

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE INSTRUCTION 51-1101

19 OCTOBER 2017



Law

**THE AIR FORCE PROCUREMENT
FRAUD REMEDIES PROGRAM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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(Mr Joseph M. McDade)

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This instruction implements Air Force Policy Directive 51-11, *Coordination of Remedies for Fraud and Corruption Related to Air Force Procurement Matters*, 8 September 2016, by providing guidance for pursuing remedies in significant procurement fraud cases and other contractor responsibility matters. It implements Department of Defense Instruction 7050.05, *Coordination of Remedies for Fraud and Corruption Related to Procurement Activities*, 12 May 2014; and Department of Defense Directive 5405.2, *Release of Official Information in Litigation and Testimony by DoD Personnel as Witnesses*, 23 July 1985. It conforms to Air Force Instruction 23-101, *Air Force Materiel Management*, 12 December 2016, and to Air Force Instruction 51-301, *Civil Litigation*, 20 June 2002, and supports the implementation of Public Law 112-239, Section 861, *Requirements and Limitations for Suspension and Debarment Officials of the Department of Defense, the Department of State, and the United States Agency for International Development*, 2 January 2013. In the event an Air Force matter arises under Department of Defense Directive 5505.5, *Implementation of the Program Fraud Civil Remedies Act*, 30 August 1988, the Air Force General Counsel's Office will consult with the Office of the Secretary of Defense to ensure Air Force implementation conforms the most current policy guidance at that time. Requests for waivers must be submitted through the chain of command to the Office of Primary Responsibility for consideration and approval, unless otherwise noted. The authorities to waive wing/unit level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See Air Force Instruction 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication Office of

Primary Responsibility for non-tiered compliance items. Refer recommended changes and questions about this publication to the Office of the Deputy General Counsel of the Air Force (Contractor Responsibility & Conflict Resolution) (SAF/GCR) using Air Force Form 847, *Recommendation for Change of Publication*; route Air Force Form 847 from the field through the appropriate functional chain of command. This publication may be supplemented at any level, but all supplements must be routed to the Office of Primary Responsibility listed above for coordination prior to certification and approval. Attachment 1 is a glossary of abbreviations, acronyms, and terms. Attachment 2 is the remedies plan template. Attachment 3 is a flowchart that depicts the administrative remedy (suspension and debarment) process.

This publication requires the collection and or maintenance of information protected by Title 5 United States Code Section 552a, *The Privacy Act of 1974*. The authority to collect and or maintain the records prescribed in this publication is Title 5 United States Code Section 552a, *Records maintained on individuals*. The applicable System of Records Notice F071 AF OSI D, Investigative Information Management System, is available online at: <http://dpcl.d.defense.gov/Privacy/SORNs.aspx>. Ensure that all records created as a result of processes prescribed in this publication are maintained per Air Force Manual 33-363, *Management of Records*, and disposed of per the Air Force Records Information Management System Records Disposition Schedule.

SUMMARY OF CHANGES

This issuance substantially revises Air Force Instruction 51-1101 to streamline case processing procedures and clarify the responsibilities of program participants. It removes the requirement for SAF/GCR to determine the “acceptability” of remedies plans, and establishes the Contractor Responsibility Information System as an optional software tool available to assist Acquisition Fraud Counsel in case management. It provides for the responsibilities of the Air Force Legal Operations Agency, Acquisition Law Directorate, Procurement Fraud Branch (AFLOA/JAQK). It removes unnecessary language and condenses relevant instructions to improve ease of execution, reducing the number of chapters from eight to two. It implements the requirement to “establish procedures to ensure that a case-specific comprehensive remedies plan is developed for each significant investigation.” Department of Defense Instruction 7050.05, Enclosure 2. It provides for the utilization of Air Force Visual Aid 51-1, *Fraud Indicators Poster*, 15 September 2016. It adds as an attachment a flowchart that depicts the administrative remedy (suspension and debarment) process.

Chapter 1

ROLES AND RESPONSIBILITIES

1.1. SAF/GCR shall:

1.1.1. Serve as the centralized organization, in accordance with Department of Defense Instruction 7050.05, Paragraph 3a, responsible for monitoring and ensuring the coordination of criminal, civil, administrative, and contractual remedies for each significant investigation of fraud or corruption related to procurement activities affecting the Air Force.

1.1.2. Perform the centralized organization review and notification responsibilities delineated in Department of Defense Instruction 7050.05, Enclosure 5, for cases involving allegations of non-conforming products, defective products, product substitution and/or counterfeit materiel. SAF/GCR may request the Office of Special Investigations (OSI) agent to perform such notification responsibilities on its behalf.

1.1.3. Receive *qui tam* notices from the Department of Justice (DOJ) and distribute to the Acquisition Fraud Counsel.

1.1.4. Establish Air Force positions with respect to procurement fraud related criminal and civil litigation, including *qui tam* litigation; provide Air Force recommendations to the DOJ regarding intervention and the initiation, amendment, settlement, or withdrawal of actions filed by the United States which allege procurement fraud or corruption involving the Air Force.

1.1.5. Serve as the approving Air Force office for all DOJ requests for Air Force witnesses, testimony and related cooperation in procurement fraud cases and litigation, and as the approving authority for litigation requests from private parties in *qui tam* actions in which the government declined to intervene.

1.1.6. Approve the opening and closing of significant procurement fraud cases, designate a lead Acquisition Fraud Counsel when such cases affect multiple Major Commands (MAJCOMs), Field Operating Agencies (FOAs) or Direct Reporting Units (DRUs), and review remedies plans.

1.1.7. Provide procurement fraud related education and training resources to Acquisition Fraud Counsels, OSI agents, acquisition professionals, and other program stakeholders.

1.2. AFLOA/JAQC shall:

1.2.1. Coordinate with SAF/GCR regarding the implementation of this Instruction. (T-1)

1.2.2. Provide procurement fraud related education and training, as appropriate, to Acquisition Fraud Counsels, OSI agents, acquisition professionals, and other program stakeholders. (T-1)

1.2.3. With respect to procurement fraud matters involving other than Air Force Materiel Command (AFMC) acquisitions (T-1):

1.2.3.1. Provide field support and advice, as needed, to Acquisition Fraud Counsels.

1.2.3.2. Liaise with Acquisition Fraud Counsels and SAF/GCR and, as necessary, with DOJ, on *qui tam* cases.

1.2.3.3. Advise and support, as needed, with *qui tam* discovery, including Acquisition Fraud Counsels who receive litigation hold or document requests from Assistant United States Attorneys or document requests from *qui tam* litigants.

1.2.3.4. Provide reachback legal support to Headquarters OSI and to OSI agents on procurement fraud investigations.

1.3. OSI Detachment Commanders (or equivalents) shall:

1.3.1. Provide significant Investigative Reports, including information regarding significant developments, to Acquisition Fraud Counsels, with a copy to SAF/GCR case intake at usaf.pentagon.saf-gc.mbx.saf-gcr-case-intake@mail.mil, except as provided in Department of Defense Instruction 7050.05 paragraph 3(d)(1). (T-0)

1.3.2. Notify the Acquisition Fraud Counsel and SAF/GCR of all cases involving allegations of non-conforming products, defective products, product substitution and counterfeit materiel, as prescribed in Department of Defense Instruction 7050.05, Enclosure 5. (T-0) When requested by SAF/GCR to do so on its behalf, perform the notification responsibilities delineated in Department of Defense Instruction 7050.05, Enclosure 5, for such cases. (T-1)

1.3.3. Receive from the Department of Defense Inspector General's Office (DoD/IG) contractor disclosures arising under Federal Acquisition Regulation clause 52.203-13 (See www.dodig.mil/programs/CD/index.html). (T-0) Evaluate and, as appropriate, investigate such disclosures, and provide associated case notifications and support as provided in this Instruction. (T-0)

1.3.4. Support Acquisition Fraud Counsels in the coordination and execution of all remedies, obtaining access to evidence, the preparation of remedies plans and the formulation of recommendations regarding intervention, settlement and related litigation matters. (T-0)

1.3.5. Respond directly to requests from DOJ, DoD/IG and SAF/GCR for investigative support concerning all procurement fraud matters involving the Air Force, and inform the Acquisition Fraud Counsel. (T-0)

1.3.6. Coordinate with Acquisition Fraud Counsels in preparing cases for presentation to DOJ / Assistant United States Attorneys. Present cases to DOJ / Assistant United States Attorneys jointly with Acquisition Fraud Counsels when practicable. (T-0)

1.3.7. Refer all indictments, settlement offers and civil complaints, including sealed *qui tam* complaints, from DOJ to SAF/GCR. (T-1)

1.3.8. Assist Acquisition Fraud Counsels in providing procurement fraud related education and training. (T-1)

1.4. MAJCOM, FOA, DRU and Installation Commanders (or civilian equivalents) shall:

1.4.1. Ensure appropriate personnel under their command receive procurement fraud related education and training. Such education and training is provided by the servicing legal office.

1.4.2. Provide OSI full testing support to completely identify the non-conforming or defective nature of suspect products, as required by Department of Defense Instruction 7050.05, Enclosure 5. (T-0)

1.5. MAJCOM, FOA, DRU and Installation Staff Judge Advocates shall:

1.5.1. Appoint an Acquisition Fraud Counsel in writing. (T-1)

1.5.2. Ensure Acquisition Fraud Counsels receive procurement fraud education and training. Education and training resources are available from SAF/GCR at <https://www.my.af.mil>.

1.6. MAJCOM, FOA and DRU Acquisition Fraud Counsels shall:

1.6.1. Coordinate with SAF/GCR regarding the implementation of this Instruction.

1.6.2. Coordinate with Staff Judge Advocates and Acquisition Fraud Counsels within their respective commands in accordance with command procedures.

1.6.3. Provide procurement fraud related education and training for appropriate MAJCOM, FOA and DRU personnel. Education and training resources are available from SAF/GCR at <https://www.my.af.mil>.

1.6.4. Within AFMC, also perform the responsibilities in paragraph 1.7.2.

1.7. Installation Acquisition Fraud Counsels shall:

1.7.1. Coordinate with and provide advice and support to MAJCOM, FOA, and DRU Acquisition Fraud Counsels, in accordance with command procedures.

1.7.2. Also perform the following responsibilities (except Installation Acquisition Fraud Counsels within AFMC):

1.7.2.1. Execute case processing in accordance with this Instruction. (T-1)

1.7.2.2. Receive and evaluate *qui tam* notices from SAF/GCR and significant Investigative Reports and other relevant case documentation from OSI. (T-1)

1.7.2.3. Coordinate with and provide advice and support to all case stakeholders, including SAF/GCR, OSI, DOJ, the Defense Contract Management Agency, the Defense Contract Audit Agency, and the program management office and the contracting office for the affected contract, from case inception to case closure. (T-1)

1.7.2.4. Provide, at appropriate litigation milestones or upon request by SAF/GCR, written analyses and recommendations concerning procurement fraud related litigation affecting the Acquisition Fraud Counsel's installation, including with respect to intervention and settlement. Such analyses and recommendations shall assess the merits of the case and the quantification of damages, and include the input of all case stakeholders. (T-1)

1.7.2.5. Coordinate with OSI in preparing cases for presentation to DOJ / Assistant United States Attorneys. Present cases to DOJ / Assistant United States Attorneys jointly with OSI, when practicable. (T-1)

1.7.2.6. Provide procurement fraud related education and training for appropriate Installation personnel. (T-1) Education and training resources are available from SAF/GCR at <https://www.my.af.mil>.

1.8. Chiefs of the Contracting Office (see *Terms in this Instruction*) shall:

- 1.8.1. Ensure personnel under their supervision receive procurement fraud related education and training. (T-1) Such education and training is provided by the servicing legal office.
- 1.8.2. Ensure personnel under their supervision proactively refer fraud indicators to OSI and the Acquisition Fraud Counsel, and support OSI and the Acquisition Fraud Counsel in the pursuit of all remedies to the extent practicable and appropriate. (T-1)
- 1.8.3. Assist Commanders in ensuring the provision to OSI of full testing support to completely identify the non-conforming or defective nature of suspect products. Assist in ensuring the concerned procurement program will bear all reasonable costs associated with such support, as required by Department of Defense Instruction 7050.05, Enclosure 5. (T-0)
- 1.8.4. Ensure Air Force Visual Aid 51-1, *Fraud Indicators Poster*, is posted in an appropriate location within the contracting office. (T-3)

Chapter 2

CASE PROCESSING

2.1. General.

2.1.1. Substantive resources regarding procurement fraud remedies, including the Air Force Procurement Fraud Remedies Guidebook, can be found at the SAF/GCR intranet site on the Air Force Portal at <https://www.my.af.mil>.

2.1.2. Acquisition Fraud Counsels may use the Contractor Responsibility Information System software tool to assist with case processing in accordance with this chapter. The software tool may be accessed at <https://www.cris.hq.af.mil>.

2.1.3. Opening a Case.

2.1.3.1. Acquisition Fraud Counsels shall:

2.1.3.1.1. Promptly request the opening of a case when the Acquisition Fraud Counsel becomes aware of an investigation that meets the criteria of a significant procurement fraud case as defined in this Instruction. Requests shall be submitted by the Acquisition Fraud Counsel to SAF/GCR case intake at usaf.pentagon.saf-gc.mbx.saf-gcr-case-intake@mail.mil in the form of an initial remedies plan prepared in accordance with the template at Attachment 2. (T-1)

2.1.3.1.2. When a case affects multiple MAJCOMs, FOAs or DRUs, request SAF/GCR designation of a lead Acquisition Fraud Counsel responsible for case processing and coordination among affected commands. (T-1)

2.1.4. Case Updates.

2.1.4.1. Acquisition Fraud Counsels shall:

2.1.4.1.1. Promptly inform SAF/GCR of significant case developments when they occur. (T-1)

2.1.4.1.2. Provide SAF/GCR an updated remedies plan when any of the following circumstances apply: 1) the Acquisition Fraud Counsel assesses a remedy to be actionable (i.e., sufficiently supported by the evidence); 2) the Acquisition Fraud Counsel has obtained a recovery; or 3) SAF/GCR requests an updated remedies plan. (T-1). Acquisition Fraud Counsels may provide updated remedies plans more frequently at their discretion, e.g., if significant case developments warrant doing so.

2.1.4.1.3. When pursuing contractual or administrative remedies prior to the resolution of ongoing litigation, or prior to the commencement of litigation but during an ongoing DOJ investigation, follow the procedures at Department of Defense Instruction 7050.05, paragraph 3c. (T-0)

2.1.4.1.4. When requested by SAF/GCR to do so on its behalf, identify and document adverse mission impacts for use in the development of a remedies plan, and prepare agency victim impact statements. (See Department of Defense Instruction 7050.05, Encl. 2, paragraph 3(g) and Encl. 5, paragraph 2(d)). (T-0)

2.1.5. Case Closure. Acquisition Fraud Counsels shall submit requests for case closure to SAF/GCR when all remedies are obtained or are otherwise accounted for, e.g., assessed by the Acquisition Fraud Counsel to be non-viable. (T-1)

2.2. Special Considerations Regarding Litigation.

2.2.1. Acquisition Fraud Counsels shall initiate, manage, monitor, resolve and close litigation holds throughout case processing, as appropriate. (T-1) This includes *qui tam* litigation in which the Government declined to intervene.

2.2.2. *Qui tam* litigation in which the Government declined to intervene:

2.2.2.1. Air Force activities that receive discovery requests from private *qui tam* litigants shall send such requests to the Acquisition Fraud Counsel and to SAF/GCR. Acquisition Fraud Counsels shall gather responsive documents to respond to such discovery requests. SAF/GCR determines whether official information is released, whether Air Force personnel may appear and testify as witnesses in such litigation or be interviewed or contacted pursuant to such litigation, and whether any conditions are imposed concerning such release, appearance, or contact. (T-1)

2.2.2.2. Air Force personnel will only produce, disclose, release, comment upon, or testify concerning those matters approved by SAF/GCR in writing.

2.2.2.3. Air Force military and civilian personnel shall not provide opinion or expert testimony including, but not limited to, the issues of liability or causation, concerning official DoD information, subjects, or activities unless authorized to do so by SAF/GCR in writing.

2.3. Special Considerations Regarding Suspension and Debarment

2.3.1. SAF/GCR follows the uniform procedures for suspension and debarment prescribed in Defense Federal Acquisition Regulation Supplement , current edition, Appendix H – Debarment and Suspension Procedures. SAF/GCR serves as the Air Force Suspending and Debarring Official.

2.3.2. Referrals for suspension or debarment may generally follow the guidance at Defense Federal Acquisition Regulation Supplement, Procedures, Guidance and Information 209.406-3(i) - (iv). See also Air Force Federal Acquisition Regulation Supplement 5309.406-3(a).

2.3.3. The causes for suspension and debarment delineated in Federal Acquisition Regulation Subpart 9.4 are not exclusive to procurement fraud. Thus, some matters may be referred to the Suspending and Debarring Official that have no connection with a procurement fraud investigation.

2.3.4. Referrals in connection with a significant procurement fraud investigation shall be accompanied by a remedies plan that addresses the requested administrative remedy (i.e., suspension or debarment). Substantive resources regarding suspension and debarment,

including the Air Force Suspension and Debarment Case Law Compendium, can be found at the SAF/GCR intranet site on the Air Force Portal at <https://www.my.af.mil>. See also Attachment 3, depicting the administrative remedy process.

Joseph M. McDade, Jr.
Acting General Counsel

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

PL 112-239, Section 861, *Requirements and Limitations for Suspension and Debarment Officials of the Department of Defense, the Department of State, and the United States Agency for International Development*, 2 January 2013

DoDD 5405.2, *Release of Official Information in Litigation and Testimony by DoD Personnel as Witnesses*, 23 July 1985

DoDD 5505.5, *Implementation of the Program Fraud Civil Remedies Act*, 30 August 1988

DoDI 7050.05, *Coordination of Remedies for Fraud and Corruption Related to Procurement Activities*, 12 May 2014

HAF MD 1-14, *General Counsel and the Judge Advocate General*, 29 December 2016

AFPD 51-11, *Coordination of Remedies for Fraud and Corruption Related to Air Force Procurement Matters*, 8 September 2016

AFI 23-101, *Air Force Materiel Management*, 12 December 2016

AFI 51-301, *Civil Litigation*, 20 June 2002

AFMAN 33-363, *Management of Records*, 1 March 2008

AFVA 51-1, *Fraud Indicators Poster*, 15 September 2016

2 CFR 1125, *Non-procurement Debarment and Suspension*, 26 June 2007

DFARS 209.403, *Debarment, Suspension and Ineligibility*, 11 December 2014

AFFARS 5309.4, *Debarment, Suspension, and Ineligibility*, 27 January 2017

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AFLOA/JAQK—Air Force Legal Operations Agency, Acquisition Law Directorate, Procurement Fraud Branch

DoD—Department of Defense

DoD/IG—Department of Defense Inspector General

DOJ—Department of Justice

DRU—Direct Reporting Unit

FOA—Field Operating Agency

MAJCOM—Major Command

OSI—Office of Special Investigations

SAF/GC—Office of the Air Force General Counsel

SAF/GCR—Office of the Deputy General Counsel of the Air Force (Contractor Responsibility & Conflict Resolution)

Terms

Acquisition Fraud Counsel—An Air Force attorney (preferably a civilian) appointed by the Staff Judge Advocate to execute the procurement fraud remedies program for his or her command, installation, or program in accordance with this Instruction.

Administrative Remedies—See Department of Defense Instruction 7050.05, Enclosure 4.

Chief of the Contracting Office—Person with direct managerial responsibility for the operation of a contracting office. This may include the deputy chief or acting chief of the contracting office and the Contracting Squadron Commander. See Air Force Federal Acquisition Regulation Supplement 5302.1.

Civil Remedies—See Department of Defense Instruction 7050.05, Enclosure 4.

Contractor—r—Any legal entity or individual that directly or indirectly, submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Government contract, including a contract for carriage under Government or commercial bills of lading, or a subcontract under a Government contract; or conducts business, or reasonably may be expected to conduct business, with the Government as an agent or representative of another contractor. See Defense Federal Acquisition Regulation Supplement 9.403.

Contractor Responsibility Information System—Optional software application tool used by Acquisition Fraud Counsels and SAF/GCR to comply with reporting and monitoring requirements under this Instruction and Department of Defense Instruction 7050.05. See <https://www.cris.hq.af.mil>.

Contractual Remedies—See Department of Defense Instruction 7050.05, Enclosure 4.

Criminal Remedies—See Department of Defense Instruction 7050.05, Enclosure 4.

Fraud—Any intentional deception by an individual, corporation, partnership, or other entity which seeks to unlawfully deprive the Air Force of something of value or to secure from the Air Force a benefit, privilege, allowance, or consideration for which there is no entitlement.

Installation—An Air Force Base, Station, Center, other fixed location, or center as designated by a MAJCOM, FOA, or DRU. This definition includes Air Force Materiel Command and Air Force Space Command product centers.

Investigative Report—Any report generated by an investigative agency, including a Case Status Report, Serious Incident Report, Report of Investigation, or any other report of a similar nature.

Remedies—Criminal, civil, contractual and administrative actions that should be initiated by a commander or official having responsibility over a matter central to a significant procurement fraud case in order to protect the interests of the Air Force and to deter future incidents of fraudulent conduct.

Qui tam—Suit filed under seal by a private party on behalf of the United States against a contractor alleging the submission of false claims to the government.

Remedies Plan—Comprehensive, evolving plans, prepared in accordance with this Instruction, 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.

Significant Procurement Fraud Cases—Fraud investigations involving an alleged loss of \$500,000 or more; all investigations of corruption involving bribery, gratuities, or conflicts of interest; all defective product, non-conforming product, counterfeit materiel, or product substitution investigations; all investigations involving a serious hazard to health, safety or operational readiness; and investigations otherwise determined to be significant by SAF/GCR.

Suspension and Debarment Official—In accordance with Headquarters Air Force Mission Directive 1-14, the Deputy General Counsel (Contractor Responsibility and Conflict Resolution). See also Public Law 112-239, 2 Code of Federal Regulations 1125 and Defense Federal Acquisition Regulation Supplement 209.403(1).

Attachment 2

REMEDIES PLAN TEMPLATE

**NAME OF PRIMARY SUBJECT OF INVESTIGATION
BASE PREPARING THE REMEDIES PLAN
OSI FILE NUMBER**

SECTION 1. ADMINISTRATIVE DATA

- A. Date of plan:
- B. Status of plan:
1. Initial or update (if “update,” include revision number):
 2. Closure recommended:
 3. If “no,” suspense date for next update:
- C. Contractor Responsibility Information System Case number:
- D. Investigative support:
1. Lead investigative agency:
 2. Other investigative agencies involved:
 3. Date of most recent case report on which this plan is based:
 4. Name and telephone number of principal case agent:
- E. Subject(s) of allegation (include corporate name, corporate divisions, and individuals, if applicable):
- F. Government officials involved in plan preparation:
1. Responsible commander and office symbol:
 2. Name, telephone number, and office symbol of Acquisition Fraud Counsel:
 3. Responsible MAJCOM:
 4. Name, telephone number, and office symbol of other government officials involved in plan preparation.
- G. Contract administrative data:
1. Contract number(s):
 2. Type of contract:
 3. Dollar amount of contract:
 4. Period of contract:
 5. Phase of contract in which alleged wrongdoing took place:
 Contract formation Contract performance
 6. Location where alleged offense took place:
 7. Contractor Commercial and Government Entity Code code.
- H. Audit support:
1. Audit agency involved, if any:
 2. Name and telephone number of principal auditor.
- I. Cases arising out of *qui tam* actions:
1. Is the case under seal? If so, explain what information is subject to the seal:
 2. Name of relator(s):
- J. Has the Acquisition Fraud Counsel verified with GCR which federal agency has lead

for purposes of administrative remedies? If so, identify the lead agency. See Federal Acquisition Regulation 9.402(d).

SECTION II: ALLEGATIONS AND ADVERSE IMPACT STATEMENT

A. Allegations (as detailed as possible):

B. Adverse impact statement:

1. Affected weapons systems or programs:
2. Is impact contractor-wide or contract specific?
3. Estimated loss:

SECTION III: CONTRACT REVIEW

A. List all contract violations which support pursuit of remedies. Include citations for the contract requirements.

B. Name, telephone number, and office symbol of attorney who performed the contract review:

C. Date of contract review completion:

SECTION IV: POTENTIALLY APPLICABLE REMEDIES

The following elements shall be supplemented by the Acquisition Fraud Counsel's written analysis of potentially applicable remedies, copies of relevant documentation, and any other information that may be requested by SAF/GCR. The written analysis shall indicate whether the AFC assesses a remedy to be actionable, i.e., currently supported by available evidence in light of applicable legal criteria.

A. Criminal remedies:

1. Name and telephone number of Assistant US Attorney (AUSA) responsible for criminal prosecution:
2. Has AUSA been briefed? If "no," why not?
3. Has AUSA accepted the case for criminal prosecution? If "no," why not?
4. Did Acquisition Fraud Counsel accompany OSI when a criminal prosecution decision was sought from AUSA? If "no," why not?
5. Potential criminal violations:

<input type="checkbox"/> False Claims, 18 U.S.C. § 287 <input type="checkbox"/> False Statements, 18 U.S.C. § 1001 <input type="checkbox"/> Wire Fraud, 18 U.S.C. § 1343 <input type="checkbox"/> Conspiracy to Defraud, 18 U.S.C. § 371 <input type="checkbox"/> Bribery, Gratuities, Conflicts of Interest, 18 U.S.C. §§ 201-208 <input type="checkbox"/> Other (Specify):	<input type="checkbox"/> The Major Fraud Act, 18 U.S.C. § 1031 <input type="checkbox"/> Mail Fraud, 18 U.S.C. § 1341 <input type="checkbox"/> Money Laundering, 18 U.S.C. § 1956 <input type="checkbox"/> Anti-Kickback Act. 41 U.S.C. § 51 <input type="checkbox"/> Conspiracy to Defraud in Connection with Claims, 18 U.S.C. § 286
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B. Civil remedies:

1. Name and telephone number of AUSA responsible for civil prosecution:
2. Has AUSA been briefed? If "no," why not?
3. Has AUSA accepted the case for civil prosecution? If "no," why not?
4. Did AFC accompany OSI when a civil prosecution decision was sought from AUSA? If "no," why not?
5. Potential civil violations:

<input type="checkbox"/> False Claims 31 U.S.C. § 3729 <input type="checkbox"/> Other (Specify):	<input type="checkbox"/> PFCRA, 31 U.S.C. § 3801
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C. Contractual remedies:

1. What potentially applicable remedy-granting clauses are in the affected contract (include clause number and date, if applicable):
2. Are these clauses being invoked? If “no,” why not?
3. Identify any potentially applicable common law contract remedies:
4. Has the subject contractor submitted any claims against the Air Force which overlap the subject matter of this remedies plan? If so, explain the overlap, state whether a final decision was issued, and provide the ASBCA or Court of Federal Claims docket number:

D. Administrative remedies:

1. Has a suspension or debarment package been prepared? If “no,” why not? If “yes,” assess the adverse mission impact, if any, if the subject is subsequently suspended or debarred.
2. Identify any other viable administrative remedies. Are they being pursued? If “no,” why not?
3. Referrals for suspension or debarment may generally follow the guidance at DFARS PGI 209.406-3(i) - (iv). See also AFFARS 5309.406-3(a).

SECTION V: MISCELLANEOUS COMMENTS AND INFORMATION (include copies of relevant documents)

- A. Indictments (identify by subject):
- B. Convictions (identify by subject):
- C. Criminal sentences (identify for each subject):
- D. Civil recoveries (identify by subject and include amounts and applicable funding citations):
- E. Contractual/administrative recoveries, including dollars protected by contractual remedies that may otherwise not be readily quantifiable (identify by subject, action taken, and amount):
- F. Suspension (identify by subject):
- G. Debarment (identify by subject and include period of debarment):
- H. Congressional inquiries:
- I. Significant media attention:
- J. Small business status:
- K. Other relevant information:

SECTION VI. REMEDIES PLAN PARTICIPANTS

Name	Grade	Organization	Telephone No.
Acquisition Fraud Counsel	Contracting Officer	Investigating Agent	

[These are the minimum essential remedies plan participants. Other plan participants, if any, should also be included.]

[SIGNED] Acquisition Fraud Counsel

2 Attachments (at a minimum):

1. Lead investigating agent’s most current investigative report or summary [to be distributed only through legal and investigative channels]
2. Matching of criminal and civil offense elements to evidence produced to date [to be distributed only through legal and investigative channels]

SECTION VII: MAJCOM COORDINATION AND COMMENTS

[MAJCOM, FOA, OR DRU Acquisition Fraud Counsels should include specific feedback concerning the overall quality of the submitted plan, including requests for clarification or additional information for appropriate action or consideration in the next plan update.]

Attachment 3

ADMINISTRATIVE REMEDIES FLOWCHART

(See <https://www.cris.hq.af.mil> for optional software program).

