

Directive

9070.6

September 25, 2023

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

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Attachment 6

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Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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 Agricultural Marketing Service (AMS).

2. REPLACEMENT HIGHLIGHTS

This directive supersedes FGIS Program Directive 9070.6, dated 7-19-2023. This directive reflects updated roles and responsibilities of Official Service Provider management.

3. POLICY

In accordance with Departmental Regulation 1700-2, "OIG Organization and Procedures," dated January 13, 2023, 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. Reports under this directive are covered under USDA's privacy policy which can be found at: <https://www.usda.gov/privacy-policy>

4. REPORTING PROGRAM VIOLATIONS

- a. Program Activities. Violations pertaining to USGSA or AMA related program matters (e.g., handling, sampling, grading, weighing, testing, etc.) shall be reported as follows:
 - (1) Official agency personnel, field office employees, and warehouse samplers shall immediately report USGSA or AMA violations to their supervisor. Licensees or authorized personnel who know or suspect their supervisor(s) of violations or believe that their supervisor(s) will suppress or ignore their violation report, shall report the violation to the Quality Assurance and Compliance Division (QACD) by:
 - (a) Calling 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 or;
 - (b) Reporting the violation online at <https://www.ams.usda.gov/rules-regulations/us-grain-standards-act/reporting>
 - (2) Official agency managers (OMA) who receive reports or have knowledge about violations shall immediately notify the FGIS supervising field office.

- (3) FGIS field office managers and headquarters personnel shall report violations to QACD.

b. Responsibilities.

- (1) Any individual reporting a violation shall provide details concerning the violation(s). So far as practicable, the information shall include such of the following items as may be applicable:
 - (a) The name and address of each person and of the agent, if any, representing such person in the transaction involved;
 - (b) Place where the alleged violation occurred;
 - (c) Quantity and quality or grade of each kind of product or article involved;
 - (d) Date of alleged violation;
 - (e) Car initial and number, if carlot;
 - (f) Shipping and destination points;
 - (g) If a sale, the date, sale price, and amount actually received;
 - (h) If a consignment, the date, reported proceeds, gross, net;
 - (i) Amount of damage claimed, if any;
 - (j) statement of other material facts, including terms of contract; and
 - (k) So far as practicable, true copies of all available papers relating to the transaction complained about, including shipping documents, letters, telegrams, invoices, manifests, inspection certificates, accounts of sales and any special contracts or agreements.
- (2) FGIS field office managers shall:
 - (a) Report USGSA and/or AMA violation(s) to the QACD.
 - (b) Advise official personnel that reported incidences are covered under the department's privacy policy.
 - (c) Ensure official personnel and FGIS licensed personnel are aware the form FGIS-110, "Reporting Alleged or Suspected Bribery Attempts to the Office of Inspector General," is available at <https://www.ams.usda.gov/resources/fgis-110>

- (d) Ensure OAMs, official personnel, and licensed personnel are trained on and aware of their reporting responsibilities regarding violations as outlined in this directive as well as the FGIS violations webpage: <https://www.ams.usda.gov/rules-regulations/us-grain-standards-act/reporting>.
- (3) Official Agency Managers shall:
 - (a) Report USGSA and/or AMA violation(s) to their supervising field office.
 - (b) Ensure official personnel are aware form FGIS-110, “Reporting Alleged or Suspected Bribery Attempts to the Office of Inspector General,” is available at <https://www.ams.usda.gov/resources/fgis-110>.
 - (c) Ensure official personnel are trained on and aware of their reporting responsibilities regarding violations as outlined in this directive as well as on the FGIS violations webpage: <https://www.ams.usda.gov/rules-regulations/us-grain-standards-act/reporting>.
- (4) Licensed official personnel and field office employees.
 - (a) Report violations to program activities, bribes, assaults, and other incidences that could create the appearance of a loss of impartiality in accordance with this directive.

5. REPORTING NON-PROGRAM MATTERS

- a. Reporting non-program activities to the USDA Office of the Inspector General (OIG) include but not limited to bribes, assaults, waste, fraud, and abuse. For more information please visit <https://usdaoig.oversight.gov/>. Reporting should be as follows:
 - (1) Bribes: FGIS employees and official agency personnel who are offered a bribe or believe that a bribe was offered to, solicited by, or accepted by another FGIS or official agency employee shall report this information along with threats, assaults, fraud, waste, and abuse directly to the USDA OIG Bribery/Assault Line (800) 424-9121 or <https://usdaoig.oversight.gov/hotline> and follow OIG’s instruction on the matter.

(2) Assaults. An assault includes any crime threatened or committed against official personnel in connection to his, her, or their performance of official duties in accordance with provisions set forth in the USGSA or AMA. Official agency personnel and field office employees 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.

(a) Assaults at a USDA facility should also be reported to Federal Protective Services or general building security.

6. ADDITIONAL INFORMATION

Resources and additional information may be found at
<https://www.ams.usda.gov/rules-regulations/us-grain-standards-act/reporting>.

Contact information: FGIS Quality Assurance and Compliance Division;
FGISQACD@usda.gov.

OFFICE OF INSPECTOR GENERAL HOTLINE

(800) 424-9121

(202) 690-1622

(202) 690-1202

usda_hotline@oig.usda.gov<https://usdaoig.oversight.gov/hotline>

(Toll-Free)

Washington, D.C.

(TDD) Telecommunications Device for the Deaf

Electronic Mail

Webpage

OIG REGIONAL OFFICES

REGION & AREA COVERED	ADDRESS/TELEPHONE
Midwest: Illinois (northern and central judicial districts), Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin	111 N. Canal Street Suite 325 Chicago, IL 60606-7296 Main Number: (312) 353-1358 Fax Number: (312) 353-8963
Northeast: 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 Main Number: (212) 264-8400 Fax Number: (212) 264-8416
Southeast: Alabama, Florida, Georgia, Illinois (southern judicial district), Kentucky, North Carolina, Puerto Rico, South Carolina, Tennessee, and the Virgin Islands	401 W. Peachtree Street NW Room 2329 Atlanta, GA 30308 Main Number: (404) 730-3170 Fax Number: (404) 730-3181
Southwest: Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Texas	101 South Main Room 311 Temple, TX 76501 Main Number: (254) 743-6535 Fax Number: (254) 298-1358
Western: Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Territory of Guam, Trust Territories of the Pacific, Utah, Washington, and Wyoming	1333 Broadway Suite 400 Oakland, CA 94612 Main Number: (510) 208-6860 Fax Number: (510) 208-3751