

**COMPUTER MATCHING AGREEMENT BETWEEN
THE U.S. DEPARTMENT OF EDUCATION AND
THE U.S. DEPARTMENT OF JUSTICE**

I. INTRODUCTION

This computer matching agreement (CMA) is entered into between the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ) (collectively, the Agencies) in accordance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protection Amendments of 1990 (Privacy Act) (5 U.S.C. §552a); the Office of Management and Budget (OMB), Final Guidance Interpreting the Provisions of Pub. Law 100-503, the Computer Matching and Privacy Protection Act of 1988 (54 FR 25818 (June 19, 1989)); and OMB Circular A-108, Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act (81 FR 94424, (December 23, 2016)).

The Privacy Act requires agencies involved in any matching program covered by the Privacy Act to respectively execute a written agreement specifying the terms and conditions under which the matching program will be conducted including, but not limited to, the procedures for ensuring the administrative, technical, and physical security of the records matched. This CMA provides for a computer match between ED's Federal Student Aid Application File and the DOJ Denial of Federal Benefits and Defense Procurement Fraud Debarment Clearinghouse System (DFB/DPPF) database (formerly known as DEBARS).

Under the Controlled Substances Act, 21 U.S.C. §862, an individual convicted of a Federal or State drug trafficking or possession offense may be denied, at the discretion of the court, certain Federal benefits, including those under the Student Financial Assistance Programs authorized by Title IV of the Higher Education Act of 1965, as amended (Title IV, HEA).

II. PURPOSE AND AUTHORITY

The purpose of this matching program is to ensure that the requirements of section 421 of the Controlled Substances Act (originally enacted as section 5301 of the Anti-Drug Abuse Act of 1988, Pub. Law 100-690, 21 U.S.C. §853a, which was amended and redesignated as section 421 of the Controlled Substances Act by section 1002(d) of the Crime Control Act of 1990, Pub. Law 101-647) (hereinafter referred to as "section 5301"), are met.

Section 5301 requires, in pertinent part, that the President shall transmit to the Congress a report:

- (A) Describing the manner in which Federal agencies will implement and enforce the requirements of this section (see 21 U.S.C. §862(g)(1)(B));
and
- (B) Detailing the means by which Federal agencies will exchange and share the data and information necessary to implement and enforce the withholding of Federal benefits (see 21 U.S.C. §862(g)(1)(C)).

DOJ is the lead contact agency for information related to section 5301 violations and, as such, provides this data to ED under this CMA pursuant to the Privacy Act and 28 U.S.C. §530C.

ED (recipient agency) seeks access to the information contained in the DOJ (source agency) DFB/DPFD database that is authorized under section 5301 for the purpose of ensuring that Title IV, HEA student financial assistance is not awarded to individuals subject to denial of benefits under court orders issued pursuant to section 5301.

ED and DOJ have determined that, for purposes of verifying Title IV, HEA student financial assistance eligibility, direct access to the DFB/DPFD database would be more useful than access to the General Services Administration's (GSA) list of Parties Excluded From Federal Procurement and Non-Procurement Programs (GSA List) because the DFB/DPFD database contains information essential to the effective operation of the match that is not available in the GSA List. For example, the DFB/DPFD database contains more complete identifying information concerning the individual, including both the date of birth and the Social Security number (SSN) of the individual. Additionally, through Role-Based Access and coding DFB data, the DFB/DPFD database contains precise information concerning the specific Title IV, HEA student financial assistance program for which benefits have been denied to individuals sanctioned under section 5301.

ED also enters into this CMA under the authority of 20 U.S.C. §3475.

III. JUSTIFICATION AND EXPECTED RESULTS

Section 5301 provides an option to sentencing judges to deny all or selected Federal benefits (including Title IV, HEA student financial assistance) to individuals convicted of drug trafficking or possession. Section 5301 is one of a number of provisions enacted by Congress with the intent of reducing the demand for illegal drugs. It represents a strong objective that Federal benefits not be used to support individuals engaged in illicit drug activities. DOJ is administering this law in a manner designed to achieve these objectives to the maximum extent possible.

The Agencies have determined that a matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by ED to determine whether Title IV, HEA applicants have been convicted of certain drug-related offenses and subsequently denied Federal student financial assistance pursuant to section 5301. By matching the names, dates of birth, and SSNs in the DFB/DPFD database with ED's student financial aid records, ED is able to identify students who do not qualify for Federal student financial assistance pursuant to the provisions set forth in the Controlled Substances Act. Thus, ED avoids the cost of disbursing student financial assistance funds to individuals who do not qualify for Federal student financial assistance, but who would otherwise receive aid had the matching program not existed. Finally, a manual system would require ED to locate matched students after they have already enrolled in school. As of December 2019, DOJ reports that about 19,951 individuals were actively debarred from the receipt of certain Federal benefits, including Federal student financial assistance. In addition, over 18.5 million individuals apply for Federal student financial assistance each award year. In view of these numbers, an automated matching program is the only practical method to

prevent improper payments to applicants who are not eligible to receive the benefits administered by ED under Title IV, HEA.

For the award year cycle covering 2018-2019, a cost-benefit analysis demonstrated the benefit of using the matching program. While the cost of running the computer matching agreement was \$6,162, the total cost avoidance, based upon Title IV, HEA student financial assistance denied in accordance with section 5301, was \$310,155 (see Appendix A: Cost-Benefit Analysis). The cost benefit ratio is 0.020.

As discussed above, there is no viable alternative to a computer match given the current numbers of section 5301 sanctions. Furthermore, a manual scheme is necessarily “after the fact.” That is, the manual process relies on locating the applicant and attempting to prevent him or her from using a valid Federal aid output document, the Student Aid Report (SAR), after the SAR is issued. In contrast, the computer match prohibits the initial disbursement of Title IV, HEA funds to students ineligible under section 5301. See section VI, Verification Procedures, of this agreement.

IV. RECORDS DESCRIPTION

A. Records that will be matched:

- (1) ED system of records: Federal Student Aid Application File (18-11-01)
(ED system of records notice was originally published in the *Federal Register* on June 4, 1999 (see page 30159 of 64 FR 30106); corrected in the *Federal Register* on December 27, 1999 (see page 72407 of 64 FR 72384), March 2, 2000 (65 FR 11294), and April 11, 2001 (66 FR 18758); and, altered in the *Federal Register* on December 29, 2009 (74 FR 68802), August 3, 2011 (76 FR 46774), and October 29, 2019 (84 FR 57856). Routine uses 1 and 13 apply to this CMA. (See <https://www.federalregister.gov/documents/2019/10/29/2019-23581/privacy-act-of-1974-system-of-records>). (Note: The ED Central Processing System (CPS) is the ED information system that processes data from the Federal Student Aid Application File.)
- (2) DOJ system of records: DFB/DPFD (formerly known as DEBAR System)
(DOJ system of records notice was published in the *Federal Register* on May 10, 1999, 64 FR 25071; modified on January 31, 2001 by 66 FR 8425 and May 25, 2017 by 82 FR 24147).

B. Data elements contained within the Federal Student Aid Application File to be matched with the automated DFB/DPFD system of records are as follows:

- (1) Name
- (2) Date of Birth
- (3) Social Security Number (SSN)

C. Data elements contained within the DFB/DPFD database which ED accesses:

- (1) Name
- (2) SSN
- (3) Title IV, HEA Program(s) included under court sanction
- (4) End date of the debarment period
- (5) Codes for the denied Federal benefits as contained in the Catalog of Federal Domestic Assistance.

- D. Method of retrieving the file: Every 4 to 6 weeks, the ED contractor shall log onto the DFB/DPPFD system through an internet browser using encrypted HTTPS protocol over SSL through Role-Based Access and coding DFB data, to download the DFB-DPPFD file containing the data elements in Section IV.C., above, from DOJ DFB/DPPFD's database using secure transport. The ED contractor will replace the existing data in the CPS DOJ Database table with the data received from the DFB/DPPFD database. The Federal Student Aid Application File will be matched against the CPS DOJ Database table daily to identify individuals who are ineligible for Title IV, HEA aid due to having received a sentence that denied them Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.
- E. Number of Matches: As of December 2019, DOJ reports that about 19,951 individuals were actively debarred from the receipt of certain Federal benefits, including Federal student financial assistance. During the past year, an average of 41 individuals were added to the database each month. At this rate of increase, the Bureau of Justice Assistance (BJA) anticipates that the number of persons receiving section 5301 sanctions who are active in the database will increase to about 20,400 by the end of 2020. These figures include a small number of records that, through Role-Based Access and specific coding of DFB data, will not be provided to ED since they do not involve a denial of benefits under Title IV, HEA. During the processing cycle that began on October 1, 2017, through September 30, 2019, ED processed more than 18.5 million applications for Title IV, HEA student financial assistance.
- F. Duration of the matching agreement: Eighteen (18) months commencing as stated in section XII, Effective Date, of this CMA.

V. NOTICE PROCEDURES

ED agrees to publish in the *Federal Register* a notice of this computer matching agreement, as specified in the Privacy Act and in compliance with OMB guidance. ED further agrees to ensure that, at the time of application, applicants for Title IV, HEA benefits are provided with a notice displayed on Federal financial aid application forms that the information provided on their application is subject to verification through computer matching.

Periodic notice, if any, will be provided as directed by a Data Integrity Board pursuant to 5 U.S.C. 552a(o)(1)(D).

VI. VERIFICATION PROCEDURES

The OMB Final Guidelines for the Privacy Act (Final Guidance Interpreting the Provisions of Pub. Law 100-503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818, June 19, 1989) state that the type of verification procedures used for a particular matching program depends upon the purpose of that program. This match will identify the Title IV, HEA applicants who are subject to denial of Federal benefits and will ensure that reasonable verification procedures have been developed that yield confirmatory data and provide ED with a reasonable basis for taking action. When a match is made, the individual in question already will have had a court hearing in connection with the underlying criminal conviction and sentence, and his or her eligibility for Title IV, HEA benefits will have been determined by a Federal or State judge. Because the individual's denial of benefits sanction has already been determined, the verification procedures for this match focus on verifying the individual's identity for Title IV, HEA purposes.

The basic verification procedures are as follows:

A. ED Issues to the Applicant Section 5301 Comment of Ineligibility on SAR

An applicant will have at least 30 calendar days from the date of the output document (the date on the applicant's Student Aid Report (SAR)) to contest a proposed adverse action before his or her eligibility for Title IV, HEA student financial assistance is denied. The individual applicant is determined to be the best source of information on the validity of notice results in which a computer match occurs pertaining to his or her application. The highly automated process used under the Title IV, HEA program requires compressed verification procedures because it is not possible to intervene until after the SAR is issued and reviewed by the student. With regard to each individual for whom a match occurs, ED will inform him or her that ED cannot continue to process his or her application because a computer match has occurred with regard to his or her identity. ED will inform the individual of this information by providing a section 5301 comment on his or her SAR stating that ED cannot process the application for Title IV, HEA program assistance further because of issues raised by the Anti-Drug Abuse Act of 1988. Further, the applicant will be instructed to contact ED within 30 days from the date of the letter at the phone number provided by ED on the SAR to contest the adverse action.

B. Applicant May Inquire Regarding Section 5301 Comment

If the applicant makes an inquiry within the specified time (30 days) regarding a section 5301 comment on the applicant's SAR, ED headquarters will review the DFB/DPFD database again to independently verify and confirm the accuracy of the information in the DFB/DPFD.

With regard to an applicant's inquiry based upon section 5301, ED personnel will have direct and immediate access, through Federal Student Aid's CPS, to the applicant's FAFSA record, including section 5301 file data provided by DOJ. Consequently, when the applicant contacts ED with questions regarding his or her section 5301 comment, ED personnel will be able to quickly confirm the student's ineligibility for one or more of the

Title IV, HEA program(s). A new 5301 file is retrieved from DOJ every 4 to 6 weeks, loaded into the CPS, and matched against the Title IV, HEA application file, which also contains the individual's name and SSN. For a match to occur, the individual's name, SSN, and date of birth must match.

If the applicant does not make an inquiry to ED within the specified time regarding a section 5301 comment that he or she receives, ED's initial finding will be upheld as final, and Title IV, HEA program eligibility will be denied.

C. ED Verifies Eligibility

Should verification with DOJ, as noted in section VI. B. above, indicate that eligibility is restored, ED personnel will be able to override standard CPS system procedures to produce and forward a valid SAR. This will enable the student applicant, if otherwise eligible, to receive financial assistance at the postsecondary educational institution he or she is attending. However, should the outcome of such verification with DOJ confirm the initial finding, the applicant will be so notified and provided with at least 30 additional calendar days, from the date ED provides its finding to the applicant, in which the applicant may contest the initial finding.

D. Applicant May Contest Finding of Ineligibility

Should an applicant not contest a finding after the additional 30 calendar days, as noted above, ED's finding will take effect, and Title IV, HEA student financial assistance will be denied. Conversely, if the applicant provides additional information sufficient to refute ED's initial finding, after consulting with DOJ, ED will be able to override standard systems procedures to produce and forward a valid SAR. This will enable the student applicant, if otherwise eligible, to receive financial assistance at the postsecondary educational institution the applicant is attending.

VII. DISPOSITION OF MATCHED ITEMS

A. ED will retain all records with identifying information received from DOJ that are matched under this CMA in accordance with the requirements of ED Records Schedule 072, FSA Application, Origination, and Disbursement Records (DAA-0441-2013-0002) (ED 072). (ED is in the process of reviewing and proposing amendments to its record schedules, including ED 072, for the National Archives and Records Administration's consideration, as applicable.)

B. Currently, DOJ retains all source records regardless of code.

VIII. SECURITY SAFEGUARDS & PRIVACY

DOJ and ED agree to comply with the requirements of the Federal Information Security Modernization Act of 1974 (FISMA), Pub. Law 113-283, 44 U.S.C. §3541 et seq.; related OMB circulars and memoranda, including Circular A-130, Management of Federal Information

Resources, and Memorandum M 17-12, “Preparing for and Responding to a Breach of Personally Identifiable Information” (January 3, 2017); National Institute of Standards and Technology (NIST) directives; and the Federal Acquisition Regulations (FAR). Both CPS and the DFB/DPFD database will have a current Authority to Operate in accordance with FISMA. These laws, directives, and regulations include requirements for safeguarding Federal information systems and personally identifiable information (PII) used in Federal agency business processes, as well as related reporting requirements. Both Agencies recognize and will comply with the laws, regulations, NIST standards, and OMB directives, including those published subsequent to the effective date of this CMA.

Specific security requirements include, but are not limited to, the following:

- At a minimum, data must be protected at the Moderate system certification criticality level according to Federal Information Processing Standards (FIPS) Publication 199, Standards for Security Categorization of Federal Information and Information Systems.
- All systems involved in this CMA have completed the security authorization process within the last three years, using the required NIST guidance, and have an Authorization to Operate (ATO) with the appropriate signatures.
- Electronic files are encrypted using the FIPS 140-2 standard and, to the extent possible, are interoperable with ED’s personal identity verification logical access control card (PIV LAC) for Government Employees and support contractors authorized to have an HSPD-12 card (HSPD-12 is the Homeland Security Presidential Directive #12, “Policy for a Common Identification Standard for Federal Employees and Contractors”).
- All systems involved in this match reside behind a Trusted Internet Connection.

FISMA requirements apply to all Federal contractors, organizations, or entities that possess or use Federal information, or that operate, use, or have access to Federal information systems on behalf of a Federal agency. DOJ and ED agree that they are responsible for oversight and compliance of their own contractors and agents. DOJ and ED each reserve the right to conduct on-site inspections of any contractor or agent in order to monitor compliance with FISMA regulations during the lifetime of this CMA.

ED agrees to secure PII received from DOJ pursuant to this CMA in accordance with the Federal requirements that apply to the receipt and use of information subject to the Privacy Act and other applicable statutes, regulations, and directives.

The DFB Program database collects this information regarding those individuals for whom benefits are denied and forwards this information to GSA for inclusion in the publication “Lists of Parties Excluded from Federal Procurement or Non-procurement Programs,” more commonly known as the “Debarment List.” Prior to the provision of certain benefits, Federal agencies are required by law to consult the Debarment List. Participating agencies can access the database at <https://dfb.bja.ojp.gov/> to input data as a judicial participant or verify data as a Federal agency. Hard copy records of judgments from participating Federal and State courts about sentences of

drug traffickers or possessors are still received by postal or private delivery service and facsimile until further notice. The required data is taken from the court order and entered into the database. The hard copy files are then maintained in a secure file room with a 24 hour/7 days a week cipher lock. Electronic transmission of data is sent by encrypted email. Facsimiles are received through a dedicated line. Access to the stored files are given to the assigned Federal program director and the assigned contractor.

The DPFDP Program is the clearinghouse for information provided by the United States Attorneys' Offices on individuals convicted of defense-contract related felony charges. The clearinghouse collects data regarding those individuals who have been referred for debarment, and again forwards such data to GSA.

The DFB/DPFD database stores and disseminates sensitive PII data and, therefore, is required to meet Federal guidelines relating to the management of such data. Features of the system include user authentication to gain access, role-based access to different functional areas, and audit trails for operations performed on the system. As of 2017, the DFB/DPFD database, including the DFB data, is also hosted at the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 810 Seventh Street, NW, Washington, DC 20531.

The FISMA requires all agencies to report security incidents to a Federal incident response center. The center (United States Computer Emergency Readiness Team or US-CERT) is located within the Department of Homeland Security. All incidents involving confirmed or suspected breaches of PII must be reported to US-CERT within one hour of discovering the incident.

A. Incident Reporting

Both Agencies agree to report incidents in accordance with NIST 800-53, Rev. 4, OCIO 14, Department of Education Handbook for Information Security Incident Response, and Reporting Procedures, and OJP OCIO 20 Incident Response Plan SOP v3.51.

Upon detection of an incident related to this interconnection, the agency experiencing the incident will promptly notify the other agency's Systems Security Contact named in this CMA. DOJ will promptly notify the following FSA groups in the order listed, until a successful notification is made: Central Processing System Owner's Primary Representative, Central Processing System Information System Security Officer (ISSO) or Central Processing System Alternate ISSO. These contacts are listed in Section XIII.

If the agency experiencing the incident is unable to speak with the other agency's System Security Contact within 1 hour, or if for some reason contacting the System Security Contact is not practicable (e.g., outside of normal business hours), then the following contact information shall be used:

DOJ:

- Justice Security Operations Center (JSOC): DOJCERT@usdoj.gov; The telephone number is no longer in service. All correspondence (written) is by email.

ED/FSA:

- ED Security Operations Center (EDSOC); edsoc@ed.gov; 202-245-6550

If either DOJ or ED experience a loss of PII provided by DOJ or ED under the terms of this CMA, they will also comply with the personally identifiable information breach reporting and security requirements as required by OMB M-17-12, “Preparing for and Responding to a Breach of Personally Identifiable Information.” ED and DOJ also agree to notify the security contact(s) named in this CMA as soon as possible, but no later than 30 minutes after the discovery of a breach involving PII. The agency that experienced the incident will be responsible for following its established procedures, including notifying the proper organizations (e.g., US-CERT, the ISSOs, and other contacts listed in this document), conducting a breach and risk analysis, and making a determination of the need for notice and/or remediation to individuals affected by the loss. If the agency’s analysis indicates that an individual notice is appropriate, the agency that experienced the incident will be responsible for providing such notice without cost to the other agency.

B. Application of Policies and Procedures

DOJ and ED will adopt policies and procedures to ensure that information contained in their respective records or obtained from each other is used solely as provided in this CMA. DOJ and ED agree to comply with these guidelines and any subsequent revisions.

C. On-site Inspection

Each agency participating in this CMA reserves the right to monitor compliance with FISMA and OMB M-17-12 requirements and to make on-site inspections for purposes of auditing compliance, if necessary, during the lifetime of this CMA or during any extension of this CMA.

IX. RECORDS USE, DUPLICATION, AND REDISCLOSURE RESTRICTIONS

Each agency agrees not to use or disclose any records viewed by the other agency pursuant to this matching agreement, except as required by law or essential to the conduct of the matching program (e.g., to verify the status with respect to section 5301 sanctions of applicants for or recipients of Title IV, HEA assistance programs). However, the information may be used for necessary follow-up action as well as to support criminal investigations, prosecutions, or other law enforcement activity, if the match uncovers activity that warrants such a result.

X. RECORDS ACCURACY ASSESSMENT

The PII (i.e., SSN, name, and date of birth) in the ED Federal Student Aid Application File system of records used in this matching program are derived from information personally reported by the applicants for Title IV, HEA student financial assistance. In addition, each applicant’s SSN is verified with the Social Security Administration at the time of application. The accuracy rate of the “Federal Student Aid application file” (18-11-01) was measured and confirmed in March 2020 as 97.03 percent.

Based on SSA's Office of Quality Review "FY 2015 Enumeration Accuracy Report (February 13, 2019)," the SSA Enumeration System database (the Master Files of SSN Holders and SSN Applications System) used for SSN matching is 100 percent accurate for records updated by SSA employees based on this report. Therefore, the identifier information is 100 percent accurate.

Federal and State courts can electronically enter the source data into the DFB/DPFD database at <https://dfb.bja.ojp.gov/>. Currently, Federal and State courts can also send hard copy records of judgments to the DFB program where DOJ contractors input the source data into the DFB/DPFD database. This source data is reviewed for accuracy prior to inclusion in the DFB/DPFD database. Since some source data is prepared and entered manually by DOJ, there is chance of human error. A data reconciliation of DFB/DPFD database active cases and GSA's www.sam.gov for excluded applicants is performed monthly to identify errors between the two systems. ED and DOJ have reviewed the records subject to this CMA and concluded that the records are being maintained to a standard of accuracy that ensures fairness in any eligibility determination made on the basis of this record.

XI. COMPTROLLER GENERAL ACCESS

The Government Accountability Office (Comptroller General) may have access to all ED and DOJ records as necessary in order to verify compliance with this CMA.

XII. DURATION OF THE AGREEMENT

A. Effective Date:

The duration of this CMA is estimated to cover the 18-month period from January 2, 2021 through July 1, 2022. However, the effective date of this CMA and the date when the match may begin shall be whichever date is the latest of the following three dates: (1) January 2, 2021; (2) at the expiration of the 30-day public comment period following ED's publication of notice of this matching program in the *Federal Register*, assuming that ED receives no public comments or receives public comments but makes no changes to the Matching Notice as a result of the public comments, or 30 days from the date on which ED publishes a Revised Matching Notice in the *Federal Register*, assuming that ED receives public comments and revises the Matching Notice as a result of public comments; or (3) at the expiration of the 60-day period following ED's transmittal of a report concerning the matching program to OMB and to the appropriate Congressional Committees, along with a copy of this CMA, unless OMB waives any of the 60-day review period for compelling reasons, in which case, 60 days minus the number of days waived by OMB from the date of ED's transmittal of the report of the matching program.

B. Renewal and Termination:

Pursuant to 5 U.S.C. §552a(o)(2)(D), the Data Integrity Boards (DIB) of ED and DOJ may, within three months prior to the expiration of this agreement, renew this CMA for a period not to exceed 12 months if:

1. The matching program will be conducted without change; and
2. ED and DOJ certify to their respective DIBs that they have conducted the matching program in compliance with the original agreement.

If either party does not want to continue this program, it must notify the other party of its intention not to continue at least 90 days before the end of the then-current period.

XIII. PERSONS TO CONTACT

ED Contacts:

ED's Contact for Matching Agreement Issues

- A. Gerard Duffey, Management and Program Analyst
Wanamaker Building
U.S. Department of Education
Federal Student Aid
100 Penn Square East, Suite 509.B10
Philadelphia, PA 19107
Telephone: (215) 656-3249
Email: Gerard.Duffey@ed.gov

System Owner's Primary Representative

- B. Diana O'Hara
Business Technical Lead for CPS/System Owner
U.S. Department of Education
Production Division
830 First Street, NE, Room 41F2
Washington, DC 20202-5454
Telephone: (202) 377-3466
Email: Diana.OHara@ed.gov

ED Systems Security Contact List

- C. Nina Colon
CPS Primary Information System Security Officer
U.S. Department of Education
Federal Student Aid
Production Division
830 First Street, NE, Room 41B4
Washington, DC 20202-5454
Telephone: (202) 377-3384
Email: Nina.Colon@ed.gov

- D. ED Security Operations Center (EDSOC)
Telephone: (202) 245-6550
Email: EDCIRC@ed.gov

DOJ Contacts:

DOJ's contact for Matching Agreement Issues

- A. Maria A. Berry
Program Director
Denial of Federal Benefits Program
Bureau of Justice Assistance
810 7th Street, NW, 4th floor
Washington, DC 20531
Telephone: (202) 598-2000
Email: M.A.Berry@ojp.usdoj.gov

System Owner's Primary Representative

- B. Ms. Bryce Mitchell, Acting Director
Enterprise Application & Development Division
OJP Office of the Chief Information Officer
810 7th Street, NW, 2nd floor
Washington, DC 20531
Telephone: (202) 514-8667
Email: Bryce.Mitchell@ojp.usdoj.gov
- C. Bruce Whitlock, DFB System Owner
Enterprise Application & Development Division
OJP Office of the Chief Information Officer
810 Seventh Street, NW, 2nd Floor
Washington, DC 20531
Telephone: (202) 353-1551
Email: Bruce.W.Witlock@ojp.usdoj.gov

DFB/DPFD Security Contact List

- D. Matthew Coleman
IT Specialist, IT Security Risk Management
Information Technology Security Division
OJP Office of the Chief Information Officer
810 7th Street, NW, 2nd floor
Washington, DC 20531
Telephone: (202) 307-0707

Email: Matthew.Coleman@ojp.usdoj.gov

E. DOJ Incident Response
Ms. Jaime Noble
Division Director, ITSD
OJP Office of the Chief Information Officer
810 7th Street, NW, 2nd Floor
Washington, DC 20531
Telephone: (202) 616-3701
Email: Jaime.Noble@ojp.usdoj.gov

XIV. SIGNATURES

The undersigned are officials of DOJ and are authorized to represent the agency for purposes of this agreement.

MICHAEL
COSTIGAN

 Digitally signed by MICHAEL
COSTIGAN
Date: 2020.09.18 14:48:27 -04'00'


Michael Costigan
Acting Director
Bureau of Justice Assistance
U.S. Department of Justice

Date

DOJ's Data Integrity Board (DIB) has reviewed the CMA between ED and DOJ, including the justification in sections V and VI of the CMA for compression notice and waiting periods and the verification into a single period. The DIB's approval of this matching agreement constitutes its formal determination (as required by section 6.g. of the OMB Guidelines on the Conduct of Matching Programs, 54 FR 25818, 25826 (June 19, 1989)) that compression of these two due process steps is appropriate under the circumstances described in the matching agreement. Based on this review, the CMA is hereby approved.

APPROVED:

LEON
LOFTHUS

 Digitally signed by LEON
LOFTHUS
Date: 2020.10.08
16:10:42 -04'00'

Lee J. Lofthus
Chair, DOJ Data Integrity Board
U.S. Department of Justice

Date

The undersigned are officials of ED and are authorized to represent the agency for purposes of this agreement.

Mark Brown Digitally signed by Mark Brown
Date: 2020.09.10 16:14:13 -04'00'

Mark Brown
Chief Operating Officer
Federal Student Aid

Date

ED's DIB has reviewed this CMA between ED and DOJ, including the justification in sections V and VI of the CMA for compression of the notice and waiting periods and verification into a single period. The DIB's approval of this CMA constitutes its formal determination (as required by section 6.g. of the OMB Guidelines on the Conduct of Matching Programs, 54 FR. 25818, 25826 (June 19, 1989)) that compression of these two due process steps is appropriate under the circumstances described in the CMA. Based on this review, the CMA is hereby approved.

APPROVED:

Digitally signed by Kevin Herms

Kevin Herms Date: 2020.09.10 17:18:29

Kevin Herms
Senior Agency Official for Privacy
Chair, Data Integrity Board
U.S. Department of Education

Date

Attachment A: Cost-Benefit Analysis



Appendix A: Cost-Benefit Analysis: Matching Ineligible Students Identified by the Department of Justice with Title IV Applicants Award Year 2018-2019 Data

I. INTRODUCTION

The Department of Education (ED) processes all the Federal student assistance applications for postsecondary education through a contractor-operated automated system known as the Central Processing System (CPS) in a single location. ED processes over 18.5 million applications for Federal student financial assistance programs each award year under Title IV of the Higher Education Act of 1965, as amended, (HEA).

ED accesses the Department of Justice's (DOJ's) Denial of Federal Benefits and Defense Procurement Fraud Debarment Clearinghouse program (DFB/DPFD) database (formerly known as DEBARS) via their website to download a data file containing selected data elements as specified in the computer matching agreement with DOJ. The records from the DOJ database are loaded into the CPS and are matched against all Federal student assistance applications in the current application processing cycle. When the applicant data matches information from the DOJ system, ED provides written notification instructing the applicant to contact ED by phone and stating that, until contacted, the application cannot be processed further.

All the data for this cost/benefit analysis is based on the 24-month processing cycle of the Free Application for Federal Student Aid (FAFSA). For students applying for Federal student aid in the 2018-2019 Award Year (October 1, 2017–September 30, 2019), the actual processing of FAFSA applications began 9 months prior to the beginning of the award year and extended slightly past the end of the award year (for correction processing).

II. COSTS

A. ED's Central Processing System Costs

Every 4 to 6 weeks, ED loads into the CPS an updated DFB/DPFD data file from DOJ. This highly automated process takes approximately 30 minutes per month. The labor cost of the staff member is \$41.81 per hour.

.5 hours x 24 months = 12 hours

12 hours x \$41.81 = \$501.72 rounded to: \$502

The current DFB/DPFD data file is matched with each of the Title IV, HEA applications that are being processed during the monthly processing cycle.

- Computer processing cost per DFB/DPFD data file: \$10.25
- 21* DFB/DPFD data files processed @ \$10.25/file: \$ 215
*(104 weeks / 5 = 20.8 weeks, rounded to 21 weeks)

Total ED processing cost: \$ 717

B. ED Staff Costs

- Office of the General Counsel: \$111
- Integrity Board: \$939
- Federal Student Aid staff: \$386
- Office of Postsecondary Education staff: \$2,134

Total ED staff cost \$3,570

Total ED central processing system and staff costs (II.A. & B.): \$4,287

C. DOJ Staff Costs

The Office of Justice Programs (OJP) offices will spend approximately 5 hours each in reviewing and coordinating the computer matching agreement: the Office of the General Counsel; the Bureau of Justice Assistance (BJA); and the Office of the Chief Information Officer. The Management and Planning Staff and the Office of the General Counsel in the Justice Management Division (JMD), acting in support of the DOJ Data Integrity Board, will spend approximately 10 hours reviewing and processing the agreement, while the Board itself will spend approximately 5 hours in reading and approving the agreement.

- Coordination by BJA/DFB: 5 hrs x \$65 = \$325
- OJP General Counsel support: 5 hrs x \$72 = \$360
- OJP OCIO support: 5 hrs x \$63 = \$315
- JMD Staff support: 10 hrs x \$56 = \$560
- DOJ Data Integrity Board: 5 hrs x \$63 = \$315

Total DOJ staff cost: \$1,875

D. Total ED and DOJ Costs (II. A., B. & C.): \$6,162

III. BENEFITS

By matching the names and Social Security numbers from the DFB/DPFD system with Federal student financial assistance applicant records contained in ED’s CPS, ED is able to identify students who do not qualify for Federal student financial assistance based on the provisions set forth in 21 U.S.C. §862 (a)(1). Thus, ED will avoid the cost of disbursing Title IV, HEA Federal

student financial assistance funds to individuals who do not qualify for Federal student financial assistance, but who would have otherwise received aid had the match not existed. For the 2018-2019 award cycle 69 records were flagged as a result of the records match. Consequently, 69 records were identified by the match as ineligible for Title IV, HEA Federal student financial assistance. The average estimated Title IV, HEA Federal student financial assistance received for 2019 fiscal year shows a mean Federal Pell Grant of \$4,233, Federal subsidized loan of \$3,508, and Federal unsubsidized loan of \$3,678. The government’s cost avoidance on the loan portions of the Federal student financial assistance funds is based on the subsidy cost to the Government of the loans. The President’s proposed budget for 2021 estimates subsidy rates of 10.84% for subsidized loans and -3.22% for undergraduate unsubsidized loans, the cost avoidance per borrower for a subsidized loan is \$380 (10.84 x \$3,508) and for unsubsidized loans is -\$118 (-3.22% x \$3,678).

Therefore, the cost avoidance savings amount of \$4,495 (\$4,233 + 380 – 118) of Federal student financial assistance per applicant would be available for disbursement to other eligible Title IV, HEA student financial assistance applicants. The estimated total amount of Title IV, HEA Federal student financial assistance funds not disbursed (i.e., cost avoidance) due to the match is calculated as follows:

Average Title IV cost per recipient	\$4,495
Estimated total number of records flagged and not removed from drug abuse hold file	<u>x 69</u>
Total cost avoidance	\$310,155

IV. COST-BENEFIT RATIO

The ratio of total costs to total benefits is the total costs divided by the total benefits:

Total cost:	\$6,162
Total benefits:	\$310,155
Ratio:	0.020