

**This report was obtained (via FOIA) and posted by AltGov2**

**[www.altgov2.org/watchdogs](http://www.altgov2.org/watchdogs)**



UNITED STATES DEPARTMENT OF COMMERCE  
Office of Inspector General  
Washington, D.C. 20230

MEMORANDUM FOR: The File

FROM: [REDACTED]  
Office of Investigations / [REDACTED] Field Office

DATE: August 29, 2017

SUBJECT: Action Memorandum for Closure  
17-0781-P: Investigation Leak (BIS/OEE)

On March 7, 2017, the New York Times printed a story containing quotes and information from a confidential report commissioned by the Federal Deposit Insurance Corporation (FDIC) OIG. The report was written by [REDACTED] and regarded tax and accounting fraud allegedly committed by Caterpillar Inc. This story appeared in the press five days after a major multi-agency federal search warrant was conducted at Caterpillar Inc. in Peoria, IL. Shortly after this story, Caterpillar Inc. accused the government of attempting to “try the case in the court of public opinion.” [REDACTED] directed [REDACTED] of the Bureau of Industry and Security (BIS), Office of Export Enforcement (OEE), [REDACTED] Field Office, which was one of the agencies involved in the search warrant, to report the incident to the Department of Commerce, Office of Inspector General (DOC OIG). This report was only distributed, via email, to the FDIC OIG, DOC OIG and the United States Attorney’s office, suggesting the possibility that one of the entities that had access to the report could have made it available to the press. DOC OIG subsequently opened an investigation to determine if the leak was the result of a BIS employee.

On April 4, 2017, [REDACTED] DOC OIG, spoke with [REDACTED] and received detailed information regarding the report, to include the date [REDACTED] received it and the name and size of the file. [REDACTED] received the email when it was first distributed to BIS OEE by FDIC OIG [REDACTED] on February 1, 2017. Using this information, [REDACTED] conducted a review of the email of all BIS employees from February 1, 2017 through March 7, 2017. This review occurred from April 18, 2017 through June 6, 2017. The review determined that the report was not emailed from a BIS address to a non-BIS address after being received by BIS OEE agents on February 1, 2017. [REDACTED] also advised that [REDACTED],

Action Memorandum for Closure

17-0781-P

the BIS OEE case agent, had reported losing a DVD that contained the report that was printed in the press.

On June 22, 2017, [REDACTED] interviewed [REDACTED], BIS OEE, regarding [REDACTED] loss of the DVD that contained the report. [REDACTED] advised that the DVD contained not only the report, but also a copy of a search warrant and affidavit, as well as additional BIS OEE case-related materials that were not printed by the New York Times. [REDACTED] advised that [REDACTED] was unable to recover the DVD, despite a thorough search of [REDACTED] residence, office and government-issued vehicle.

On July 7, 2017, [REDACTED] briefed [REDACTED] [REDACTED] [REDACTED], regarding the status of the investigation as well as all steps taken. [REDACTED] [REDACTED] advised that [REDACTED] was satisfied that the DOC OIG had thoroughly investigated the matter and [REDACTED] stated that based on the information found in this investigation, [REDACTED] did not believe that BIS was responsible for releasing the report to the press.

Based on the information provided above, no further action is anticipated in this matter and the case file is being closed accordingly.

*Approval:*

[REDACTED]

Special Agent in Charge