANG received an email in his NOAA account from the CAS Personnel Department inviting WANG to become an “overseas reviewing expert.” The email was written in Chinese and translated with machine assistance. On May 29, 2013 WANG responded to the email and said “Thank you. I sign the recognition form [...] Please confirm after you receive this email. I look forward to working with you.” Attached to the email was a signed and dated form titled “the CAS Overseas Experts” confirmation letter. The email and attached signed confirmation letter discussed WANG being able to apply for funding of 100,000 RMB (approximately \$16,100 USD, based on currency rates from the date of the contract) for WANG’s participation at the academy once a year for three years. The confirmation letter referenced WANG’s “high-level international influence,” and detailed WANG’s role in participating in CAS’ “technology development strategy.”

27. On May 28, 2013 [REDACTED] sent WANG an email that said “according to your and [REDACTED]’s revisions, the corrected news story is attached.” The Chinese document which was professionally translated was titled “NOAA’s Professor Wang Chunzai appointed Chinese Academy of Sciences Overseas Reviewing Expert” and detailed how WANG had “entertained short-term visits from many young scientists at the institute, and has trained two researchers who

have been selected to the Chinese Academy of Sciences' Hundred Talents Program." The article also stated that the main duties of an overseas reviewing expert are to:

Participate in consulting and evaluation work for our academy's science and technology development strategy [...] high level talent evaluation [...] The academy also encourages qualified overseas reviewing experts to participate in the academy's [...] "Thousand Talents Program" to return to China to provide services to China.

28. On November 20, 2013 WANG received an email from [REDACTED] of CAS stating that "We have booked a room at the Foreign Experts Building for you, and I'll see you at the airport on December 5." DHS travel records show WANG arrived in Beijing on December 4, 2013 with a return to the United States on December 14, 2013. WANG listed "I was awarded as an Overseas Expert of the Chinese Academy of Sciences" in his FY13 performance plan but did not disclose his participation as detailed in the confirmation letter and his financial compensation to his first and second line supervisors at NOAA-AOML.

CHANGJIANG SCHOLAR PROGRAM

29. The PRC's Changjiang Scholar award is an award issued by the PRC's Ministry of Education. The Ministry website detailed a three-year appointment under the program. Recipients of the award can receive salary, laboratory and office space, scientific research funding, and a housing allowance.

30. A review of WANG's resume which was posted to NOAA-AOML's website indicated that WANG was a recipient of this award in 2010. On May 8, 2012 WANG received an email from [REDACTED] advising WANG that he failed the application process for the Taishan award (another foreign expert award), as he [WANG] "already got the "Changjiang" title and they thought it was overlap with Taishan." On January 6, 2013 WANG sent an email from his NOAA account to [REDACTED], advising [REDACTED] that WANG would be visiting China during the end of February and early March and asked if he could use his remaining funding to pay for [REDACTED]'s travel as the OUC's Human Resources Changjiang Scholar Program would pay for his travel.

FRAUDULENT TRAVEL TO THE PRC

31. In 2011, [REDACTED] identified WANG as traveling to the PRC without authorization while claiming that he was in paid employment status. A review was conducted of WANG's [REDACTED]

[REDACTED] The review showed:

Between November 11, 2011 and December 10, 2011, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management. On April 18, 2012 WANG exchanged emails from his NOAA account with Dr. [REDACTED] of OUC, in which WANG requested reimbursement for a trip he took in November.

Between June 23, 2012 and July 23, 2012, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management.

Between February 23, 2013 and March 08, 2013, WANG certified in NOAA time and attendance records that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA management. On October 31, 2012 WANG exchanged emails from his NOAA account with Dr. [REDACTED] OUC, in which WANG advised [REDACTED] that he had returned to [REDACTED] on Monday and had mailed the receipts for reimbursement. WANG also requested that [REDACTED] obtain the salary for WANG and try to arrange another trip through OUC's Human Resource Office as WANG planned to visit China in Feb/March. Additionally, WANG discussed using Changjiang funding to travel to the PRC during this timeframe (paragraph 25).

Between July 5, 2013 and July 20, 2013, WANG certified in NOAA time and attendance records that he was in a paid status, when in fact he was in the PRC without any record of official travel or authorization from NOAA-AOML management. WANG's Thousand Talents contract specified that "the applicant will return to the country for work for at

least two months each year."

REIMBURSEMENTS AND TRAVEL

32. On January 6, 2012 WANG exchanged emails from his NOAA account with [REDACTED] from OUC, in which WANG requested reimbursement in the amount of \$906.29 for the purchase of an iPad to be deposited into WANG's bank account in China. Both WANG's [REDACTED] [REDACTED] were unaware of any outside reimbursements that WANG was receiving, and said that WANG had never brought to their attention any activities that would have resulted in payments.

33. On June 21, 2013 WANG emailed [REDACTED] and said "[REDACTED]; Thank you. You can deposit these reimbursed money to my account." WANG then provided a bank account for the [REDACTED] Bank. Both WANG's [REDACTED] [REDACTED] were unaware of any outside salary or reimbursements that WANG was receiving, and said that WANG had never brought to their attention any activities that would have resulted in payments.

34. On December 2, 2013 WANG received another email on his NOAA email account from OUC staff* stating "Prof. Wang, there is one more thing to trouble you. Do you have a personal account in [REDACTED]? The financial department needs the debit card number for salary payment." A response to this email was not found in WANG's NOAA email account, but this message was forwarded by WANG to his personal email account at [REDACTED]

35. On May 7, 2015 [REDACTED] sent WANG an email to his [REDACTED] account and said "I just got the response that you will have new funding for the next 3 years. There will be 20,000RMB for PCs and Laptops [...] So you can first buy one with current funding and buy another later when funding is available."

36. I know that on June 21, 2013 WANG emailed [REDACTED] and said "[REDACTED] Thank you. You can deposit these reimbursed money to my account." WANG then provided a bank account for the [REDACTED] Bank. Additionally, I know that WANG was asked

about a personal bank account in a December 2, 2013 email from OUC, specifically as it related to salary payment. Searches were conducted in WANG's personal and work email for any documents related to this Chinese bank account, but no results were found within the two email accounts. I know that banks commonly send paper statements to their customers, and that these statements are often sent directly to the bank customer as an alternate method to electronic statements.

37. Through a review of WANG's personal email and work email, I know that WANG had requested to purchase an Ipad, Iphone, and Macbook through OUC funds. I also know that WANG's contractual obligation through OUC's Thousand Talents Contract required WANG's work to be inspected by OUC. Due to the scientific nature of the work product that was detailed in the Thousand Talents contract with OUC, it is probable that this work product would have been created in a digital format, and would reside on WANG's personal computer(s), tablet(s) and/or digital media; or U.S. Government issued computer(s), tablet(s) and/or digital media.

38. Based upon my experience, I believe that WANG could maintain personal financial documents, as well as other physical and digital evidence at the location to be searched, which would include evidence, fruits and instrumentalities of the crime alleged in this affidavit.

39. Based upon my experience, I know that business offices commonly contain desks, file cabinets, and boxes for the purpose of organizing correspondence and other documents, written or electronically recorded. I also know that other valuable documents are commonly kept in locked desks, file cabinets, or safes. I expect to find personal records and documents related to WANG's participation in the contractually obligated programs listed above, as well as documents detailing financial payments to WANG from OUC inside the premises listed in Attachment A. Based on my training, experience, and knowledge of this investigation to date, I believe that the records and documents listed in Attachment B constitute evidence, fruits and instrumentalities of the alleged criminal violations and would be kept in the office of CHUNZAI WANG bearing [REDACTED]

[REDACTED] I also

seek authorization to seize and analyze items including any hardware, software, documentation, and other items needed to conduct an examination. Such items are further described in Attachment B to the search warrant. Based upon my training and experience, I know that it is not always possible to search computer equipment for data during the search of the premises, and so such items may need to be seized so that they can be examined in a controlled environment.

These reasons include the following:

a. Imaging, searching, and analyzing computer systems is a highly technical process that requires specific expertise and specialized equipment. It often is impossible to bring to the search site all of the necessary technical manuals and specialized equipment necessary to conduct a thorough search and analysis of all of the many types of computer hardware and software in use today. Because computer data is particularly vulnerable to inadvertent or intentional modification or destruction, a controlled environment is essential to conducting a complete analysis of the equipment and storage devices from which the data will be extracted.

b. The volume of the data stored on many computer systems and storage devices often is too large to permit a thorough search and analysis for data during the physical search of the premises.

c. Computer users can use a number of methods to conceal data within computer equipment and storage devices, including the use of innocuous or misleading filenames and extensions. For example, files with the extension “.jpg” often are image files; however, a user can easily change the extension to “.txt” to conceal the image and make it appear that the file contains a text. Because these and other concealment strategies may be employed by a computer user, a substantial amount of time may be necessary to extract and sort through data that are concealed or encrypted to determine whether it is evidence, contraband, or the instrumentality of a crime.

41. Based upon my training and experience, and on information related to me by agents and others involved in the forensic examination of computers, I also know that to search for digital evidence relating to the crimes described in this affidavit law enforcement personnel may need to seize the following items:

- a. Computers, including programs and data on those computers, as well as digital devices to include tablets, cellular phones, video gaming units, music players with internet access capabilities;
- b. Computer equipment used to facilitate the transmission, creation, display, encoding or storage of data, including word processing equipment, modems, docking stations, monitors, CD/DVD/Blu-Ray burners, printers, plotters, encryption devices, scanners, external hard drives, USB thumb drives and network storage devices;
- c. Physical keys, encryption devices, write passcodes, passwords and similar physical items that are necessary to access the computer equipment and digital devices with

internet access capabilities.

42. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that a search of the office of CHUNZAI WANG bearing

[REDACTED]

may

reveal evidence of violations of (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951. Accordingly, a search warrant is requested.

REQUEST FOR SEALING

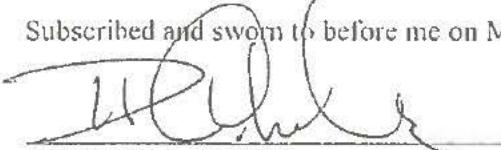
43. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an on-going investigation into on-going criminal activity and not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and search warrants via the internet, and disseminate them to other online criminals as they deem appropriate, e.g. by posting them publicly online. Premature disclosure of the contents of this affidavit and related documents

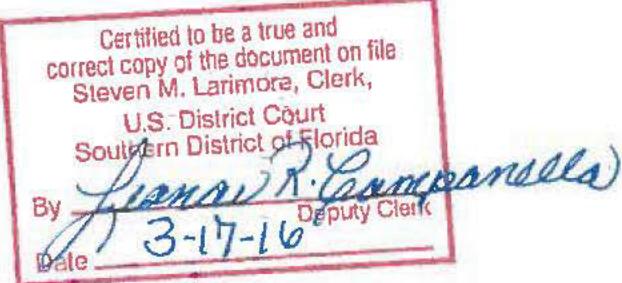
may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

[REDACTED]
Respectfully submitted,
[REDACTED]

Special Agent
Investigations & Threat Management Division
Office of Security U.S. Department of Commerce

Subscribed and sworn to before me on March 17, 2016.


PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE



ATTACHMENT A

Property to Be Searched

This PREMISES to be searched is the office of Chunzai Wang bearing number [REDACTED]

within, the [REDACTED] at [REDACTED]

[REDACTED] The PREMISES is located on the intersection [REDACTED]

[REDACTED] The PREMISES is a white colored building with a sign located on the corner of the intersection of [REDACTED] and the [REDACTED]

which reads [REDACTED]

[REDACTED] The PREMISES sits

across the [REDACTED] from the [REDACTED]

[REDACTED] The PREMISES sits across [REDACTED] from [REDACTED]

[REDACTED]

[REDACTED]



ATTACHMENT B
Particular Items to be Seized

I. All data, information and records in both physical and digital format located at the premises described in Attachment A that relate to violations of (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951.

1. All documents identifying Chunzai WANG's affiliation, work products, and/or payments and or remuneration, including debit cards, by Ocean University of China (OUC); Chinese Academy of Sciences; Thousand Talents Program; Changjiang Scholar Program; 973 Program; or any other PRC based program which may provide salary and or remuneration for services rendered.

2. All documents relating or referring to contracts or other agreements between WANG and OUC; Chinese Academy of Sciences; Thousand Talents Program; Changjiang Scholar Program; 973 Program; or any other PRC based program which may provide salary and or remuneration for services rendered.

3. All documents identifying financial institutions which WANG could have used to receive salary and or remuneration, including any account statements and other documents establishing account ownership.

4. All documents and any other documentary or electronic/digital correspondence between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government, including OUC and other PRC based educational institutions.

5. Computer hardware consisting of all equipment which can collect, analyze,

create, display, convert, store, conceal, or transmit electronic/digital, magnetic, optical, or similar computer impulses or data. Hardware includes, but is not limited to, any data-processing devices (such as central processing units, memory typewriters, self-contained laptop or notebook computers, internal and peripheral storage devices (including fixed disks, external hard drives, floppy disk drives and diskettes, zip disks, tape drives and tapes, optical storage devices, transistor-like binary devices, and other memory storage devices); peripheral input/output devices (including keyboards, printers, scanners, plotters, video display monitors, and optical readers); and related communication devices (such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signal devices, and electronic/digital tone-generating devices); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

6. Computer software, that is, digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic/digital, magnetic, optical, or other digital forms. It commonly includes programs to run operating systems, applications (including word processing, graphics, or spreadsheet programs), utilities, compilers, interpreters, and communications programs.

7. Computer-related documentation consisting of written, recorded, printed, or electronically/digitally stored material which explains or illustrates how to configure or use the computer hardware, software, or other related items.

8. Computer passwords and other data security devices, that is, a string of alpha-

numeric characters designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital code may include programming code that creates "test" or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or "bobby-trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

9. Logs of electronic/digital communication, disks of communications, hard copies of communications, audio cassette tapes of communications, calendars, appointment books, telephone number lists, incoming and outgoing facsimile messages, and any documentation, telephone records, bank account information or wire transfer information.

10. The terms "records", "documents", and "materials" include all of the foregoing items of evidence in whatever form and by whatever means such records, documents, or materials, their drafts, or their modifications may have been created or stored, including, any handmade form (including writing, drawing, painting, with any implement on any surface, directly or indirectly); and photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies); any mechanical form (including phonograph records, printing, or typing); any electrical, electronic/digital, or magnetic form (such as tape recordings, cassettes, compact discs, or any information on an electronic/digital or magnetic storage device,

such as floppy diskettes, hard disks, zip disks, CD-ROMs, optical discs, printer buffers, smart cards, memory calculators, electronic dialers, Bernoulli drives, or electronic/digital notebooks, as well as printouts or readouts from any magnetic storage device).

11. Any and all fruits, instrumentalities, and evidence of the violations of (a) Unlawful Compensation, Title 18, United States Code, Section 209; (b) False, Fraudulent and Fictitious Claims, Title 18, United States Code, Section 287; (c) Conspiracy, Title 18, United States Code, Section 371; (d) Unregistered Agent of a Foreign Government, Title 18, United States Code, Section 951. .

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Email account, [REDACTED] stored at
Google, Inc. at 1600 Amphitheatre Parkway Mountain
View, CA, more fully described in Attachment "A"

Case No. 15-6210-SNOW

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location): [REDACTED] stored at Google, Inc. at 1600 Amphitheatre Parkway, Mountain View, CA, more fully described in Attachment "A"

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Title 18, United States Code, Sections 209, 287, 371, and 951

Offense Description

18 U.S.C. § 209 (Unlawful Compensation), 18 U.S.C. § 287 (False, Fraudulent or Fictitious Claims), 18 U.S.C. § 371 (Conspiracy), and 18 U.S.C. § 951 (Agent of Foreign Government)

The application is based on these facts:

See attached Affidavit of Special Agent

[REDACTED] Special Agent, Dept. of Commerce.

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if necessary) _____ days: _____ () is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on [REDACTED] sheet

[REDACTED] applicant's signature

[REDACTED] Special Agent, Dept. of Commerce

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/12/2015

Lurana S. Snow
Judge's signature

City and state: Fort Lauderdale, Florida

LURANA S. SNOW, United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

IN THE MATTER OF THE SEARCH
OF THE EMAIL ACCOUNT

STORED AT GOOGLE, INC. AT 1600
AMPHITHEATRE PARKWAY MOUNTAIN
VIEW, CA

Case No. 15-6210-
SPDW

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, [REDACTED] being first duly sworn, hereby depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises owned, maintained, controlled, or operated by Google, Inc., an email provider headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under Fed. R. Crim. P. 41, 18 U.S.C. § 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google, Inc. to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the account, including the contents of communications.

2. I am a Special Agent with the U.S. Department of Commerce, Office of the Secretary, Office of Security, Investigations and Threat Management Division (ITMD) in Washington, DC and have been employed as such for approximately seven years. As an ITMD Special Agent, I am authorized under 18 U.S.C. § 3053 to enforce violations of Title 18 offenses and to seek and execute search warrants. I investigate threats to the Department's critical assets from compromises that would cause significant damage to U.S. economic advancement or U.S. Government functioning. I am a graduate of the Federal Law Enforcement Training Center's

Criminal Investigator Training Program, and have served as the lead investigator on numerous investigations of alleged violations of U.S. Code.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

4. Chunzai WANG is a U.S. citizen and federal employee of the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), Office of Oceanic & Atmospheric Research (OAR), Atlantic Oceanographic and Meteorological Laboratory (AOML), Physical Oceanography Division (PHOD). NOAA's AOML is located in Miami, Florida, and WANG works at that facility.

5. WANG's responsibilities as a NOAA employee include conducting basic and applied research in order to better understand the factors affecting both climate and the environment. WANG's responsibilities include collaboration with other academic and governmental institutions, however as a federal government employee WANG is prohibited from accepting or receiving any salary, contribution, supplementation of salary, as compensation for his services as an employee of an agency of the United States from any source other than the Government of the United States pursuant to Title 18, United States Code, Section 209(a). The facts presented below in this affidavit demonstrate that WANG has entered into a contractual relationship with the People's Republic of China Chinese Academy of Sciences (CAS) and the Ocean University of China (OUC) for the performance of services for which WANG received salary and reimbursement payments which conflict with his legitimate remuneration as a U.S. Government employee, and were unknown, and undisclosed, to his first and second line supervisors at the NOAA-AOML facility.

6. On January 6, 2012, WANG exchanged emails from his NOAA account with

Professor [REDACTED] Ocean University of China (OUC), in which WANG requested reimbursement in the amount of \$906.29 for the purchase of an iPad to be deposited into WANG's bank account in China.

7. On April 18, 2012, WANG exchanged emails from his NOAA account with [REDACTED]

[REDACTED] Ocean University of China (OUC), in which WANG requested reimbursement for a trip he took in November.

8. On September 2, 2012, WANG exchanged emails from his NOAA account with

[REDACTED] at a yahoo email address, in which WANG advised [REDACTED] the 973 Program coordinator, that WANG had no experience in doing a budget in China and might seek help from OUC to do it for him. An official PRC web site (www.973.gov.cn) states that the 973 Program organizes and implements basic research to meet China's major strategic needs. The purpose of the Program is to strengthen original innovation, resolve major scientific problems concerning socio-economic development, enhance China's capacity in innovation and in resolving major problems and provide scientific support to boost future development.

9. On September 4, 2012, WANG sent an email from his NOAA account to Professor

[REDACTED] Ocean University of China (OUC), as well as People's Republic of China (PRC) State Oceanic Administration (SOA) employee and 973 Program coordinator [REDACTED]. In the email, WANG asks [REDACTED] "to do a budget for my 973 project . . . If possible, budget some money for my salary." On the same day, [REDACTED] responded to WANG and said "here is a draft of your budget. According to your suggestion, you have 20,000 for computer . . . and 20,000 for your salary. If you have any question, you can make a phone call to me. I think I can explain some policy for you."

10. On October 31, 2012, WANG exchanged emails from his NOAA account with Dr.

[REDACTED] Ocean University of China (OUC), in which WANG advised [REDACTED] that he had returned to [REDACTED] on Monday and had mailed the receipts for reimbursement. WANG also requested that [REDACTED] obtain the salary for WANG and try to arrange another trip through OUC's Human Resource

Office as WANG planned to visit China in Feb/March.

11. WANG submitted input for his mid-term performance review for the period of October 2012 through April 2013 for his position at NOAA. One of the elements of WANG's performance appraisal included that he work to procure funding for research in areas mandated by NOAA's mission responsibilities. In support of this requirement Wang included involvement in a grant or proposal regarding the National Basic Research Program of China. Specifically, this grant or proposal was described as "The Interaction between Typhoon and Ocean in the Western North Pacific," and listed WANG as the principal investigator with an amount of "500.0k Chinese dollars." This grant or proposal was listed as running from March 1, 2013 to February 28, 2018, and was listed as current. WANG also listed his review of 973 proposals in China as an element of his NOAA performance appraisal. WANG's responsibility as a NOAA employee is to obtain funding for research proposals, however both WANG's [REDACTED]

[REDACTED] said that AOML has never received funding from the PRC, and that under no circumstance would WANG ever receive payments or reimbursements for work that he is conducting in an official capacity as a U.S government employee.

12. On January 6, 2013, WANG sent an email from his NOAA account to Professor [REDACTED] Ocean University of China (OUC), advising [REDACTED] that WANG would be visiting China during the end of February and early March and asked if he could use his remaining funding to pay for [REDACTED] travel as the OUC's Human Resources Changjiang Scholar Program would pay for his travel.

13. On May 27, 2013 WANG received an email in his NOAA account from the Chinese Academy of Sciences (CAS) Personnel Department inviting WANG to become an "overseas reviewing expert." The email was written in Chinese and translated by a professional service retained by ITMD. The email explains that WANG will be invited to:

Participate in consulting and evaluation work for our academy's science and technology development strategy [...] high level talent evaluation [...] The academy also encourages

qualified overseas reviewing experts to participate in the academy's [...] "Thousand Talents Program" to return to China to provide services to China.

The email discussed funding of 100,000 RMB (approximately \$16,100 USD, based on currency rates from the date of the contract) for WANG's participation at the academy once a year for three years. On May 29, 2013 WANG responded to the email and said "Thank you. I sign the recognition form [...] Please confirm after you receive this email. I look forward to working with you."

14. Information obtained from the University of Chinese Academy of Science website describes the "Thousand Talents Program" as follows:

The Long-Term Thousand Talents Program offers full-time positions to overseas Chinese applicants under 55 years old who have received their doctorates from a distinguished international university and work as professors or an equivalent position at an accredited academic institution. Hired employees will be required to work full-time in China and will be awarded grants of RMB ¥2,000,000.00 and RMB ¥1,000,000.00, respectively by the Chinese Academy of Sciences and UCAS. In addition, the candidate will receive a RMB ¥1,000,000.00 allowance (free of tax) from the Chinese government.

The Short-Term Thousand Talents Program offers part-time positions to overseas Chinese applicants under 55 years old who have received their doctorates from a distinguished international university and work as professors or an equivalent position at an accredited academic institution. Hired employees should work in China for a minimum of two months per academic year under a three-year (minimum) working contract. They will receive a RMB ¥500,000 allowance (free of tax) from the Chinese government in addition to research funds provided by UCAS.

15. On June 9, 2013 WANG sent an email to [REDACTED] from his NOAA account which said [REDACTED] "I signed the contract (attached). You can proceed. Thanks. Chunzai." Attached to the email was a document titled "Thousand Talents Program Professor Appointment Contract". The document was written in Chinese and was translated by a professional service retained by ITMD. The contract detailed an annual wage of 200,000 RMB (approximately \$32,200 USD); a 500,000 RMB (approximately \$80,500 USD) "subsidy provided by the central government to attract talent under the Thousand Talents Program, the 500,000 RMB (approximately \$80,500 USD) matching subsidy provided by Shangdong Province, and the 250,000 RMB (approximately \$40,250 USD) subsidy provided by Qingdao Municipality, are administered by Party B [WANG], and are used

by Party B to improve living conditions and so on." The contract showed WANG's appointment from July 1, 2013 through June 30, 2018 and had objectives and tasks including:

[...] within 3-5 years through talent introduction and training, focus on training young academic leaders, create an internationally-influential team, cooperatively and jointly publish high level research papers in first rate international journals, solve 1-2 major scientific research problems related to air-sea interaction and climate change, and strive to achieve breakthroughs related to Pacific Ocean warm pool variation mechanisms and typhoon activity characteristics.

The contract states that an annual inspection of WANG's work will be conducted, and will show WANG's progress on the contractually agreed upon milestones. The contract further stipulates that WANG's "published research papers, authored works, and reported awards, patents and research projects and expenses must all be credited to WANG and Ocean University of China."

16. After WANG signed the Thousand Talents contract which specified that his research tasks under the contract included research on warm pool variation on typhoons and resolving the influence of Northern Pacific Ocean circulation and thermal structure on climate change and typhoon activities, he again listed the National Basic Research Program of China in his FY13 final evaluation input as a grant or proposal that he was working on in relation to his position at NOAA. WANG's [REDACTED] said that the term "warm pool" was developed by WANG and is a main focus of his research as a NOAA employee.

17. The Thousand Talents contract also directed WANG to "serve an important bridging role between Party A (Ocean University of China Ministry of Education Key Laboratory of Physical Oceanography) and the National Oceanic and Atmospheric Administration (NOAA)" and included a requirement that while he is "working in the United States, the applicant will lead joint training of Ph.D. graduate students and Thousand Talent Team members in related work, mainly undertaking the following research: Northern Pacific Ocean subtropical circulation region air-sea coupling and its subtropical and tropical ocean exchanges," and "[. . .] Western Pacific

Ocean warm pool variation climate effects and influence on Western Pacific typhoon activity".

18. WANG's NOAA FY13 performance plan required him to "promote collaboration with other investigators in [. . .] other academic and governmental institutions." WANG listed in his FY13 final evaluation input that he "promote a collaboration with the OUC: A proposal to support and sponsor Ph.D students enrolled in OUC, China.", thereby using his position at NOAA to fulfill the requirements of his Thousand Talents contract with the PRC.

19. In conjunction with foreign nationals from the PRC whom WANG sponsored to work at AOML, WANG produced seven academic articles related to his employment at NOAA that, according to WANG's [REDACTED] appear to have been used to meet the research requirements specified in the Thousand Talents contract between WANG and the PRC.

20. On June 21, 2013 WANG emailed [REDACTED] and said "[REDACTED] Thank you. You can deposit these reimbursed money to my account." WANG then provided a bank account for the [REDACTED] Bank. Both WANG's [REDACTED] were unaware of any outside salary or reimbursements that WANG was receiving, and said that WANG had never brought to their attention any activities that would have resulted in payments.

21. In September 2013, AOML management began questioning WANG in reference to his participation in a suspicious incident involving a foreign national who was under WANG's supervision and returned to the PRC in February 2013, but had signed time and attendance records indicating that he was working at the AOML building through September 2013. When initially questioned by AOML management, WANG said that the foreign national returned to the PRC in September, when in fact WANG knew that the foreign national had left Miami to return to the PRC in February 2013. During this timeframe, the same foreign national assisted WANG with completing his application for the CAS award mentioned in paragraph (13).

22. On September 30, 2013 WANG emailed personnel at OUC saying "Given the e-mail problem during the past half year, in the future, please send your emails to my gmail account [REDACTED] instead of my NOAA account." This message was also cc'd [REDACTED]

to WANG's [REDACTED] account.

23. On November 20, 2013 WANG received an email from [REDACTED] of CAS stating that "We have booked a room at the Foreign Experts Building for you, and I'll see you at the airport on December 5." DHS travel record show WANG arriving in Beijing on December 4, 2013 with a return to the U.S. on December 14, 2013. WANG's participation and proposed compensation in this activity were unknown to [REDACTED]

24. On December 2, 2013 WANG received another email on his NOAA email account from OUC staff stating "Prof. Wang, there is one more thing to trouble you. Do you have a personal account in Bank [REDACTED] ? The financial department needs the debit card number for salary payment." A response to this email was not found in WANG's NOAA email account, however this message was forwarded by WANG to his personal email account at [REDACTED] Based on my training and experience, in addition to WANG's September 30, 2013 email advising OUC staff to communicate through his personal account rather than his NOAA email, I believe that WANG may have taken steps to conceal his communications with PRC-affiliated persons by utilizing his [REDACTED] account instead of his NOAA account for further communications with OUC and the PRC.

25. Based on available information, 114 pieces of correspondence containing WANG's [REDACTED] account were identified in WANG's NOAA email account. Of the 114 emails reviewed, 19 are written in Chinese, and 21 are between WANG and email accounts affiliated with the PRC government or PRC educational institutions who conduct work on behalf of the PRC government.

26. WANG's Thousand Talents contract specified that "the applicant will return to the country for work for at least two months each year." WANG had previously been counseled in 2011 after being identified as traveling to the PRC without authorization while claiming that he was in paid status. A review was conducted of [REDACTED]

[REDACTED] The review showed:

Between November 11, 2011 and December 10, 2011, WANG certified that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA management

Between June 23, 2012 and July 23, 2012, WANG certified that he was in paid status when in fact he was in the PRC without any record of official travel or authorization from NOAA management.

Between July 5, 2013 and July 20, 2013, WANG certified that he was in a paid status, when in fact he was in the PRC without any record of official travel or authorization from NOAA management.

27. Based on these facts, I respectfully submit that a search of the [REDACTED] account may reveal evidence of violations of 18 U.S.C § 209, 18 U.S.C § 287, 18 U.S.C § 371, and/or 18 U.S.C § 951. Pursuant to 18 U.S.C. § 2703(f), on April 6, 2015 I provided written notice to Gmail, Inc. to request the preservation of all emails associated with [REDACTED]

TECHNICAL BACKGROUND

28. Based on my training and experience, I know that Google, Inc. provides a variety of on-line services, including electronic mail ("email") access, to the general public. Subscribers obtain an account by registering with Google, Inc. During the registration process, Google, Inc. asks subscribers to provide basic personal information. Therefore, the computers of Google, Inc. are likely to contain stored electronic communications (including retrieved and unretrieved email for Google, Inc. subscribers) and information concerning subscribers and their use of Google, Inc. services, such as account access information, email transaction information, and account application information.

29. In general, an email that is sent to a Google, Inc. subscriber is stored in the subscriber's "mail box" on Google, Inc. servers until the subscriber deletes the email. If the subscriber does not delete the message, the message can remain on Google, Inc. servers

indefinitely.

30. When the subscriber sends an email, it is initiated at the user's computer, transferred via the Internet to Google, Inc.'s servers, and then transmitted to its end destination. Google, Inc. often saves a copy of the email sent. Unless the sender of the email specifically deletes the email from the Google, Inc. server, the email can remain on the system indefinitely.

31. A Google, Inc. subscriber can also store files, including emails, address books, contact or buddy lists, pictures, and other files, on servers maintained and/or owned by Google, Inc.

32. Subscribers to Google, Inc. might not store on their home computers copies of the emails stored in their Google, Inc. account. This is particularly true when they access their Google, Inc. account through the web, or if they do not wish to maintain particular emails or files in their residence.

33. In general, email providers like Google, Inc. ask each of their subscribers to provide certain personal identifying information when registering for an email account. This information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number).

34. Email providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via Google, Inc.'s website), and other log files that reflect usage of the account. In addition, email providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which

computers or other devices were used to access the email account.

35. In some cases, email account users will communicate directly with an email service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Email providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well records of any actions taken by the provider or user as a result of the communications.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

36. I anticipate executing this warrant under the Stored Communications Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Google, Inc. to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

37. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that on the computer systems in the control of Google, Inc. there exists evidence of a crime. Accordingly, a search warrant is requested.

38. This Court has jurisdiction to issue the requested warrant because it is "a court with jurisdiction over the offense under investigation." 18 U.S.C. § 2703(a).

39. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

REQUEST FOR NONDISCLOSURE AND SEALING

40. The United States requests that pursuant to the preclusion of notice provisions of 18 U.S.C. § 2705(b), Google, Inc. be ordered not to notify any person (including the subscriber or customer to which the materials relate) of the existence of this warrant for such period as the Court deems appropriate. The United States submits that such an order is justified because

notification of the existence of this Order would seriously jeopardize the ongoing investigation. Such a disclosure would give the subscriber an opportunity to destroy evidence, change patterns of behavior, notify confederates, or flee or continue his flight from prosecution.

41. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an on-going investigation into on-going criminal activity and not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and search warrants via the internet, and disseminate them to other online criminals as they deem appropriate, e.g., by posting them publicly online through the carding forums. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

Respect is the first step to a better world.

**Investigations & Threat Management Division
Office of Security
U.S. Department of Commerce**

Subscribed and sworn to before me on May 2, 2015.

Lurana S. Snow
LURANA S. SNOW
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Place to Be Searched

This warrant applies to information associated with [REDACTED] that is stored at premises owned, maintained, controlled, or operated by Google, Inc. a company headquartered at 1600 Amphitheatre Parkway Mountain View, CA 94043.

ATTACHMENT B
Particular Things to be Seized

I. Information to be disclosed by Google, Inc.

To the extent that the information described in Attachment A is within the possession, custody, or control of Google, Inc., Google, Inc. is required to disclose the following information to the government for the account or identifier listed in Attachment A:

- a. The contents of all emails stored in the account, including copies of emails sent from the account;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative email addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- c. All records or other information stored by an individual using the account, including address books, contact and buddy lists, pictures, and files;
- d. All records pertaining to communications between Google, Inc. and any person regarding the account, including contacts with support services and records of actions taken.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of the statutes listed on the Search Warrant involving Chunzai WANG, for the account or identifier listed on Attachment A, information

pertaining to the following matters:

- a. Communications between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government discussing evidence of compensation provided by a PRC person or entity to WANG for his services with NOAA, or compensation provided to WANG by a PRC person or entity for services outside the scope of WANG's NOAA employment.
- b. Communications between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government, that indicate WANG has taken preparatory steps to act, is acting, or has acted under the direction or control of the PRC government.
- c. Records relating to who created, used, or communicated with the account.
- d. Attachments to communications between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government discussing evidence of compensation provided by a PRC person or entity to WANG for his services with NOAA, or compensation provided to WANG by a PRC person or entity for services outside the scope of WANG's NOAA employment.
- e. Attachments to communications between WANG and any identifiable official, entity or affiliate of the PRC government, or any person or entity acting on behalf of the PRC government, that indicate WANG has taken preparatory steps to act, is acting, or has acted under the direction or control of the PRC government.