

Supporting Statement for Form SSA-L4163
Agency/Employer Government Pension Offset Questionnaire
20 CFR 404.408(a)
OMB No. 0960-0470

A. Justification

- 1. Introduction/Authoring Laws and Regulations** - Section 202(k), (5) of the *Social Security Act* (as codified in 20 CFR 404.408(a) of the *Code of Federal Regulations*) mandates that the Social Security Administration (SSA) reduce a spouse or surviving spouse's Social Security benefit when the spouse also receives a government pension based on employment not covered by Social Security. SSA may reduce the Social Security benefit by two-thirds of the amount of the non-covered government pension. This process is known as the Government Pension Offset (GPO).
- 2. Description of the Collection** – SSA uses Form SSA-4163, Employer Questionnaire, to collect information from an employer or a pension payer to determine whether to apply the GPO to the Social Security benefit. The Social Security application for benefits contains a lead question asking whether a claimant qualifies for a government pension. If the answer is "yes," we ask the claimant for pension eligibility information. When a claimant does not have the information necessary to compute the GPO, and when the pension payer or government agency does not provide the claimant with this data, we send Form SSA-L4163 to the pension payer to collect the information we need to determine if the GPO applies. We collect this information as necessary whenever the claimant qualifies for a government pension. The completion of this form by the respondent is voluntary. The respondents are government employers or pension payers.
- 3. Use of Information Technology to Collect the Information** - Under the Government Paperwork Elimination Act, SSA is not scheduling Form SSA-L 4163 for electronic implementation due to its low volume of use.
- 4. Why We Cannot Use Duplicate Information** - The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to obtain similar data.
- 5. Minimizing Burden on Small Respondents** - This collection does not affect small businesses or other small entities.
- 6. Consequence of Not Collecting Information or Collecting it Less Frequently** - If we did not use the SSA-L4163, SSA would be unable to determine the GPO and pay the correct Social Security benefit for claimants whose pension-paying agency did not

provide them with the necessary requested information. This could result in an overpayment or underpayment of Social Security benefits to the claimant. Since we use this letter only when this situation occurs, we cannot collect the information less frequently. There are no technical or legal obstacles to burden reduction.

7. **Special Circumstances** - There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 *CFR* 1320.5.
8. **Solicitation of Public Comment and Other Consultations with the Public** - SSA published the 60-day advance Federal Register Notice on March 20, 2013 at 78 FR 17276, and we received no public comments. We published the 30-day Notice on May 30, 2013 at 78 FR 32527. If we receive any public comments, we will forward them to OMB. There have been no outside consultations with members of the public.
9. **Payment of Gifts to Respondents** - SSA does not provide payments or gifts to the respondents.
10. **Assurances of Confidentiality** - SSA protects and holds confidential the information it collects 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. **Justification for Sensitive Questions** - This information collection does not contain any questions of a sensitive nature.
12. **Estimates of Public Reporting Burden** - Approximately 1,000 respondents take 3 minutes each to complete Form SSA-L4163 annually. Accordingly, the burden is 50 hours. This figure represents burden hours, and we did not calculate a separate cost burden.
13. **Annual Cost to the Respondents** - This collection does not impose a known cost burden on the respondents.
14. **Annual Cost to the Federal Government** - The annual cost to the Federal Government is approximately \$231,000. This estimate is a projection of the costs for collecting and processing the information.
15. **Program Changes or Adjustments to the Information Collection Request** - There are no changes to the public reporting burden.

16. Plans for Publication Information Collection Results - SSA will not publish the results of the information collection.

17. Displaying the OMB Approval Expiration Date - OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms, (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise usable forms with expired OMB approval dates, avoiding Government waste.

18. Exemption to Certification Statement - SSA is not requesting an exception to the certification requirements at *5 CFR 1320.9* and related provisions at *5 CFR 1320.9(b)(3)*.

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.