

DEPARTMENT: Clinical Operations Group	POLICY DESCRIPTION: Compliance With Federal Funding Accountability and Transparency Act (“FFATA”)
PAGE: 1 of 4	REPLACES POLICY DATED:
EFFECTIVE DATE: November 1, 2016	REFERENCE NUMBER: COG.FED.003 (formerly CSG.FED.003)
APPROVED BY: Ethics and Compliance Policy Committee	

SCOPE: This policy is intended for use by an Institution (defined as all HCA-affiliated hospitals, ambulatory surgery centers, physician practices, and all other HCA-affiliated facilities) that is the primary recipient of a federal award and subject to reporting requirements under the Federal Funding Accountability and Transparency Act (“FFATA” or the “Transparency Act”). This policy does not address any State or other reporting requirements.

PURPOSE: To provide the Federal government the information necessary for their transparency to the general public on government spending.

DEFINITIONS:
The following definitions are adopted from 2CFR170:

Executive(s) means officers, managing partners, or any other colleagues in management positions.

Subaward:

- A. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- B. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. II .210 of the attachment to OMB Circular A–133, “Audits of States, Local Governments, and Non-Profit Organizations”).
- C. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

Subrecipient means an entity that:

- A. Receives a subaward from you (the recipient) under this award; and
- B. Is accountable to you for the use of the Federal funds provided by the subaward.

Total compensation means the cash and noncash dollar value earned by the executive during the recipient’s or subrecipient’s preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):

- A. Salary and bonus.
- B. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004)(FAS 123R), Shared Based Payments.
- C. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried colleagues.
- D. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

DEPARTMENT: Clinical Operations Group	POLICY DESCRIPTION: Compliance With Federal Funding Accountability and Transparency Act (“FFATA”)
PAGE: 2 of 4	REPLACES POLICY DATED:
EFFECTIVE DATE: November 1, 2016	REFERENCE NUMBER: COG.FED.003 (formerly CSG.FED.003)
ROVED BY: Ethics and Compliance Policy Committee	

E. Above-market earnings on deferred compensation which is not tax-qualified.

Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

POLICY:

1. General Policies

- i. As required by federal regulations, the Institution must have a Dun & Bradstreet Data Universal Numbering System (“DUNS”) number and maintain an active registration in the System for Award Management (SAM).
- ii. Additionally, the Institution, unless otherwise allowed by the federal granting agency in writing, may not grant a subcontract or subaward to an entity that does not have a DUNS number and, if applicable, registration in the SAM.
- iii. If an Institution discovers an error in its reporting, corrections are to be promptly reported.
- iv. FFATA thresholds or other requirements herein are current as of the writing of this policy but are subject to change via updates to FFATA. This policy and the examples herein are not intended to supersede any updates to FFATA. The Institution should assure that are using the most current information from FFATA found at 2CFR170.

2. General Exclusions

- i. **Award Specific Exemption:** Awards specified by the government as classified information or otherwise exempted in writing by OMB are not subject to the FFATA reporting requirements.
- ii. **Sub-Award Specific Exemptions:** Sub-awards that have a total value less than \$25,000 are not subject to the FFATA reporting requirements. Additionally, subawards issued to natural persons are excluded from the FFATA reporting requirements.

3. Obligations of Reporting Total Compensation of Institution Executives

- i. If the total Federal funding to the Institution (as primary recipient) under a particular award is \$25,000 or more, unless otherwise exempted by FFATA (i.e., via the gross income threshold), the Institution as primary awardee must report the total compensation (cash and non-cash) for each of its five most highly compensated executives for the preceding completed fiscal year. This information is reported in the SAM registration. Such reporting is required if it meets FFATA thresholds:
 - A. in the preceding fiscal year, the Institution received 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); AND

DEPARTMENT: Clinical Operations Group	POLICY DESCRIPTION: Compliance With Federal Funding Accountability and Transparency Act (“FFATA”)
PAGE: 3 of 4	REPLACES POLICY DATED:
EFFECTIVE DATE: November 1, 2016	REFERENCE NUMBER: COG.FED.003 (formerly CSG.FED.003)
ROVED BY: Ethics and Compliance Policy Committee	

B. the Institution received \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); AND

C. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at the [Executive Compensation](#) page of the SEC website.)

ii. The deadline for updating the SAM registration is by the end of the month following the month in which the award is made (meaning the date the award was approved and not the date revenue was earned or cash was received), and annually thereafter as required by FFATA.

4. Obligations of reporting information about first-tier subawards

i. If in the previous tax year the Institution had gross income from all sources of under the threshold set by FFATA (currently \$300,000), they are exempt from the first-tier subaward reporting requirements herein.

ii. Unless otherwise excluded from FFATA regulations, the Institution must report the below information for a first-tier subrecipient that obligates \$25,000 or more in Federal funds for a subaward to that entity. This information is reported to the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) at www.fsrs.gov.

A. Information about the Sub-Award and Subrecipient required by the FSRS system.

B. Total Compensation of Subrecipient Executives, however this information is not submitted if the following criteria are met:

1. in the preceding fiscal year, the Subrecipient received 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); AND
2. the Subrecipient received \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); AND
3. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code

DEPARTMENT: Clinical Operations Group	POLICY DESCRIPTION: Compliance With Federal Funding Accountability and Transparency Act (“FFATA”)
PAGE: 4 of 4	REPLACES POLICY DATED:
EFFECTIVE DATE: November 1, 2016	REFERENCE NUMBER: COG.FED.003 (formerly CSG.FED.003)
ROVED BY: Ethics and Compliance Policy Committee	

of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at the [Executive Compensation](#) page of the SEC website.)

- iii. Institution shall, prior to executing the subaward agreement, gather all required information from subrecipient for input into the FSRs system, including but not limited to subrecipient’s DUNS number. Required information may change over time and can be found on at www.fsr.gov. If the subrecipient fails to provide any of the required information to the Institution, the subrecipient cannot be used.
- iv. The deadline for updating the FSRs system is by the end of the month following the month in which the subaward was made (meaning the date the subaward contract was signed and not the date revenue was earned or cash was dispensed). For example:
 - A. If a subaward obligation is made of \$70,000 on October 29, the reporting is required by November 30 of the same year.
 - B. If a subaward obligation is made of \$17,000 on April 15, no subaward reporting is required. However, if that subaward is expanded to include an additional \$10,000 on October 15 (making the gross sum \$27,000), then reporting is required by November 30 of the same year.

The CFO (or designee) is responsible for the implementation of this policy within the facility.

REFERENCES:

1. Public Law 109-282 FFATA Legislation http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_bills&docid=f:s2590enr.txt.pdf
2. Public Law 110-252 FFATA Legislation https://www.fsr.gov/documents/ffata_legislation_110_252.pdf
3. OMB Guidance on Subaward and Executive Compensation Reporting https://www.fsr.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf
4. 2 CFR 170
5. 2 CFR 25