

Directive

9070.6

10/05/00

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

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 replaces Directive 9070.6, dated 1/08/98, by updating the attachment page to reflect the Office of the Inspector General (OIG) regional office realignment and makes other non-substantive editorial changes.

3. POLICY

In accordance with Departmental Regulation 1700-2, AOIG 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 that their supervisor(s) are violating provisions, or believe that their supervisor(s) will suppress or ignore their violation report, shall call the Compliance Division **TOLL-FREE at 1-800-998-FGIS (3447)** or (202) 720-8536. 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 Technical Services Division shall report violations to the Compliance Division (CP).
 - (5) FGIS field office managers shall:
 - (a) Report violation(s) to the CP-s, Regulatory Branch.
 - (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 directly to OIG. These report(s) should be made to the appropriate OIG Special Agent-In-Charge (see attachment) for the geographical area where the offer was made during normal business hours (8:00 a.m. to 5:00 p.m. - Monday through Friday). However, during weekend, holidays, or after business hours, official personnel shall direct calls to **OIG Bribery/Assault Line** at **(202) 720-7257**. OIG will accept collect calls.

- (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, **R**eporting 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. Conduct or Other Incidents. Misconduct or other incidents shall be reported as follows:

- (1) FGIS employee misconduct matters should be reported directly to the Marketing and Regulatory Program, Human Resources, APHIS, Employee and Management Relations Branch at **(301) 734-8863**.

- (2) 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.
- (3) 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/ Neil E. Porter

Neil E. Porter, Director
Compliance Division

Attachment

**OFFICE OF INSPECTOR GENERAL
BRIBERY/ASSAULT HOTLINE**

(202) 720-7257 (8:00am-4:00pm)
(888) 620-4185 (24-Hour Duty Agent Pager)

WHISTLE BLOWER HOTLINE

(800) 424-9121
(202) 690-1622
(202) 690-1202

(Toll-Free)
Washington, D.C.
(TDD) Telecommunications Device for the Deaf
Electronic Mail
P.O. Box 23399, Washington, D.C. 20026-3399

usda_hotline@oig.usda.gov

OIG INVESTIGATIONS MAIL:

OIG REGIONAL OFFICES

REGION & AREA COVERED	ADDRESS	TELEPHONE FAX
<u>NORTHEAST</u> Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia	Suite 2-2230 5601 Sunnyside Ave. Beltville, MD 20705-5300	Phone: (301) 504-2000 24-Hrs: (888) 436-6158 Fax: (301) 504-2025
<u>SOUTHEAST</u> Alabama, Florida, Georgia, Puerto Rico, South Carolina, Tennessee, and Virgin Islands	Room 2329 401 W. Peachtree St., NW Atlanta, GA 30308	Phone: (404) 730-3170 24-Hrs Fax: (404) 730-3181
<u>MIDWEST</u> Indiana, Kentucky, Michigan, Ohio, Illinois (Northern District), and Wisconsin (Eastern District)	Suite 1130 111 N. Canal St. Chicago, IL 60606-7295	Phone: (312) 353-1358 24-Hrs: (888) 803-8174 Fax: (312) 353-8963
<u>SOUTHWEST</u> Arizona, Arkansas, Louisiana, Mississippi, Nevada (Las Vegas, Clark County), New Mexico, Oklahoma, and Texas	Room 311 101 South Main Temple, TX 76501	Phone: (254) 743-6535 24-Hrs: (800) 752-3307 + 618-2305 Fax: (254) 298-1358
<u>GREAT PLAINS</u> Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wyoming, Utah, Wisconsin (Western District), and Illinois (Southern District),	8930 Ward Parkway, Suite 3016 Kansas City, Missouri 64108	Phone: (816) 926-7606 24-Hrs Fax: (816) 926-7699
<u>WESTERN</u> Alaska, California, Hawaii, Idaho, Nevada, Oregon, Territory of Guam, U. S. Trust Territories of the Pacific, and Washington	Suite 200 75 Hawthorne St. San Francisco, CA 94105-3920	Phone: (415) 744-2887 24-Hrs Fax: (415) 744-2896

Issuance Change

CHANGE TO

X DIRECTIVE

9MANUAL

9HANDBOOK

CHANGE NO. 1	TO 9070.6	TITLE: Reporting Violations of the U.S. Grain Standards Act and the Agricultural Marketing Act of 1946	DATE: 06/21/01
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PURPOSE OF CHANGE

This issuance change transmits a revised page updating the telephone and address list of the Office of Inspector General's (OIG) Regional Offices, and their respective coverage areas (states and territories).

FILING INSTRUCTIONS

Remove

Dated

Insert

Dated

Attachment

10/05/00

Attachment

06/21/01

Neil E. Porter, Director
Compliance Division

Issuance Change

CHANGE TO **DIRECTIVE** **MANUAL** **HANDBOOK**

CHANGE NO.	TO (NO.)	TITLE	DATE:
2	9070.6	Reporting Violations of the U.S. Grain Standards Act and the Agricultural Marketing Act	12-20-2002

PURPOSE OF CHANGE

This issuance change transmits a revised attachment which updates the Office of the Inspector General's Great Plains Regional Office's address, telephone and fax numbers.

FILING INSTRUCTIONS

<u>Remove</u>	<u>Dated</u>	<u>Insert</u>	<u>Dated</u>
Attachment	06/21/01	Attachment	12/20/02

/s/ Neil E. Porter, Director
Compliance Division

Issuance Change

CHANGE TO DIRECTIVE

MANUAL

HANDBOOK

CHANGE NO.	TO	TITLE:	DATE:
3	9070.6	Reporting Violations of the U.S. Grain Standards Act and the Agricultural Marketing Act of 1946	9/01/2004

PURPOSE OF CHANGE:

This issuance change transmits a revised page updating the list of Office of Inspector General's (OIG) Regional Offices, their respective coverage areas (states and territories), and telephone numbers (including new 24-hour a day bribe and threat reporting numbers).

FILING INSTRUCTIONSRemoveDatedInsertDated

Attachment

12/20/02

Attachment

9/01/2004

/s/ John R. Sharpe
John R. Sharpe, Director
Compliance Division