

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—