

Directive

9070.6

May 13, 2013

**REPORTING VIOLATIONS OF
THE U. S. GRAIN STANDARDS ACT AND
THE AGRICULTURAL MARKETING ACT OF 1946**

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1. PURPOSE

This directive establishes procedures for reporting violations of provisions in the U.S. Grain Standards Act (USGSA), the Agricultural Marketing Act of 1946 (AMA), and the regulations and instructions thereunder. These programs are administered by the Federal Grain Inspection Service (FGIS), a program area within the Grain Inspection, Packers and Stockyards Administration (GIPSA).

2. REPLACEMENT HIGHLIGHTS

This directive supersedes FGIS Program Directive 9070.6, dated 5-11-07. This directive is updated to reflect FGIS organizational changes, Office of Inspector General (OIG) contact information, and removes the reference for reporting employee misconduct.

3. POLICY

In accordance with Departmental Regulation 1700-2, "OIG Organization and Procedures," dated June 17, 1997; agency heads are responsible for action that ensures the enforcement of laws, Department regulations, and agency instructions. In addition, agency heads are responsible for issuing guidelines requiring that known or suspected violations of laws or regulations are expeditiously reported to OIG.

Moreover, section 800.185(g) of the regulations under the USGSA and section 868.8 of the regulations under the AMA require that violations of existing statutes, regulations, or instructions be promptly reported.

4. REPORTING VIOLATIONS

- a. Program Activities. Violations pertaining to program related matters (e.g., sampling, grading, weighing, testing, etc.) shall be reported as follows:
 - (1) Licensed personnel shall immediately report USGSA or AMA violations to their supervisor or to the FGIS field office responsible for that geographical area. Licensees who know or suspect their supervisor(s) of violations, or believe that their supervisor(s) will suppress or ignore their violation report, shall call the Quality Assurance and Compliance Division (QACD), Investigation and Enforcement Branch (IEB) **TOLL-FREE at 1-800-998-FGIS (3447)** or (202) 720-0228. The toll-free number can be accessed 24 hours a day, 7 days a week.
 - (2) Agency managers who receive reports or have knowledge about violations shall immediately notify the FGIS field office responsible for that geographical area.
 - (3) FGIS field employees shall immediately report violations to their respective field offices.

- (4) FGIS headquarters personnel and employees at the Technology and Science Division (TSD) shall report violations to the IEB.
 - (5) FGIS field office managers shall:
 - (a) Report violation(s) to the IEB.
 - (b) Provide details concerning the violation(s).
 - (c) Advise official personnel that the incident should be kept confidential. However, depending on the nature of the violation(s), it may be appropriate to discuss the matter with officials from the Federal Bureau of Investigation (FBI), the Animal and Plant Health Inspection Service (APHIS), or OIG.
- b. Bribes. Bribery includes the offering, giving, receiving, or soliciting of anything of value to influence official personnel and shall be reported as follows:
- (1) FGIS and Agency personnel who are offered a bribe or believe that a bribe was offered to, solicited by, or accepted by another FGIS or Agency employee shall report this information along with threats, assaults, fraud, waste and abuse directly to the OIG Hotline (800) 424-9121 or local number (202) 690-1622, which are staffed between (9:00 a.m. and 3:00 p.m. EST).
 - (2) Official personnel reporting bribery or attempted bribery shall follow OIG's instructions concerning the matter. Do not disclose any information regarding the incident to anyone without approval from OIG or FBI.
 - (3) Form FGIS-110, "Reporting Alleged or Suspected Bribery Attempts to the Office of Inspector General," shall be made available to all official personnel.
- c. Assaults. An assault includes any verbal or physical attack committed against official personnel while he or she is performing duties in accordance with provisions set forth in the USGSA or AMA. Official personnel shall report such incidents to their local law enforcement agency and to the appropriate OIG Special Agent-In-Charge (see attachment) for the geographical area where the offense took place.

Official personnel who encounter incidents of intimidation, opposition, resistance, harassment, or interference by interested parties during service delivery shall notify their respective agency and field office manager. Depending on the circumstances, contacting the appropriate OIG Special Agent-In-Charge for guidance may also be prudent.

d. Other Incidents. Other incidents shall be reported as follows:

- (1) Official personnel should report violations that affect the integrity of any USDA program to OIG's Whistle Blower Hotline at (800) 424-9121. Management reprisal against whistle blowers is prohibited by law.
- (2) Any conduct or incidents involving official personnel that could create the appearance of a loss of impartiality or adversely affect the public's confidence in FGIS services shall be reported in accordance with this directive.

/s/ Thomas C. O'Connor

Thomas C. O'Connor, Director
Quality Assurance and Compliance Division

Attachment

OFFICE OF INSPECTOR GENERAL HOTLINE

(800) 424-9121	(Toll-Free)
(202) 690-1622	Washington, D.C.
(202) 690-1202	(TDD) Telecommunications Device for the Deaf
usda_hotline@oig.usda.gov	Electronic Mail
OIG INVESTIGATIONS MAIL:	P.O. Box 23399, Washington, D.C. 20026-3399

OIG REGIONAL OFFICES

REGION & AREA COVERED	ADDRESS	TELEPHONE FAX
<u>NORTHEAST</u> Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia	26 Federal Plaza, Room 1409 New York, NY 10278-0004	Phone: (212) 264-8400 Hotline: (800) 424-9121 Fax: (212) 264-8416
<u>SOUTHEAST</u> Alabama, Florida, Georgia, Kentucky, North Carolina, Puerto Rico, South Carolina, Tennessee, and Virgin Islands	Room 2329 401 W. Peachtree St., NW Atlanta, GA 30308-3519	Phone: (404) 730-3170 Hotline: (800) 424-9121 Fax: (404) 730-3181
<u>MIDWEST</u> Iowa, Illinois, Indiana, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin	Suite 1130 111 N. Canal Street. Chicago, IL 60606-7295	Phone: (312) 353-1358 Hotline: (800) 424-9121 Fax: (312) 353-8963
<u>SOUTHWEST</u> Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Texas	Room 311 101 South Main Temple, TX 76501	Phone: (254) 743-6535 Hotline: (800) 424-9121 Fax: (254) 298-1358
<u>WESTERN</u> Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Territory of Guam, U. S. Trust Territories of the Pacific, Washington, and Wyoming	Suite 400 1333 Broadway Oakland, CA 94612	Phone: (510) 208-6860 Hotline: (800) 424-9121 Fax: (510) 208-3751