



COMDTINST 5800.2
27 OCT 2016

COMMANDANT INSTRUCTION 5800.2

Subj: COORDINATION OF PROCUREMENT FRAUD AND CORRUPTION INVESTIGATIONS
AND REMEDIES

- Ref: (a) Suspension and Debarment Instruction, DHS Directives Instruction No. 146-01-001
(b) Coast Guard Investigative Service Roles and Responsibilities, COMDTINST 5520.5 (series)
(c) The Office of the Inspector General, DHS Management Directive No. 0810.1
(d) USCG/DHS OIG Memorandum of Understanding dated 5 August 2003

1. PURPOSE. This Instruction establishes policies, procedures and responsibilities for the coordination of criminal, civil, contractual and administrative remedies stemming from investigations or other information of fraud or corruption related to Coast Guard procurement activities. A strong commitment by Commanding Officers, the Contracting Community and Law Enforcement to form an effective partnership to investigate and pursue all procurement fraud remedies will further the ability of the Coast Guard to perform its missions and meet its obligations to the Service and the communities it serves.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements will comply with the provisions of this Instruction. Internet release is authorized.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND. This Instruction implements Department of Homeland Security (DHS) policy governing uniform suspension and debarment procedures in accordance with Reference (a) and expands on the coordination necessary to fulfill the reporting requirements of Section 7(e)(13) of Reference (b).

DISTRIBUTION – SDL No. 168

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NON-STANDARD DISTRIBUTION:

5. DEFINITIONS.

- a. Abuse. The intentional or negligent misuse of authority or position to further personal interests, including financial interests or those of an immediate or close family member or business associate, that usually involves deficient or improper behavior when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse does not necessarily involve fraud, violation of laws, regulations, or the terms and conditions of a contract.
- b. Corruption. Practices that include, but are not limited to, solicitation, offer, payment, or acceptance of bribes or gratuities; kickbacks; conflicts of interest; or unauthorized disclosure of official information related to procurement matters.
- c. Cost Mischarging. Cost mischarging is defined as improper allocation of contract costs or charging at higher than allowed rates, charging to indirect accounts those charges that should be direct, or vice versa. It can also involve charging labor hours from one contract to another. It can stem from alteration or destruction of records, or other false or improper charging or recording of costs. The result of cost mischarging might be an improper overcharge to the Government for goods and services or the appearance that the contractor is more efficient than he actually is, thus resulting in awarding incentive fees or follow-on contracts which would not be appropriate were the true costs known. Even when unintentional or without a fraudulent motive, it undermines confidence in the contractor's accounting and control systems, corrupts indirect rate calculations and should raise questions as to the validity of other submissions. Because cost estimates for future procurements rely in large part on accurate historical cost figures from similar work, the estimates for later work will be tainted by false accounting.
- d. Defective Product. A product or the component of a product that fails to function or operate in accordance with the terms of a contract, its specifications or drawings, or with applicable federal or military specifications.
- e. Fraud. Any willful or intentional means of taking or attempting to take unfair advantage of the government, usually by deception (including attempts and conspiracies to effect such deception), including but not limited to: the offer, payment, or acceptance of bribes or the offer, giving or acceptance of bribes or the offer, giving or acceptance of gratuities; making of false statements, submission of false claims, or use of false weights or measures; evasion or corruption of inspectors and other officials; deceit either by suppression of the truth or misrepresentation of a material fact; adulteration or substitution of material; falsification of records and books of account; arrangements for secret profits, kickbacks, or commissions; and conspiracy to use any of these devices. It also includes those cases of conflict of interest, criminal irregularities, and unauthorized disclosure of official information that is connected with acquisition and disposal matters.
- f. Non-conforming Product. A product or the component of a product that has not been manufactured, assembled, tested, or inspected in accordance with the terms of a contract, its specifications or drawings, including military specifications.

- g. Product Substitution. Substitution of a product or a component of a product that does not fully comply with all contract requirements.
 - h. Remedies. Criminal, civil, contractual, and administrative actions that should be initiated by a commander or official having responsibility over a matter central to a procurement fraud case in order to protect USCG interests and to deter future incidents of fraudulent conduct.
 - i. Remedies Plan. Comprehensive, evolving plans prepared for pursuing all applicable remedies in significant procurement fraud cases. These plans are updated periodically to report new information and provide the status and success of all applicable remedies.
 - j. Waste. Inappropriate acts or omissions by personnel (retired, active, civilian and reserve USCG personnel, contractor employees and others) with control over or access to government resources that prevent the taxpayers from receiving reasonable value for money in connection with any government funded activities. Waste may not involve a violation of law but relates primarily to mismanagement, inappropriate actions and inadequate oversight.
6. POLICY. The following is Coast Guard policy on Coordination of Procurement Fraud and Corruption Investigations and Remedies.
- a. All actual, alleged or suspected incidents of fraud or corruption related to Coast Guard procurement activities shall be reported to the Coast Guard Investigative Service (CGIS) for investigation, when appropriate, in collaboration with other investigative agencies as necessary. Individuals submitting a report of fraud or corruption are encouraged to advise the servicing legal office and Office of Procurement Law in addition to filing a report with CGIS.
 - b. All investigations initiated by CGIS, either independently or in collaboration with external partner agencies, into actual, alleged or suspected incidents of fraud or corruption related to Coast Guard procurement activities shall be conducted without interference or impairments to independence so that judgments used in obtaining evidence, conducting interviews and other investigative activities will be viewed as impartial by parties with oversight responsibilities.
 - c. The Judge Advocate General shall monitor, from the time suspected fraud is discovered or disclosed, all significant investigations of fraud or corruption related to procurement activities affecting the Coast Guard. The monitoring shall ensure that all possible criminal, civil, contractual and administrative remedies, as listed in Enclosure (1), are identified to cognizant procurement and command officials, DHS Office of Inspector General (DHS OIG) and Department of Justice (DoJ) officials, as appropriate, and that appropriate remedies are pursued expeditiously.
 - d. Appropriate criminal, civil, contractual and administrative actions shall be taken as quickly as circumstances permit. During an investigation, contractual or administrative actions shall be taken only after approval by the Judge Advocate General through the Coast Guard Procurement Fraud Coordinator, Office of Acquisition and Procurement Law, Commandant (CG-LPL) (hereafter referred to as "Coordinator") and prior coordination with CGIS, and, when appropriate, DHS OIG, legal counsel in DHS and DoJ, of the intended contractual or

administrative action. When appropriate, contractual or administrative remedies should be taken before final resolution of any criminal or civil case.

7. RESPONSIBILITIES.

a. The Judge Advocate General, acting through the Office of Acquisition and Procurement Law, Commandant (CG-LPL) shall be responsible for the following.

- (1) Coordinate with and assist Coast Guard stakeholders in the implementation of and compliance with the provisions of this Instruction.
- (2) Assist Coast Guard stakeholders to ensure that notification of CGIS of actual, alleged or suspected fraud or corruption related to Coast Guard procurement activities includes all relevant information about the facts and circumstances giving rise to the notification and that all electronic and documentary material of potential evidentiary value is secured until CGIS can assume custody or until a formal litigation hold is imposed.
- (3) Report to CGIS all cases not otherwise earlier reported involving allegations of non-conforming products, defective products, or product substitution or cost mischarging potentially involving fraud.
- (4) Ensure that all proper and effective administrative and contractual remedies available to the Coast Guard are presented for consideration and approval to the necessary Coast Guard officials (*e.g.*, commanding officers, program officials and contracting officers) and are undertaken promptly when found applicable and appropriate. Suspension or debarment actions should begin as soon as circumstances permit.
- (5) Designate a Coordinator to monitor the progress of each significant procurement fraud or corruption investigation affecting the Coast Guard and to take action necessary to coordinate criminal, civil, contractual and administrative remedies with the Department of Justice (DoJ) and U.S. Attorneys Offices. The Coordinator also shall:
 - (a) serve as the Coast Guard's suspension and debarment coordinator in accordance with Reference (a), Part V(C);
 - (b) refer all reports and relevant information on responsible individuals and Coast Guard contractors suspected or alleged to be engaged in fraud or corruption related to procurement activities to CGIS to facilitate criminal investigation;
 - (c) coordinate with CGIS Fraud Program Manager (hereafter referred to as "CGIS FPM") before advising other Coast Guard stakeholders of the existence and confidentiality of any significant CGIS and/or DHS OIG fraud or corruption investigation involving Coast Guard procurement activities;
 - (d) coordinate legal and procurement issues with all stakeholders in cases involving allegations affecting more than one federal agency;

- (e) coordinate criminal, civil, contractual and administrative remedies with CGIS, the servicing legal office, and other Coast Guard stakeholders in connection with investigations of fraud or corruption related to USCG procurement activities;
 - (f) meet regularly with the CGIS FPM to review the progress of procurement fraud or corruption investigations, develop case-specific remedy plans as warranted by the circumstances and the evidence of each case and coordinate contractual and administrative remedies with CGIS FPM in advance of external coordination;
 - (g) ensure that all contractual and administrative remedies contemplated during a criminal investigation are coordinated with the appropriate DoJ Attorney and/or U.S. Attorneys Offices, after advance coordination with CGIS FPM and/or DHS OIG; and
 - (h) coordinate the development and preparation of victim impact statements for use in sentencing proceedings, as provided for in Federal Rule of Criminal Procedure 32(i)(4)(B) and Section 3771 of Title 18, United States Code, and furnish them to the appropriate CGIS, DHS OIG and DoJ officials.
- (6) Support procurement fraud or corruption investigations by providing assistance to CGIS or other investigative agencies, including locating procurement documentation, analyzing contract requirements and contract file contents and analyzing proof elements for prosecution/plaintiff/relator and defense.
- (7) Perform, in collaboration with CGIS and other Coast Guard stakeholders, the following:
- (a) ensure that in significant investigations, when the adverse impact on a Coast Guard mission can be determined, such adverse impact is identified, documented and used in developing the case remedies plan and victim impact information. Some examples of adverse impact on a USCG mission are endangerment of personnel or property, monetary loss, degradation of program or personnel integrity, compromise of the procurement process, and reduction or loss of mission readiness;
 - (b) identify and facilitate delivery of CGIS special agent training on fraud and corruption in procurement related activities, including investigative tactics, techniques and procedures, that is consistent with generally accepted practices within Federal law enforcement and the Federal Rules of Evidence;
 - (c) ensure training materials are developed on fraud and corruption in the procurement process and that procurement and procurement-related training includes instruction on fraud and corruption whenever appropriate for the duration and nature of the training;
 - (d) in cases involving non-conforming or defective products or product substitution, determine if any potential safety or readiness issues may pose potential significant hazards to health, safety, or operational readiness and, in these cases, coordinate immediate notification of all appropriate safety, procurement, and program officials and commanders as circumstances require; and

- (e) assist Coast Guard acquisition elements in the development of fraud identification and prevention strategies.
 - (8) In coordination with CGIS, ensure that appropriate command, procurement, legal, and project management personnel are provided sufficient information (other than grand jury information subject to Federal Rule of Criminal Procedure Rule 6(e) protection or obtained from sealed documents or proceedings under court orders) to evaluate risk, preserve evidence, determine if further inquiry is warranted in their area of responsibility to prevent reoccurrence and/or detect other possible fraud and take other actions necessary to protect the Government's interests. In ongoing cases, provide updates of significant developments and planned actions as long as doing so will not impede the investigation.
- b. The Coast Guard Investigative Service shall be responsible for the following.
- (1) Monitor implementation of, and compliance with, the provisions of this Instruction within the Coast Guard Investigations Program.
 - (2) Investigate actual, alleged, or suspected incidents of fraud or corruption associated with procurement related activities in collaboration with internal and external partner agencies and elements as appropriate.
 - (3) Serve as the primary Coast Guard liaison with DHS OIG to ensure appropriate notification in accordance with references (c) and (d) in matters of actual, alleged or suspected incidents of fraud or corruption related to USCG procurement activities.
 - (4) Designate a CGIS Fraud Program Manager to:
 - (a) oversee and coordinate CGIS involvement in procurement fraud or corruption investigations in collaboration with the Coordinator, DHS OIG and other investigative elements as deemed appropriate;
 - (b) provide timely and appropriate information to the Coordinator on all investigations involving allegations of procurement fraud or corruption, to include notification when cases are initiated and closed (providing a copy of the relevant CGIS Notice of Case Initiated (NOCI) will typically suffice as notification of initiation of an investigation); provide additional information on significant developments and case disposition, unless the CGIS FPM determines the release of such information could be detrimental to the integrity of the investigation, and
 - (c) make available non-grand jury investigative information and closed and supplemental CGIS Reports of Investigation (ROI) to the Coordinator with the concurrence of any other investigative agencies involved for use in determining potential for non-criminal remedies.
 - (5) In all fraud cases involving allegations of non-conforming products, defective products, or product substitution:
 - (a) notify DHS OIG in accordance with references (c) and (d), the Coordinator, and other criminal investigative stakeholders or partner agencies as appropriate;

- (b) collaborate with DHS OIG, other criminal investigative stakeholders or partner agencies, other Coast Guard stakeholders and the Coordinator to identify as quickly as possible suspect products that have been, or might be, provided to the Coast Guard and attempt to identify those that potentially pose serious hazards to health, safety or operational readiness; and
 - (c) coordinate appropriate testing and ensure that any request for and results of testing of the suspect products are provided to the Coordinator.
- (6) Develop and implement policy and tactics, techniques and procedures for the conduct of fraud and corruption in procurement-related investigations with the assistance of the Coordinator. Investigations should identify responsible individuals, contractors and affiliates, focusing information collection on current and past contracting involvement with the Coast Guard and other agencies, financial transactions tainted by fraud and business entity structure, organization and relationships with affiliates.
 - (7) Ensure appropriate CGIS personnel attend training in the conduct of fraud and corruption in procurement-related investigations as identified and/or provided by Commandant (CG-LPL) and through law enforcement channels.
 - (8) With the concurrence and in collaboration with any other investigative agencies involved, provide any court records, documents, or other evidence of fraud or corruption related to procurement activities to the appropriate procurement officials, commanding officers, and suspension and debarment authorities, when such information is needed to allow consideration of applicable remedies. To the extent possible, the presentation of such information shall be coordinated in advance with the Coordinator or The Judge Advocate General, as appropriate for the rank and position of the receiving officer or official, and the Coordinator or The Judge Advocate General shall be included in such informational briefings to senior officers and officials. Also to the extent possible such information shall be provided expeditiously to enable the suspension and debarment authority to consider timely administrative action.
 - (9) To the extent possible, provide to prosecution authorities information of any adverse impact on a Coast Guard mission. Such information also should be used in preparing a victim-impact statement for use in sentencing proceedings in collaboration with the Coordinator.
 - (10) In consultation with the Coordinator, ascertain the impact on any ongoing investigation or prosecution of any contractual or administrative actions being considered, and advise the Coordinator of any adverse impact.
 - (11) Provide timely notice of evidence of fraud affecting other organizations to other cognizant federal agencies and coordinate criminal investigations with the appropriate investigative and federal, state and/or local enforcement departments, agencies, and commissions that are or may be conducting investigations into similar or related misconduct.

c. The Coast Guard Contracting Community shall be responsible for the following.

- (1) The Head of the Contracting Activity (HCA) shall monitor overall implementation of and compliance with the provisions of this Instruction within the contracting community and provide technical channel support to the Coast Guard contracting elements in this area. The HCA will also appoint a point of contact (POC) within the Office of Procurement Policy and Oversight, Commandant (CG-913) for all procurement fraud related issues, who shall keep the HCA informed of significant procurement fraud activities.
- (2) Chiefs of the Contracting Offices (COCOs) shall accomplish the following, with regard to matters within their areas of responsibility (these responsibilities may be shared with supervisors at geographically dispersed offices and elements).
 - (a) Support and assist the HCA to monitor implementation of and compliance with the provisions of this Instruction.
 - (b) Ensure reporting of suspected fraud, waste, and abuse to CGIS, the servicing legal office, and to the Office of Procurement Policy and Oversight, Commandant (CG-913) POC. As part of the report provide to CGIS all relevant information, including contractors' current and past contracting involvement with the COCO's office.
 - (c) In all cases involving allegations of non-conforming products, defective products, or product substitution, ensure coordination with affected customer organizations and assist CGIS, DHS OIG and the Coordinator to identify as quickly as possible suspect products that have been, or might be, provided to the Coast Guard and that potentially pose serious hazards to health, safety or operational readiness. Ensure available quality assurance resources are fully utilized in these efforts.
 - (d) Cooperate fully with CGIS and provide relevant information on Coast Guard contractors under investigation for fraud or corruption related to procurement activities, including the business entity type, all records associated with the contract, structure, organization, affiliations, finances, and contracting history, in order to facilitate the criminal investigation.
 - (e) Monitor all procurement related activities under their responsibility that involve actual, alleged or suspected fraud or corruption currently under investigation and ensure coordination of significant developments with CGIS or DHS OIG investigators, the servicing legal office, the Coordinator and the CGIS FPM.
 - (f) Take appropriate action necessary to support the coordination of criminal, civil, contractual, and administrative remedies as requested by the Coordinator and the CGIS FPM.
 - (g) In coordination with the servicing legal office, contact the Coordinator to discuss the status of procurement related activities under investigation and to address any matters of mutual interest relating to procurement fraud remedies.

(h) Notify the HCA and assist the Coordinator with the presentation of the proper contractual and administrative remedies for consideration and approval by the appropriate Coast Guard officials (*e.g.*, commanding officers, program officials and contracting officers). Implement approved contractual remedies. Assist and support the Coordinator in undertaking administrative remedies when found applicable and appropriate.

(i) Ensure that procurement related training, when practical, includes instruction on fraud and corruption prevention and remediation appropriate for the duration and nature of the training.

(j) Assist and support the Office of Procurement Policy and Oversight, Commandant (CG-913) POC as necessary to implement this instruction.

(3) Office of Procurement Policy and Oversight, Commandant (CG-913) POC shall coordinate all procurement fraud information and reports with the Coordinator, who will provide such information as is necessary to apprise the HCA and appropriate Commandant (CG-9) personnel of the status of procurement fraud cases involving the Coast Guard Acquisition Community. The Office of Procurement Policy and Oversight, Commandant (CG-913) POC shall assist and support the HCA, the Coordinator and the CGIS FPM as necessary to implement this instruction.

d. Servicing Legal Office/Staff Judge Advocate.

(1) Coordinate all procurement fraud matters with the Coordinator upon receipt of information and commensurate with significant developments.

(2) Advise commanders on disposition of military offenders under the Uniform Code of Military Justice and administrative actions involving personnel, in coordination with the CGIS FPM and the Coordinator.

(3) Provide a special assistant U.S. attorney as available to assist DoJ in criminal prosecutions.

e. Commanding Officers.

(1) Report fraud or corruption related to Coast Guard procurement activities per reference (b).

(2) Initiate no investigation of fraud or corruption related to Coast Guard procurement activities without coordination with CGIS and the servicing legal office.

8. DISCLAIMER. This Instruction is not a substitute for applicable legal requirements nor is it a rule. It is intended to provide operational guidance for Coast Guard personnel; it is not intended to impose, nor does it impose, legally-binding requirements on any party outside the Coast Guard.

9. RECORDS MANAGEMENT CONSIDERATIONS. This Instruction has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., NARA requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12

(series). This policy does not have any significant or substantial change to existing records management requirements.

10. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.

- a. The development of this Instruction and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, and are categorically excluded (CE) under current USCG CE # 33 from further environmental analysis, in accordance with Section 2.B.2 and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series).
- b. This Instruction will not cause any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Instruction must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 CFR Parts 1500-1508, DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.

11. FORMS/REPORTS. None.

12. REQUEST FOR CHANGES. Units and individuals may recommend changes by contracting the office of Acquisitions and Procurement Law (CG-LPL) at 202-372-3844.

C. D. MICHEL /s/
Admiral, U.S. Coast Guard
Vice Commandant

Encl: (1) Criminal, Civil, Contractual, and Administrative Remedies That May Be Taken In Response to Fraud, Waste, Abuse, or Corruption Related To Procurement Activities

CRIMINAL, CIVIL, CONTRACTUAL, AND ADMINISTRATIVE REMEDIES THAT MAY BE TAKEN IN RESPONSE TO FRAUD, WASTE, ABUSE, OR CORRUPTION RELATED TO PROCUREMENT ACTIVITIES

CRIMINAL

Bribery (18 USC § 201).

Conspiracy (18 USC § 371).

Conspiracy to Defraud the Government with Respect to Claims (18 USC § 286).

Criminal Anti-Kickback Statute (41 USC §§ 8101-8107).

Criminal False Claims (18 USC § 287).

False Statements (18 USC § 1001).

Fraud and Related Activity in Connection with Computers (18 USC § 1030).

Fraud Involving Aircraft or Space Vehicle Parts (18 USC § 38).

Mail Fraud and Wire Fraud (18 USC §§ 1341-1343).

Major Fraud Act (18 USC § 1031).

Misuse of a Credit Device (18 USC § 1029).

Obstruction of a Federal Audit (18 USC § 1516).

Obstruction of an Administrative Proceeding (18 USC § 1505).

Obstruction of Justice (18 USC § 1503).

Procurement Integrity Act (41 USC §§ 2102-2107).

Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches and Acts Affecting a Personal Financial Interest (18 USC § 207, § 208 and § 216).

Sherman Antitrust Act (15 USC § 1 et seq.).

Theft of Government Property (18 USC § 641).

Enclosure (1) to COMDTINST 5800.2

CIVIL

Statutory

Anti-Kickback Act (41 USC § 8701 et seq.).

Civil False Claims Act (31 USC § 3729 et seq.).

Contract Disputes Act (41 USC §§ 7101-7109).

Federal Debt Collection Procedures Act (28 USC §§ 3001- 3308).

Forfeiture of Fraudulent Claims (28 USC § 2514).

Gratuities (10 USC § 2207).

Procurement Integrity Act (41 USC §§ 2101-2107).

Truth in Negotiations Act (10 USC § 2306a).

Voiding Contracts (18 USC § 218).

Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches (18 USC § 207, § 208 and § 216).

Non-statutory/Common Law

Conversion.

Fraud and/or Deceit.

Money Paid Under Mistake of Fact.

Unjust Enrichment .

CONTRACTUAL

Breach of Contract.

Breach of Warranty.

Correction of Defects (or Cost of Correction).

Denial of Claims Submitted by Contractors.

Disallowance of Contract Costs.

Enforcement of Performance Bond and/or Guarantee Agreement.

Offset of Payments Due to Contractor from Other Contracts or Under the Anti-Kickback Act (41 USC § 8701 et seq.).

Price Reduction.

Rescission or Cancellation of the Contract.

Reformation.

Refusal to Accept Non-conforming Goods.

Removal of the Contractor from Automated Solicitation or Payment System.

Revocation of Acceptance.

Termination of Contract for Default or Convenience.

Termination of the Contract Pursuant to 10 USC § 2207).

Withholding of Payments to Contractor.

ADMINISTRATIVE

Change in Contracting Forms and Procedures.

Program Fraud Civil Remedies Act of 1986 (31 USC §§ 3801- 3812).

Removal from Qualified Products List, Qualified Manufacturer's List, Qualified Suppliers List, or Similar Preferred Government Source List.

Removal or Reassignment of Government Personnel.

Review of Contract Administration and Payment Controls.

Revocation of Facility Security Clearances.

Revocation of Personal Security Clearances.

Revocation of Warrant of Contracting Officer.

Suspension or Debarment of Contractor or Contractor Employees.

Voluntary Refunds.