



2018 Computer Matching Agreement Activity Report



Table of Contents

I. Introduction.....	3
II. Data Integrity Board Members	3
III. Determining Whether to Do a CMA.....	4
IV. Elements of a Computer Matching Agreement	5
V. Annual Calendar Year Reviews.....	7
VI. Process for Evaluating and Developing a New or Renewal CMPPA Agreement.....	7
VII. Description of Each CMA From the Prior Year	7
VIII. Matching Program Violations or Matching Programs Rejected by the DIB.....	8
IX. Cost Benefit Analysis Requirements.....	8
X. Adherence to Terms of the Agreement.....	8
XI. Litigation	9
XII. Inaccurate Records	9
Appendix: 2018 CMA Details	10



I. Introduction

Computer matching is the computerized comparison of two or more automated systems of records, or of a system of records with non-federal records. The records must exist in automated form or be converted to automated form to perform the match.

A Computer Matching Agreement (CMA) outlines the purposes and terms under which computer matching of records contained in a system of records (or a system of records with non-federal records) seeks to confirm that individuals possess certain characteristics, such as immigration status. In many instances, federal, state, or local agencies use information obtained through a CMA to help determine whether to grant or deny an individual's application (i.e., recipients and beneficiaries) for public benefits, or terminate benefits provided to an individual.

The Data Integrity Board (DIB) oversees and coordinates the review, approval, maintenance, reporting and compliance of all DHS CMAs with applicable laws, regulations, guidelines, and existing CMAs.

Each year the DIB submits an annual report, compiled by the Chief Privacy Officer, which is then submitted to the Secretary of Homeland Security and the Director of the Office of Management and Budget (OMB), and published on the DHS website, describing the matching activities of the agency.

II. Data Integrity Board Members

Pursuant to the statutory requirements of 5 U.S.C. § 552a(o), (u), during all or part of calendar year 2018, the following individuals oversaw the review and acceptance of Computer Matching Agreements as members of the DIB:

- Chair and Secretary: Jonathan R. Cantor, Chief Privacy Officer, Acting
- Executive Director: Lara Ballard, Senior Director, Information Sharing, Security, and Safeguarding
- Counsel: Alexander Wood, Attorney-Advisor (Privacy) Legal Counsel Division, Office of the General Counsel
- John V. Kelly, Inspector General, Acting

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Pursuant to DHS Directive 262-01, the following members have been designated by the Chief Privacy Officer as DIB members:

- Cameron Quinn – Officer for Civil Rights and Civil Liberties (CRCL)
- John Zangardi – Chief Information Officer (CIO)



- Tracy Renaud – Acting Deputy Director, U.S. Citizenship and Immigration Services (USCIS)
- Daniel Kaniewski – Acting Deputy Administrator for Federal Emergency Management Agency (FEMA)
- Lyn Rahilly– Acting Assistant Director for U.S. Immigration and Customs Enforcement (ICE) Information Governance and Privacy (IGP)

In 2018, the DIB membership changed as follows.

1. Jonathan Cantor replaced Philip Kaplan as Chief Privacy Officer.
2. Tracy Renaud replaced James McCament as the USCIS DIB Member, effective March 2018.
3. Daniel Kaniewski replaced Peter Gaynor as the FEMA DIB Member in October 2018.
4. Lyn Rahilly returned to ICE from a detail in October 2018 and is again serving as Assistant Director for U.S. Immigration and Customs Enforcement (ICE) Information Governance and Privacy (IGP), replacing Amber Smith.

III. Determining When to Do a CMA

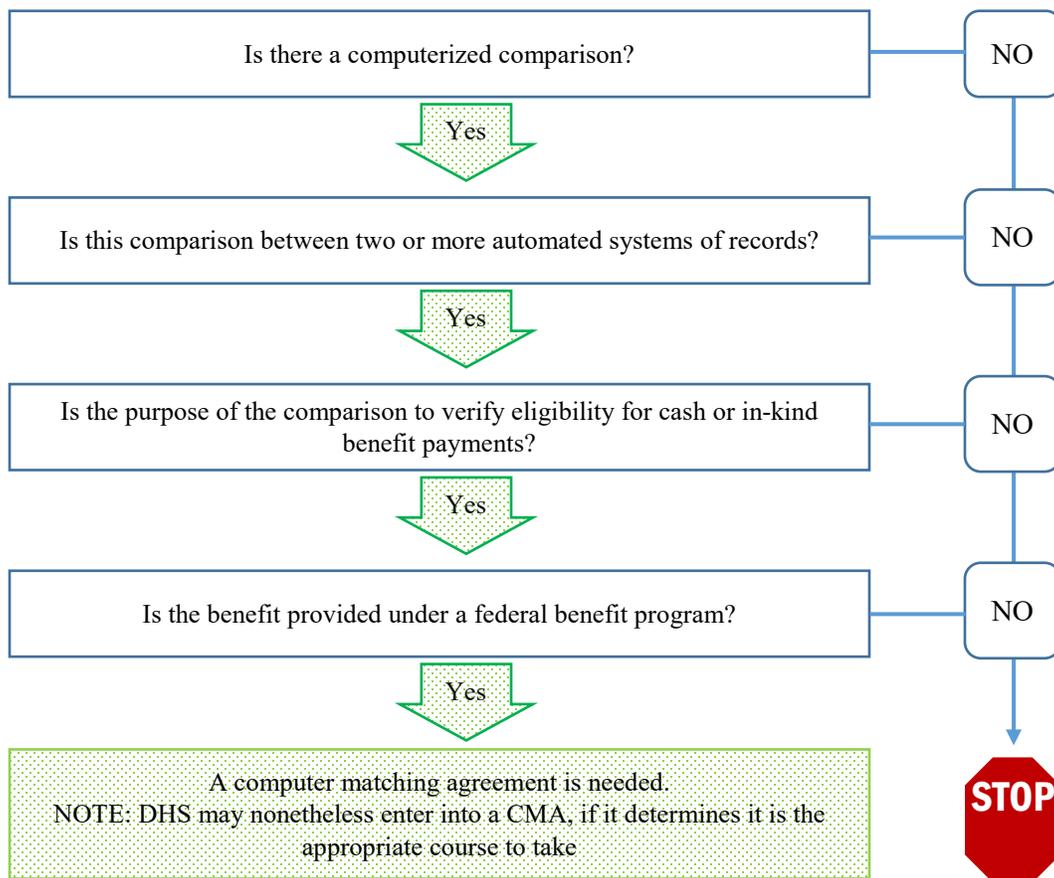
CMAs are required by law. However, not all instances of computer matching require a CMA. When determining whether DHS must enter into a CMA, the following factors are considered:

- Is there a computerized comparison?
- Is this comparison between two or more automated systems of records?
- Is the purpose of the comparison to verify eligibility for cash or in-kind benefit payments?
- Is the benefit provided under a federal benefit program?
- Does the matching program conform to the *Computer Matching and Privacy Protection Act* (CMPPA) and any other relevant statutes, regulations, or guidance?

If the answer to any of these questions is “no”, then a CMA is not needed (although, in its discretion, DHS may execute a CMA even when the CMPPA does not require it to do so). Figure one, below, shows this decision-making process in graphical form.



Figure 1: Determining whether to do a CMA decision tree.



IV. Elements of a Computer Matching Agreement

All CMAs at a minimum must contain the elements set forth in the CMPPA at 5 U.S.C. § 552a(a)(o)(1) (see table 1 below). The parties may include additional provisions. The CMPPA limits initial CMAs to a period no longer than eighteen (18) months¹. Within three months before the expiration of the 18-month period, the DIB may agree – without additional review – to a one-year extension if the CMA is conducted without any changes, and each partner to the CMA verifies to their DIB in writing that the matching program has been conducted in compliance with the agreement.² Further, the CMPPA provides for an additional 18-month CMA recertification process, after DIB review and approval.

¹ 5 U.S.C. § 552a(o)(2)(C).

² 5 U.S.C. § 552a(o)(2)(D).



It is important to remember that the purpose of the relatively short life of each CMA is to ensure, among other things, that the matching program’s original justification continues to exist and that the matching program is compliant with CMA requirements.

Although re-negotiation has typically involved modest adjustments to the previous CMAs, more substantial changes are permitted and may be (and have been) negotiated.

Table 1: Elements of a Computer Matching Agreement

	Elements
1	A statement of the purpose and legal authority for conducting the program
2	The justification for the program and anticipated results, including specific estimate of any savings
3	A description of the records that will be matched, including the following: <ul style="list-style-type: none"> • the name of the system of record and associated SORN • the data elements to be used • the approximate number of records to be matched • projected starting and completion dates of the program
4	Procedures for providing individual notice to applicants for and recipients of benefits that any information provided by the applicant may be subject to computer matching verification and periodic notices thereafter.
5	Procedures for verifying information produced by the matching, including those ensuring that the agency does not make a denial determination and does not suspend or reduce an individual’s benefits based on a mis-or-no-match until (1) the agency independently verifies the information or the appropriate Data integrity Board makes the required statutory determination, (2) the individual receives an agency notice containing findings and informing the individual how to contest the findings, and (3) the resolution of the appeal (if filed) or the expiration of the relevant time period for the person to file an appeal (if no appeal is filed).
6	Protections for the retention and timely destruction of identifiable records created by a recipient agency/non-federal agency
7	Procedures for ensuring the administrative, technical, and physical security of records and the results of the matching program
8	Prohibitions against duplication or re-disclosure of records provided in the match
9	Procedures governing the use of records by a recipient agency
10	Information on any assessments that have been made on the accuracy of the records used in the program



	Elements
11	Access to all records of a recipient agency/non-federal agency may be granted to the Comptroller General when the Comptroller General deems access necessary in order to monitor or verify compliance with the agreement

In addition to the required content elements listed above, a CMA must also have an accompanying Cost Benefit Analysis (CBA).³ CBAs are discussed later in this report.

Further, DHS may include additional elements in the CMA. For example, DHS customarily includes a non-discrimination clause to ensure that recipient agencies use DHS information in a non-discriminatory and fair manner, consistent with the Constitution and civil rights laws.

V. Annual Calendar Year Reviews

The DHS Privacy Office and the DIB conduct annual reviews of all CMAs in which DHS has participated during the year in order to determine compliance with CMA requirements, applicable laws, regulations, guidelines (i.e., record keeping and disposal requirements), and to assess costs and benefits. The annual review occurs at the end of each calendar year.⁴

VI. Process for Evaluating and Developing a New or Renewal CMPPA Agreement

The CMPPA provides stringent privacy protections and requires multiple approval steps and notifications. The Department’s CMA policy and procedures can be found in:

- [DHS Directive 262-01](#);
- [DHS Instruction 262-01-001](#)

VII. Description of Each CMA From the Prior Year

See the Appendix for a table that includes the following information:

- Purpose of the program
- Participating agencies
- DIB cost/benefit analysis
- Timeline
- Continuing justification
- Statutory terms of agreement

³ 5 U.S.C. § 552a(u)(4)(A).

⁴ *Id.* at section 14, “Annual Matching Activity Review and Report.”



All DHS Computer Matching Agreements are publicly available on the DHS Privacy Office website at www.DHS.gov/privacy.

VIII. Matching Program Violations or Matching Programs Rejected by the DIB

None.

IX. Cost Benefit Analysis Requirements

A. The Process:

The DIB is involved with all aspects of the CMA and CBA approval process. The DIB analyzes key elements of the CBA to provide more assurance that the DHS CMAs are a cost effective use of resources.

The DIB requires a favorable cost-benefit ratio for all approved matches. The DIB identifies and estimates the avoidance of future improper payments and identifies an estimate of the recovery of improper payments and debts.

Benefits analyzed include the collection of money owed to an agency, reduction in paperwork, and personnel-hours saved via process automation. Costs analyzed include personnel costs (such as salary or fringe benefits and additional staff time dedicated to the matching program), and computer costs (such as the cost of maintaining and using computers for the matching program).

Each CMA and associated CBA is distributed electronically to all DIB members who review and submit any questions or concerns, before finally submitting their vote. All votes and associated questions or concerns are stored with all drafts of each CMA for future verification. Each CMA goes through several drafts until each DIB member's questions or concerns are resolved.

Ultimately, a majority vote rules.

B. Waivers:

None.

X. Adherence to Terms of the Agreement

The DIB conducted an Annual Review on December 11, 2018, to ensure that DHS and the partner agency, or agencies, in each respective CMA continues to adhere to the requirements set out in the CMAs. The agencies are engaged in the matching programs pursuant to the respective mandates of each CMA's associated statutory requirements, as laid out in the CMA Annual Report chart in the Appendix.



Homeland Security

XI. Litigation

None

XII. Inaccurate Records

None

Appendix: 2018 CMA Details

Title	Purpose	Agencies	DIB Cost/Benefit Analysis			Timeline			Continuing Justification	Statutory Terms of Agreement
			Costs of CMA	Benefits of CMA	Result	Initial Execution	FR Notice	Current Effective Dates		
DHS and the Social Security Administration	To identify aliens who either voluntarily leave the United States or are removed from the United States in order to determine whether suspension or nonpayment of their social security benefits is applicable.	DHS (USCIS and ICE) to SSA	\$182,130 in FY 2015	Over \$1 million saved during FY 2015 from suspending or discontinuing benefits of aliens who are no longer in the United States; over 1000 aliens identified annually	Favorable - savings of over \$1 million annually	6/12/2007	82 FRN 49920	1/19/19 - 1/18/20	In FY 2015, total benefits amounted to \$1,078,024. Benefit to cost ratio is 5.92:1.	42 U.S.C. §§ 402(n), 1382(f), 1382(c)(a)(1), 1383(e)(1)(B) and (f); 8 U.S.C. §§ 1611 and 1612
DHS and the Small Business Administration	To ensure that applicants for SBA Disaster Loans and applicants for DHS/FEMA programs, that provide Other Needs Assistance (ONA) and Housing Assistance (HA), do not receive duplicate benefits.	DHS (FEMA) and SBA	\$40,000 to conduct the program on avg of \$1.00 per loan applicant matched	Avg of \$829,373 annually saved from reduction of overpayments and personnel time saved from not manually searching for duplication of benefits	Favorable - savings of \$615.333 in time searching, \$2.5M in savings from erroneous overpayment	5/21/2010	84 FR 2649	Expired 4/25/18. Re-established effective 3/9/2019 - 9/9/2020.	DHS/FEMA and SBA provide benefits for the same type of assistance: personal property damage, moving and storage expenses, and transportation assistance. The amount of aid provided by SBA impacts the amount of assistance FEMA provides. This matching program continues to ensure that disaster survivors are not receiving duplicative benefits from both agencies.	15 U.S.C. § 636(b)(1); 42 U.S.C. § 5155



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DHS and the Centers for Medicare and Medicaid Services	To determine eligibility for Medicare and Medicaid for applications, renewals, annual or periodic redeterminations, and appeals.	DHS (USCIS) to CMS, HHS	Costs to CMS of maintaining Federal Data Services Hub are \$30.5M per year.	72% of ACA applicants whose eligibility is determined through CMS matching programs receive benefits totaling \$45.378 billion per year.	Favorable - benefit to public is over \$45B annually.	8/15/2013	83 FR 47620	10/22/2018 - 4/22/2020	This electronic verification is mandated by the Patient Protection and Affordable Care Act of 2010 (ACA).	Patient Protection and Affordable Care Act, codified at 42 U.S.C. § 18001 et seq. (2010), §§ 1311(d)(4)(H), 1312(f)(3), 1331(e), 1411, 1413, 2201, 2501(c); Social Security Act, §§ 1137(d), 1902(a)(46)(B), and 1903(x), 2501(c), 1943(b); Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), §§ 401, 402, 403, 421, and 431; Children's Health Insurance Program Reauthorization Act of 2009



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DHS and the California Department of Social Services	To determine benefits eligibility for immigrants under Temporary Assistance to Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) administered by CA-DSS	DHS (USCIS) to CA-DSS	\$540,003 for admin costs and program costs	Est. saving of \$20.4 million because program facilitates proper reductions, denials, and discontinuances of benefits; avoids \$2 cost of each request submitted manually	Favorable - est. savings of over \$19.9 million during the lifespan of program	5/10/2013	83 FR 50672	11/8/2018-5/9/2020	Total cost avoidance savings of \$20,434,425.	Immigration Reform and Control Act § 121; 42 U.S.C. § 1320b-7(a); 42 U.S.C. § 1320b-7; Personal Responsibility and Work Reconciliation Act of 1996 § 840
DHS and the California Department of Health Care Services	To determine benefits eligibility for immigrants under Medicaid Programs administered by CA-DHCS	DHS (USCIS) to CA-DHCS	Between \$6.3 and \$7 million annually to run the program	Avg 81,174 yearly unverified results caught, which have resulted in over \$1.3 billion saved annually	Favorable - est. savings of over \$1 billion annually	6/18/2009	81 FRN 79512	6/7/18 - 6/7/19	Since 2013, est. \$3.8 billion saved; DHS is required by law to establish an immigration-status system for alien applicants to benefit systems, and to focus on equitable savings and ensuring payments to only those properly entitled to receive them.	Immigration Reform and Control Act § 121; 42 U.S.C. § 1320b-7; California Welfare and Institutions Code §§ 11104.1, 14007.5, 14011.2



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DHS and the Texas Workforce Commission	To determine benefits eligibility for immigrants under Unemployment Compensation (UC) administered by TWC	DHS (USCIS) to TWC	In FY 2015, it cost \$82,030 to run program; without program, paper costs would have been \$741,331.	Data collected from the previous 15 years indicate that the amount of \$ saved annually from denial of claims has varied from \$836,724 to \$4.1 million	Favorable - savings for FY 2015 was \$1.01 million	6/8/2009	81 FRN 79510	6/7/18 - 6/7/19	Total est. savings since the program's inception through FY 2015 is over \$59.8 million; DHS will remain focused on equitable savings and ensuring payments to only those properly entitled to receive them.	Immigration Reform and Control Act § 121; 42 U.S.C. § 1320b-7; Texas Labor Code § 207.043; Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), § 642(a), codified at 8 U.S.C § 1373(a)
DHS and the Massachusetts Division of Unemployment Assistance	To determine benefits eligibility for immigrants under Unemployment Compensation (UC) administered by MA-DUA	DHS (USCIS) to MA-DUA	Cost \$623,670 to run program from July 2014 - Dec 2015	\$19.08 million saved from case terminations or recovery of overpayments between July 2014 and Dec 2015	Favorable - over \$18 million saved over an 18-month period	1/16/2009	81 FRN 79511	6/12/18 - 6/12/19	From July 2014 - December 2015, 3,003 cases were appropriately terminated, and 274 overpayments were detected. This is on par with past years' success rates.	Immigration Reform and Control Act § 121; 42 U.S.C. 1320b-7; Mass. Gen. Laws ch. 151a §25(h); Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), § 642(a), codified at 8 U.S.C § 1373(a)



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DHS and the New York Department of Labor	To determine benefits eligibility for immigrants under Unemployment Compensation (UC) administered by NYS-DOL	DHS (USCIS) to NYS-DOL	Cost \$827,661 to run the program between Jan 2014 and Dec 2015	Total of \$3,142,958 saved from 586 claims denied between Jan 2014 and Dec 2015	Favorable - savings of over \$3.1 million over a two-year period	1/16/2009	81 FR 79509	6/28/18 - 6/28/19	NYS did not establish a baseline cost per alien verification prior to SAVE, but notes that in addition to the quantifiable savings, there is a saving realized by deterring unauthorized aliens from filing a claim.	Immigration Reform and Control Act § 121; 42 U.S.C. § 1320b-7; New York Unemployment Insurance Law, Article 18, Title 7, § 590; Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), § 642(a), codified at 8 U.S.C § 1373(a)
DHS and the New Jersey Department of Labor & Workforce Development	To determine benefits eligibility for immigrants under Unemployment Compensation (UC) administered by NJ-LWD	DHS (USCIS) to NJ-LWD	\$21,343 to run program in 2015	Est. \$231,192 saved in 2015, identifying 38 aliens receiving benefits who were not eligible	Favorable - over \$200k saved in 2015	1/16/2009 (earlier agreement dates from January 2005)	81 FRN 79508 (see also 77 FRN 6028)	6/28/18 - 6/28/19	Between 2006 and 2015 there were 38 to 205 ineligible aliens (each year) identified, saving anywhere from \$231,192 to \$1.1 million annually. Numbers of ineligibles identified has been decreasing over the years, suggesting that	Immigration Reform and Control Act § 121; 42 U.S.C. § 1320b-7(a); 42 U.S.C. § 1320b-7; New Jersey Statute 43:21-4; Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), §



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									the program has a deterrent effect.	642(a), codified at 8 U.S.C § 1373(a)
DHS and the Department of Education	To confirm immigration status of alien applicants and recipients of financial assistance under Title IV of the Higher Education Act of 1965 (HEA)	DHS (USCIS) to DoE	\$506,854 costs incurred by ED, USCIS during 2014-15 academic year. Academic institutions incurred approximately \$360,469 in additional costs.	Federal government saved approx. \$187M during 2014-15 academic year; academic institutions saved approximately \$5.7M	Favorable--total savings attributable to USCIS data match is over \$193M	3/12/2010	82 FRM 14355	10/21/18 - 10/21/19	With total cost of \$987,592, total benefits of \$193,568,794, cost/benefit ratio was 0.005 for 2014-15 academic year.	Immigration Reform and Control Act of 1986, § 121; Immigration and Nationality Act, as amended, 8 U.S.C. § 1103, § 103; Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended, 8 U.S.C. § 1373(c); Higher Education Act of 1965, § 484(g), as amended (HEA), 20 U.S.C. § 1091(g), consistent with the requirements of § 484(a)(5), 20 U.S.C. § 1091(a)(5)



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			Costs of CMA	Benefits of CMA	Result	Initial Execution	FR Notice	Current Effective Dates		
DHS and the United States Department of Housing and Urban Development	To ensure applicants for disaster assistance do not receive duplicate or erroneous assistance from either agency	DHS (FEMA) and HUD	Administrative costs to FEMA are \$3.6M, to HUD \$560,000, over 7-year lifecycle period. Annual costs fluctuate with scale of natural disasters.	FEMA's savings are \$13M and HUD's \$94M over a 7-year period due to reduction of improper payments and efficient distribution of payments.	Favorable	10/14/2016	84 FR 1186	Expired 4/25/18. Re-established effective 3/13/19 - 9/13/2020.	The CMA will always enable FEMA staff to check for improper duplication of benefits much more quickly than using manual methods. This facilitates faster compensation to homeowners harmed by disasters.	Robert T. Stafford Disaster and Emergency Assistance Act, as amended at 42 U.S.C. § 5121 et seq. [specifically §§ 5174(i), 5174(f)(2)]; Debt Collection Improvement Act of 1996, 31 U.S.C. §§ 3325(d), 7701(c)(1); 31 U.S.C. § 7701; 6 U.S.C. §§ 776-777; Omnibus Appropriations Act of 2009, section 239; HUD Regulations at 24 C.F.R. § 982.35(c)