

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 1400 – Controls
Chapter 1450 - Special Audits, Reviews, And Investigations**

Amendment: 1400-2000-1

Effective date: October 31, 2000

Duration: This amendment is effective until superseded or removed.

Superseded Directive: 1400 Zero Code Contents, Amendment 1400-96-1; 1400 Zero Code, Amendment 1400-96-2; 1410 Contents, Amendment 1400-95-1; 1410-1416 Amendment 1400-95-2; 1417-1418, Amendment 1400-92-3; 1420, Amendment 1400-90-1; 1430, Amendment 1400-90-1; 1440, Amendment 1400-90-1; 1450, Amendment 1400-90-1; 1460, Amendment 1400-90-1; 1470 Amendment 1400-90-1

Approved by: Mike Dombeck, Chief

Date approved: October 31, 2000

Responsible Staff:

Posting Instructions: This is a technical amendment that converts the format and style of this FSM title from Applixware to the current corporate word processing application. Since this amendment replaces all text except Interim Directives (ID's), do not check for the last transmittal received for this title; instead place this transmittal sheet at the front of the title. DO NOT remove ID's when posting this amendment. ID's are not being reformatted at this time.

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

Please read the new posting instructions (above) carefully.

1400: The entire amendment text has been reformatted and replaced, so that the amendment text on the Service-wide Directives Home Page in the Forest Service Web/ Intranet (<http://fsweb.wo.fs.fed.us/directives/index.html>) corresponds with the amendment text on the Forest Service Directives Home Page in the Forest Service World Wide Web/ Internet (<http://www.fs.fed.us/im/directives>).

Although some minor typographical and technical errors have been corrected, substantive direction has not been changed.

Table of Contents

1450.1 - Authority.....	3
1450.2 - Objectives	3
1450.4 - Responsibility	3
1450.5 - Definitions.....	4
1451 - Bribery, Attempted Bribery	4
1452 - Antitrust Activity.....	4
1453 - Cooperation	4
1454 - Situations with Criminal, Fiscal, and/or Conduct Implications	5
1455 - Internal Reports	5
1455.1 - Significant Situations	5
1455.2 - Response to Office of Inspector General Reports	6

This chapter summarizes regulations and policy related to administrative reviews and investigations of Forest Service programs and employees, when the matter to be reviewed is related to official duties. It is intended primarily to provide policy related to reviews and investigations by agencies other than the Forest Service.

For clarity, this chapter also includes references to Forest Service policy in other Manual chapters that relates to inquiry by the Forest Service into allegations against employees. These allegations may include irregularities, misconduct, or crimes.

1450.1 - Authority

The authority to conduct investigations and reviews of Forest Service programs varies with the nature of the conducting agency. Generally, the Office of the Inspector General (OIG) may conduct a broad range of audits, reviews, and investigations of Forest Service Programs. Similarly, the General Accounting Office (GAO) may conduct broad or specific reviews, audits, and inquiries into Forest Service matters.

Federal law enforcement agencies have authority to investigate allegations of violations of Federal criminal law. Generally, these authorities are specific in the Federal Criminal Code 18 U.S.C. and 21 U.S.C. State and local law enforcement agencies have authority to enforce State law on the National Forests.

1450.2 - Objectives

1. To provide guidelines for conducting special reviews and audits to provide managers inside and outside the Forest Service with information needed to make decisions. These managers may include members of Congress or the Secretary of Agriculture.

2. To conduct investigation to determine if apparent violations of criminal law have occurred.

1450.4 - Responsibility

1. All Employees. Promptly report all known or apparent irregularities to a Forest Service line officer.

2. Deputy Chief for Administration

a. Is responsible for establishing and maintaining liaison with the principal Federal entities that may conduct reviews, audits, or investigations of Forest Service programs/employees.

b. Is responsible for executing Service-wide agreements, when appropriate, with Federal entities to provide clear lines of communication and responsibility.

c. Is responsible for monitoring the results of special audits, reviews, and investigations to determine if Service-wide practices, programs, and policies are appropriate in view of the results of special audits, reviews, and investigations.

d. Is responsible for developing the Forest Service response to special audits, reviews, and investigations.

3. Regional Foresters, Station Directors, and Area Director

a. Provide controls necessary to assure that all employees cooperate fully with those conducting special audits, reviews, and investigations.

b. Recommend actions to the Chief to improve practices, programs, and policies when special audits, reviews, and investigations disclose ineffective, inefficient, wasteful, illegal, or fraudulent actions or programs.

4. Forest Supervisors. Recommend actions to Regional Foresters to improve practices, programs, and policies when special audits, reviews, and investigations disclose ineffective, inefficient, wasteful, illegal, or fraudulent actions or programs.

1450.5 - Definitions

1. Action Addressee - Region or Station in whose territory an investigation takes place, or the Washington Office when it has a significant interest in an investigation.

2. Information Addressee - Officials having an interest in the investigative area and a need to know.

1451 - Bribery, Attempted Bribery

Attempts to bribe Forest officers in their official capacity shall be reported immediately to OIG. (FSM 5320).

1452 - Antitrust Activity

All known or suspected antitrust activity by cooperators, permittees, contractors, and their employees shall be reported immediately to OIG. (FSM 5320).

1453 - Cooperation

All employees shall cooperate fully in assisting authorized special audits, reviews, and investigations. Cooperation includes supplying requested records, responding fully to questions, and assisting in all reasonable ways.

Employees are required to respond fully and honestly to all questions from OIG and Forest Service Criminal Investigators. Failure to do so may result in administrative action, including removal.

1454 - Situations with Criminal, Fiscal, and/or Conduct Implications

If a violation of Federal criminal law exists, refer the matter to the appropriate U.S. Attorney for prosecutorial determination. Do not take efforts to recover financial losses or to assign administrative penalties until coordination with the U.S. Attorney has taken place. Generally, when fiscal liability determinations or administrative action is indicated, analysis of these matters should be done in conjunction with the U.S. Attorney's determination. Do not issue demand letters (fiscal liability determination) or letters of proposal (administrative action) without the U.S. Attorney's express approval unless--

1. The U.S. Attorney has declined prosecution, or
2. There is no associated criminal matter.

1455 - Internal Reports

The Region or Station in whose territory an investigation is made usually becomes the action addressee for investigative reports prepared by the Office of the Inspector General (OIG). When an investigation is requested by the Washington Office or for certain significant cases, the Washington Office becomes the action addressee. Send reports direct to the action addressee. Furnish copies of reports to officials in Washington having an interest in the subject matter of an investigative report. These officials are known as information addressees and generally include such Department Staff Offices as the Offices of the General Counsel, Budget and Finance, and Personnel. Identify the specific information addressees for any report on the title pages of investigative reports.

The Deputy Chief for Administration serves as Forest Service Liaison Officer with the OIG. The Deputy Chief is an information addressee for most investigative reports, and receives two copies of every report designated as containing significant disclosures.

1455.1 - Significant Situations

When the conditions under investigation are serious enough to lead to any of the following activities, classify the situation as significant.

1. Adverse publicity through local, Regional, or national news media has occurred or can be expected.
2. Congressional interest has been aroused or can be expected.

3. Prompt action at the Department or Washington Office level is or may be required.

In significant situations the OIG furnishes interim reports of significant developments to the Deputy Chief for Administration. The appropriate Region or Station shall be kept informed of investigative developments and actions at the Washington level. If actions at other levels are indicated, the appropriate level shall make a specific request for action.

1455.2 - Response to Office of Inspector General Reports

The action addressee initiates indicated corrective action.

1. Legal Action. If the Office of the General Counsel (OGC) is an information addressee, recommendations for action by that office are to be made within 45 days. Unless circumstances indicate otherwise, the Washington Office shall prepare such recommendations without any request from the Region or Station. Copies of all correspondence between the Washington Office and the OGC shall be sent to the action addressee. Similarly, the action addressee shall receive copies of correspondence between the OGC and the Department of Justice.

2. Collection Action. If the investigative report discloses fiscal liability, the amount of the liability must be determined and approved as described in FSM 6507 before collection action is initiated.

3. Suitability Clearances. If an investigative report reveals a sex offense or financial dishonesty on the part of an employee who is proposed for retention, prior approval of the Forest Service Office of Personnel needs to be obtained (FSM 6173.12) before a letter of charges is issued. Requests for such approval are sent to the Washington Office Division of Personnel Management.

4. Significant Situations. Each proposed administrative action in response to an investigative report containing significant disclosures must have the documented approval of the Deputy Chief of Administration or his deputy. After obtaining such approval, the Region or Station will proceed with the action and scheduled advisory reports to the Office of the Inspector General (OIG).

5. Initial and Periodic Resumes. Within 40 days of receipt of an investigative report, the Regional or Station Office shall prepare a resume of action taken or planned in response to the report. Two copies of this resume shall be sent direct to the office of the Regional Inspector General (RIG) who issued the report. Sufficient copies of the resume shall be sent to the Washington Office Division of Personnel Management to supply one copy to each of the offices listed as recipients on the title page of the report.

If this initial advice does not include the closing action, subsequent advice in a similar manner shall be made at 40-day intervals until the matter is closed.

6. Closing Action. An investigative matter is considered closed when both the following occur:

- a. If legal action is indicated and such action is declined by OGC or the Department of Justice, including a U.S. Attorney, or when court action is concluded, including imposition of sentence, fines, and judgments.
- b. All administrative action is completed, such as amount of indebtedness determined and arrangements made for its payment, personnel actions accomplished, controls affected, and new instructions written and disseminated.