

**Supporting Statement for SSA-308
Modified Benefit Formula Questionnaire—Foreign Pension
OMB No. 0960-0561**

A. Justification

1. A modified benefit formula is used to compute U.S. Social Security benefits for persons entitled to both a pension or annuity based on employment after 1956 not covered by U.S. Social Security and a U.S. Social Security retirement or disability insurance benefit. Non-covered pensions include government or private pensions or annuities based on employment in other countries. *Section 215(a)(7)* of the *Social Security Act* requires that a special benefit formula be used in certain circumstances when the retired or disabled beneficiary receives both a non-covered pension and a U.S. Social Security benefit.
2. The information obtained by use of the form is used by the Social Security Administration (SSA) to determine exactly how much (if any) of the foreign pension may be used to reduce the amount of the Social Security retirement or disability benefit under the modified benefit formula. Respondents are applicants for Old Age Survivors and Disability Insurance benefits.
3. SSA is unable to make this form available over the Internet at this time due to the low volume of respondents for the form in relation to other higher volume forms (such as Medicare). The Administration must prioritize collections with respect to the standards dictated by statutory law, the volume of respondents and a consideration of limited budgetary resources. While the information collected is mandated by statutory law, the numbers of respondents are significantly lower than many other collection instruments designated for electronic implementation. Therefore, this form is not currently scheduled for electronic implementation.
4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. This collection does not have a significant impact on a substantial number of small businesses or other small entities.
6. If this information were not collected, SSA would not be able to bring together the necessary information regarding non-covered foreign pensions from beneficiaries living outside the United States required in order to impose the appropriate amount of windfall offset to Social Security benefits according to the law. Because this information is only collected on an as needed basis, it cannot be conducted less frequently. There are no technical or legal obstacles that prevent burden reduction.

7. There are no special circumstances that would cause an information collection to be conducted inconsistently with 5 CFR 1320.
8. The 60-day advance Federal Register Notice was published on February 14, 2007 at 72 FR 7107, and SSA has received no public comments. The second Notice was published on April 23, 2007, at 72 FR 20154. There have been no outside consultations with members of the public.
9. SSA provides no payment or gifts to the respondents.
10. The information provided on this form is protected and held confidential in accordance with 41 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. (Privacy Act), and OMB Circular No. A-130.
11. The information collection does not contain any questions of a sensitive nature.
12. Approximately 50,000 respondents per year will use the form SSA-308. SSA estimates that the burden time is about 10 minutes per response. This results in a total of 8,333 burden hours. The total burden is reflected as burden hours and no separate cost burden has been calculated.
13. There is no known cost burden to respondents.
14. The annual cost to the Federal Government is approximately \$77,000. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information
15. There are no changes in the public reporting burden.
16. The results of the collection of this information will not be published.
17. OMB has granted SSA an exemption from the requirements to print the OMB expiration date on its forms. SSA produces millions of public use forms, many of which have a life cycle longer than that of an OMB clearance. SSA does not periodically (e.g., on an annual basis) revise and reprint its public-use forms. This exemption was granted to avoid confusion by having in circulation otherwise useable additions of forms obsolete only because the expiration date had been reached. In addition, government waste has been avoided because stocks of forms would not have to be destroyed and reprinted.
18. SSA is not requesting an exception to the certification requirements. Please note, however, that statistical survey methodology is not used for this information collection.

B. Collections of Information Employing Statistical Methods

Statistical methods for the collection of information are not used.