

**Supporting Statement for Form SSA-3885**  
**Government Pension Questionnaire**  
**20 CFR 404.408a**  
**OMB No. 0960-0160**

**A. Justification**

1. Sections 202(b)(2), (c)(2), (e)(7) and (f)(2) of the *Social Security Act* (as codified in 20 *CFR 404.408a* of the *Code of Federal Regulations*) mandate that someone who is concurrently receiving spouse's or surviving spousal benefits and a Government pension based on non-Social Security covered earnings may have the benefit amount reduced by two-thirds of the amount of the Government Pension Offset (GPO) provision. Form SSA-3885, the Government Pension Questionnaire, is the instrument the Social Security Administration (SSA) uses to document such cases.
2. The basic Social Security benefits application forms (cleared under OMB No. 0960-0618) contain a lead question which asks whether the applicant is qualified (or will qualify) to receive a Government pension. If the answer is "yes," the applicant completes form SSA-3885 (either on paper or through an SSA claims representative during a personal in-office interview). SSA uses the information to determine whether the individual's Social Security benefit will be reduced, the amount of the reduction, the effective date of the reduction, and whether one of the exceptions in 20 *CFR 404.408a* applies.

For in-office Modernized Claims System (MCS) applications, the beneficiary provides the information verbally to the SSA CR, who inputs the data directly into the system. The CR prints the application for the beneficiary to verify and sign. When a Social Security beneficiary applies for Social Security benefits and is not entitled to receive a Government pension at that time, the Government pension information must be provided at a later time. Form SSA-3885 is mailed to the individual just prior to the date the claimant indicated that the pension would have been received. The individual may choose to visit the Social Security office to provide this information or mail the completed form to SSA.

It is estimated that less than half of the individuals who are affected by GPO are not entitled to the Government pension at the time they apply for Social Security benefits.

3. The information is collected electronically through our MCS system for about 60 percent of the respondents.
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 impact small businesses or other small entities.

6. This information collection must take place when the applicant is entitled to and receives a Government pension. The information collection could not be conducted less frequently because incorrect payments to beneficiaries could result. There are no technical or legal obstacles that prevent burden reduction.
7. There are no special circumstances that would cause this information collection to be conducted in a manner that is not consistent with 5 CFR 1320.5.
8. SSA published the 60-day advance Federal Register Notice on March 26, 2008, at 73 FR 16087, and SSA has received no public comments. SSA published the 30-day Federal Register Notice on May 28, 2008 at 73 FR 30656. If SSA receives any public comments in response to the second Notice, we will forward them to OMB. There have been no outside consultations with members of the public.
9. SSA provides no payment or gifts to the respondents.
10. The information requested is protected and held confidential in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C. 552a (Privacy Act of 1974) and OMB Circular No. A-130.
11. The information collection does not contain any questions of a sensitive nature.
12. Form SSA-3885 is used by 30,000 respondents annually. CR's ask similar questions during personal interviews with 46,000 respondents annually, resulting in a total of 76,000 respondents annually. The estimated response time is 12.5 minutes, for a total of 15,833 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 the respondents.
14. The annual cost to the Federal Government is approximately \$46,200. 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 information collection will not be published.
17. OMB has granted SSA an exemption from the requirement that the expiration date for OMB approval be printed on its program forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). This exemption was granted so that otherwise useable editions of forms would not be taken

out of circulation because the expiration date had been reached. In addition, Government waste has been avoided because stocks of forms will not have to be destroyed and reprinted.

18. SSA is not requesting an exception to the certification requirements at 5 CFR 1320.9 and related provisions at 5 CFR 1320.8(b)(3).

B. **Collections of Information Employing Statistical Methods**

Statistical methods are not used for this information collection.