

MODIFICATION
OF
COMPUTER MATCHING AGREEMENT
BETWEEN
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES
AND
THE FEDERAL COMMUNICATIONS COMMISSION
FOR
DISCLOSURE OF INFORMATION TO SUPPORT ELIGIBILITY DETERMINATION FOR
PARTICIPATION IN THE FEDERAL LIFELINE PROGRAM

CMS Computer Matching Agreement No. 2021-20
Department of Health and Human Services No. 2108

Effective April 15, 2021

Expiring October 14, 2022 (may be renewed to October 14, 2023)

I. PURPOSE

The purpose of this modification is to amend the computer matching agreement named above (matching agreement) between the Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS) and the Federal Communications Commission (FCC) to reflect statutory changes in one of the FCC benefit programs—Emergency Broadband Benefit Program (EBBP)—that is the subject of the matching agreement.

II. STATUTORY AUTHORITY

On November 15, 2021, the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (Infrastructure Act), became law.¹ The Infrastructure Act (at Title V – Broadband Affordability, § 60502) modifies and extends EBBP to be a longer-term broadband affordability program to be renamed the Affordable Connectivity Program (ACP).² Pursuant to the provisions of the Infrastructure Act, EBBP transitioned to ACP on December 31, 2021.³ While there are minor adjustments to eligibility under the ACP, there will be no change regarding use of enrollment in Medicaid (the information CMS provides to FCC in this matching program) in determining individuals' eligibility for the broadband affordability program (formerly EBBP, now ACP). Existing EBBP subscribers and new ACP applicants will continue to be eligible based on a

¹ Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021), available at <https://www.govinfo.gov/content/pkg/BILLS-117hr3684enr/pdf/BILLS-117hr3684enr.pdf>.

² See *id.* at div. F, tit. V, sec. 60502(a).

³ See *id.* at sec. 60502(b)(1).

match using the same data as specified in Section IV of the matching agreement. Further, the EBBP sunset provisions were replaced by extension provisions; see Title V, § 60502(a)(1).

III. AMENDMENTS

The matching agreement is hereby modified in the following respects:

1. The term “EBBP” (and the collective term “Federal Programs”) in the matching agreement, and the term “EBBP” in the related Interconnection Security Agreement dated May 31, 2021, include ACP.
2. In addition to the statutory authorities cited in section I.B. of the matching agreement, the FCC is authorized to use a matching program for ACP eligibility determination purposes by the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182, as amended by the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 60502.
3. The FCC’s system of records notice (SORN) referenced in section IV.A.2. of the matching agreement, FCC/WCB-3, has been updated to include ACP and renamed; see <https://www.federalregister.gov/documents/2021/12/16/2021-27345/privacy-act-of-1974-system-of-records>. The SORN is now cited as “FCC/WCB-3, Affordable Connectivity Program,” published at 86 FR 71494 (Dec. 16, 2021), and the applicable routine use which supports FCC’s disclosures to CMS under the matching agreement is now Routine Use 3.
4. References in sections IV.D. and XV. B. and E. to sunseting of EBBP (now ACP) are now moot.

IV. PRIVACY ACT REQUIREMENTS

We hereby find that this modification does not constitute a significant change to a matching program within the meaning of 5 U.S.C. § 552a(r). See OMB Circular No. A-108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act, at 18-19. This modification will be effective upon signing by both parties.

V. APPROVALS AND SIGNATURES

A. FEDERAL COMMUNICATIONS COMMISSION

The signatories below warrant and represent that they have the competent authority to approve this modification, and enter into the obligations set forth in this agreement, on behalf of the FCC.

Mark Stephens
Managing Director
Federal Communications Commission

Date

Linda L. Oliver
Associate General Counsel, and
Acting Senior Agency Official for Privacy
Office of General Counsel
Federal Communications Commission

Date

B. CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS)

The signatories below warrant and represent that they have the competent authority to approve this modification, and enter into the obligations set forth in this agreement, on behalf of CMS.

Approved by (Signature of Authorized CMS Program Official)

Karen Shields, Deputy Director
Center for Medicare and CHIP Services
Centers for Medicare & Medicaid Services

Date

Approved by (Signature of Authorized CMS Approving Official)

Michael Pagels, Director

Date

Division of Security, Privacy Policy and Governance,
and Senior Official for Privacy,
Information Security and Privacy Group
Office of Information Technology
Centers for Medicare & Medicaid Services