

Social Security Administration

§ 498.100

Federal Government's direct benefit or use; and

(b) In which substantial involvement is not expected between the Federal agency and the recipient when carrying out the activity contemplated by the award.

§ 439.655 Individual.

Individual means a natural person.

§ 439.660 Recipient.

Recipient means any individual, corporation, partnership, association, unit of government (except a Federal agency) or legal entity, however organized, that receives an award directly from a Federal agency.

§ 439.665 State.

State means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

§ 439.670 Suspension.

Suspension means an action taken by a Federal agency that immediately prohibits a recipient from participating in Federal Government procurement contracts and covered non-procurement transactions for a temporary period, pending completion of an investigation and any judicial or administrative proceedings that may ensue. A recipient so prohibited is suspended, in accordance with the Federal Acquisition Regulation for procurement contracts (48 CFR part 9, subpart 9.4) and the common rule, Government-wide Debarment and Suspension (Non-procurement), that implements Executive Order 12549 and Executive Order 12689. Suspension of a recipient is a distinct and separate action from suspension of an award or suspension of payments under an award.

PARTS 440–497 [RESERVED]

PART 498—CIVIL MONETARY PENALTIES, ASSESSMENTS AND RECOMMENDED EXCLUSIONS

Sec.

498.100 Basis and purpose.

498.101 Definitions.

498.102 Basis for civil monetary penalties and assessments.

498.103 Amount of penalty.

498.104 Amount of assessment.

498.105 [Reserved]

498.106 Determinations regarding the amount or scope of penalties and assessments.

498.107 [Reserved]

498.108 Penalty and assessment not exclusive.

498.109 Notice of proposed determination.

498.110 Failure to request a hearing.

498.114 Collateral estoppel.

498.115–498.125 [Reserved]

498.126 Settlement.

498.127 Judicial review.

498.128 Collection of penalty and assessment.

498.129 Notice to other agencies.

498.132 Limitations.

498.201 Definitions.

498.202 Hearing before an administrative law judge.

498.203 Rights of parties.

498.204 Authority of the administrative law judge.

498.205 Ex parte contacts.

498.206 Prehearing conferences.

498.207 Discovery.

498.208 Exchange of witness lists, witness statements and exhibits.

498.209 Subpoenas for attendance at hearing.

498.210 Fees.

498.211 Form, filing and service of papers.

498.212 Computation of time.

498.213 Motions.

498.214 Sanctions.

498.215 The hearing and burden of proof.

498.216 Witnesses.

498.217 Evidence.

498.218 The record.

498.219 Post-hearing briefs.

498.220 Initial decision.

498.221 Appeal to DAB.

498.222 Final decision of the Commissioner.

498.223 Stay of initial decision.

498.224 Harmless error.

AUTHORITY: Secs. 702(a)(5), 1129, and 1140 of the Social Security Act (42 U.S.C. 902(a)(5), 1320a–8, and 1320b–10).

SOURCE: 60 FR 58226, Nov. 27, 1995, unless otherwise noted.

§ 498.100 Basis and purpose.

(a) *Basis*. This part implements sections 1129 and 1140 of the Social Security Act (42 U.S.C. 1320a–8 and 1320b–10).

(b) *Purpose*. This part provides for the imposition of civil monetary penalties and assessments, as applicable, against persons who—