



BILLING CODE: 4120-03

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Matching Program

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is providing notice of the re-establishment of a matching program between CMS and the Department of War for “Verification of Eligibility for Minimum Essential Coverage Under the Patient Protection and Affordable Care Act through a Department of War Health Benefits Plan.”

DATES: The deadline for comments on this notice is **[INSERT DATE 30 DAYS**

AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]. The re-

established matching program will commence not sooner than 30 days after publication of this notice, provided no comments are received that warrant a change to this notice.

The matching program will be conducted for an initial term of 18 months and within 3 months of expiration may be renewed for up to one additional year if the parties make no

change to the matching program and certify that the program has been conducted in compliance with the matching agreement.

ADDRESSES: Interested parties may submit comments on this notice to the CMS Privacy Act Officer by mail at: Division of Security, Privacy Policy & Governance, Information Security & Privacy Group, Office of Information Technology, Centers for Medicare & Medicaid Services, Location: N1-14-56, 7500 Security Blvd., Baltimore, MD 21244-1850 or by email at Barbara.Demopoulos@cms.hhs.gov.

FOR FURTHER INFORMATION CONTACT: If you have questions about the matching program, you may contact Terence Kane, Director, Division of Automated Verifications and SEP Policy, Marketplace Eligibility and Enrollment Group, Center for Consumer Information and Insurance Oversight, Centers for Medicare & Medicaid Services, at (301) 492-4449, by email at Terence.kane@cms.hhs.gov, or by mail at 7501 Wisconsin Avenue, Bethesda, MD 20814.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a) provides certain protections for individuals applying for and receiving federal benefits. The law governs the use of computer matching by federal agencies when records in a system of records (meaning, federal agency records about individuals retrieved by name or other personal identifier) are matched with records of other federal or non-federal agencies. The Privacy Act requires agencies involved in a matching program to:

1. Enter into a written agreement, which must be prepared in accordance with the Privacy Act, approved by the Data Integrity Board of each source and recipient federal agency, provided to Congress and the Office of Management and Budget

(OMB), and made available to the public, as required by 5 U.S.C. 552a(o), (u)(3)(A), and (u)(4).

2. Notify the individuals whose information will be used in the matching program that the information they provide is subject to verification through matching, as required by 5 U.S.C. 552a(o)(1)(D).
3. Verify match findings before suspending, terminating, reducing, or making a final denial of an individual's benefits or payments or taking other adverse action against the individual, as required by 5 U.S.C. 552a(p).
4. Report the matching program to Congress and the OMB, in advance and annually, as required by 5 U.S.C. 552a(o) (2)(A)(i), (r), and (u)(3)(D).
5. Publish advance notice of the matching program in the *Federal Register* as required by 5 U.S.C. 552a(e)(12).

This matching program meets these requirements.

Barbara Demopulos,
Privacy Act Officer,
Division of Security, Privacy Policy and Governance,
Office of Information Technology,
Centers for Medicare & Medicaid Services.

PARTICIPATING AGENCIES:

The Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) is the recipient agency, and the Department of War (identified

in the applicable system of records notice as Department of Defense) is the source agency.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:

The principal authority for the matching program is 42 U.S.C. 18001, et seq.

PURPOSE(S):

The purpose of the matching program is to assist CMS in determining individuals' eligibility for financial assistance in paying for private health insurance coverage. In this matching program, the Department of War provides CMS with daily files, indicating whether an individual who is seeking eligibility determination for financial assistance is enrolled in TRICARE. CMS makes this data available to state administering entities (AEs) through a data services hub, under a separate matching agreement. CMS and AEs use the Department of War data to verify whether an individual who is applying for or is enrolled in private health insurance coverage under a qualified health plan through a federally-facilitated or state-based health insurance exchange is eligible for coverage under a Department of War health benefit plan, for the purpose of determining the individual's eligibility for financial assistance (including an advance tax credit and cost sharing reduction, which are types of insurance affordability programs) in paying for private health insurance coverage. The Department of War health benefit plans provide minimum essential coverage, and eligibility for such plans precludes eligibility for financial assistance in paying for private coverage. The data provided by the Department of War under this matching program will be used by CMS and AEs to authenticate

identity, determine eligibility for financial assistance, and determine the amount of any financial assistance.

CATEGORIES OF INDIVIDUALS:

The categories of individuals whose information is involved in the matching program are:

(1) individuals who are eligible for or enrolled in a TRICARE plan, identified in data CMS receives from the Department of War, and (2) consumers who apply for or are enrolled in private insurance coverage under a qualified health plan through a federally-facilitated or state-based health insurance exchange (and other relevant individuals, such as applicants' and enrollees' household members), whose records are matched against the data CMS receives from the Department of War.

CATEGORIES OF RECORDS:

The categories of records which will be provided by the Department of War to CMS in this matching program are identity records and minimum essential coverage period records, consisting of these data elements: Social Security Numbers (SSNs), Coverage Begin Date(s) and Coverage End Date(s).

SYSTEM(S) OF RECORDS:

A. System of Records Maintained by CMS

The applicable CMS system of records is CMS Health Insurance Exchanges System (HIX), CMS System No. 09-70-0560, last published in full at 78 FR 63211 (Oct. 23, 2013), as amended at 83 FR 6591 (Feb. 14, 2018).

B. System of Records Maintained by the Department of War

The applicable Department of War system of records is DMDC 02 DoD, Defense Enrollment Eligibility Reporting System (DEERS), last published in full at 87 FR 32384 (May 31, 2022).

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