

settled only after consultation with the Department of Justice when it is learned that the United States or an employee, agent or cost plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

PART 430—PERSONNEL

AUTHORITY: Section 702(a)(5) of the Social Security Act (42 U.S.C. 902(a)(5)).

INDEMNIFICATION OF SSA EMPLOYEES

§ 430.101 Policy.

(a) The Social Security Administration (SSA) may indemnify, in whole or in part, its employees (which for the purpose of this regulation includes former employees) for any verdict, judgment or other monetary award which is rendered against any such employee, provided that the conduct giving rise to the verdict, judgment or award was taken within the scope of his or her employment with SSA and that such indemnification is in the interest of the United States, as determined by the Commissioner, or his or her designee, in his or her discretion.

(b) SSA may settle or compromise a personal damage claim against its employee by the payment of available funds, at any time, provided the alleged conduct giving rise to the personal damage claim was taken within the scope of employment and that such settlement or compromise is in the interest of the United States, as determined by the Commissioner, or his or her designee, in his or her discretion.

(c) Absent exceptional circumstances, as determined by the Commissioner or his or her designee, SSA will not entertain a request either to agree to indemnify or to settle a personal damage claim before entry of an adverse verdict, judgment or monetary award.

(d) When an employee of SSA becomes aware that an action has been filed against the employee in his or her individual capacity as a result of conduct taken within the scope of his or her employment, the employee should immediately notify SSA that such an action is pending.

(e) The employee may, thereafter, request either:

(1) Indemnification to satisfy a verdict, judgment or award entered against the employee; or

(2) Payment to satisfy the requirements of a settlement proposal. The employee shall submit a written request, with documentation including copies of the verdict, judgment, award or settlement proposal, as appropriate, to the Deputy Commissioner or other designated official, who shall thereupon submit to the General Counsel, in a timely manner, a recommended disposition of the request. The General Counsel shall also seek the views of the Department of Justice. The General Counsel shall forward the request, the Deputy Commissioner's or other designated official's recommended disposition, and the General Counsel's recommendation to the Commissioner or his or her designee for decision.

(f) Any payment under this section either to indemnify an SSA employee or to settle a personal damage claim shall be contingent upon the availability of appropriated funds.

[62 FR 39935, July 25, 1997]

PARTS 431-434 [RESERVED]

PART 435—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, OTHER NON-PROFIT ORGANIZATIONS, AND COMMERCIAL ORGANIZATIONS

Subpart A—General

Sec.

- 435.1 Purpose.
- 435.2 Definitions.
- 435.3 Effect on other issuances.
- 435.4 Deviations.
- 435.5 Subawards.

Subpart B—Pre-Award Requirements

- 435.10 Purpose.
- 435.11 Pre-award policies.
- 435.12 Forms for applying for Federal assistance.
- 435.13 Debarment and suspension. [Reserved]
- 435.14 Special award conditions.
- 435.15 Metric system of measurement.

Social Security Administration

§ 435.2

435.16 Resource Conservation and Recovery Act.

435.17 Certifications and representations.

Subpart C—Post-Award Requirements

FINANCIAL AND PROGRAM MANAGEMENT

435.20 Purpose of financial and program management.

435.21 Standards for financial management systems.

435.22 Payment.

435.23 Cost sharing or matching.

435.24 Program income.

435.25 Revision of budget and program plans.

435.26 Non-Federal audits.

435.27 Allowable costs.

435.28 Period of availability of funds.

PROPERTY STANDARDS

435.30 Purpose of property standards.

435.31 Insurance coverage.

435.32 Real property.

435.33 Federally-owned and exempt property.

435.34 Equipment.

435.35 Supplies and other expendable property.

435.36 Intangible property.

435.37 Property trust relationship.

PROCUREMENT STANDARDS

435.40 Purpose of procurement standards.

435.41 Recipient responsibilities.

435.42 Codes of conduct.

435.43 Competition.

435.44 Procurement procedures.

435.45 Cost and price analysis.

435.46 Procurement records.

435.47 Contract administration.

435.48 Contract provisions.

REPORTS AND RECORDS

435.50 Purpose of reports and records.

435.51 Monitoring and reporting program performance.

435.52 Financial reporting.

435.53 Retention and access requirements for records.

TERMINATION AND ENFORCEMENT

435.60 Purpose of termination and enforcement.

435.61 Termination.

435.62 Enforcement.

Subpart D—After-the-Award Requirements

435.70 Purpose.

435.71 Closeout procedures.

435.72 Subsequent adjustments and continuing responsibilities.

435.73 Collection of amounts due.

Subpart E—Disputes

435.80 Appeal process.

435.81 Initial appeal

435.82 Appeal of decision of ACOAG

APPENDIX A TO PART 435—CONTRACT PROVISIONS

AUTHORITY: 5 U.S.C. 301.

SOURCE: 68 FR 28712, May 27, 2003, unless otherwise noted.

Subpart A—General

§ 435.1 Purpose.

This part establishes the Social Security Administration (SSA) administrative requirements for grants and agreements awarded to institutions of higher education, hospitals, other non-profit organizations, and commercial organizations. Subpart E of this part, which sets forth the SSA appeal process for disputes arising under SSA awards, applies to all SSA grants and cooperative agreements, including awards to the State, local and Indian tribal governments covered by 20 CFR part 437. SSA will not impose additional or inconsistent requirements, except as provided in §§ 435.4 and 435.14. Non-profit organizations that implement Federal programs for the States are also subject to State requirements. For availability of OMB circulars, see 5 CFR 1310.3.

§ 435.2 Definitions.

Accrued expenditures means the charges incurred by the recipient during a given period requiring the provision of funds for:

(1) Goods and other tangible property received;

(2) Services performed by employees, contractors, subrecipients, and other payees; and,

(3) Other amounts becoming owed under programs for which no current services or performance is required.

Accrued income means the sum of:

(1) Earnings during a given period from:

(i) Services performed by the recipient, and

(ii) Goods and other tangible property delivered to purchasers, and

(2) Amounts becoming owed to the recipient for which no current services