

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

A. Justification

1. Introduction/Authoring Law and Regulations

Section 202(k)(5) of the *Social Security Act (Act)* (as codified in 20 CFR 404.408a of the *Code of Federal Regulations*) mandates that a spouse's or surviving spouse's Social Security benefits decrease when the spouse is concurrently receiving a government pension based on employment not covered by Social Security. The Social Security Administration (SSA) may reduce the benefit by two-thirds of the amount of the non-covered government pension under the Act's Government Pension Offset (GPO) provision. SSA uses Form SSA-3885, Government Pension Questionnaire, to document such cases. The respondents are applicants for a spouse's Social Security benefits or beneficiaries who receive spouse's benefits.

2. Description of Collection

The basic Social Security benefits application form (cleared under OMB No. 0960-0618) contains a lead question asking whether the applicant is qualified (or will qualify) to receive a government pension. If the respondent is qualified, or will qualify, to receive a government pension, the applicant completes Form SSA-3885 either on paper or through a personal interview with an SSA claims representative (CR). If the applicants are not entitled to receive a government pension at the time they apply for Social Security benefits, SSA requires them to provide the government pension information as beneficiaries when they become eligible to receive their pensions. Regardless of the timing, at some point the applicants or beneficiaries must complete and sign Form SSA-3885 to report information about their government pensions before the pensions begin.

SSA uses the information to: (1) determine whether the Government Pension Offset provision applies; (2) identify exceptions as stated in 20 CFR 404.408a; and (3) determine the benefit reduction amount and effective date. If the applicants and beneficiaries do not respond using this questionnaire, SSA offsets their entire benefit amount. For the modernized claims system (MCS) application, the beneficiary provides the information verbally to the SSA CR, who inputs the information directly into the MCS application. The CR prints the MCS application for the beneficiary to verify and sign. When a Social Security claimant applies for Social Security benefits and is not entitled to receive a government pension at that time, they must provide the government pension information later. The respondents are applicants or recipients of spousal benefits who are eligible for or already receiving a Government pension.

3. Use of Information Technology to Collect the Information

In accordance with the agency's Government Paperwork Elimination Act plan, SSA collects the information requested on the SSA-3885 on the MCS screens. SSA estimates that about 60 percent of the claimants under this information collection request provide

the information through a personal interview with a CR who completes the MCS screens. We also make the form available to the public as a printable PDF through SSA's website.

4. Why We Cannot Use Duplicate Information

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 collect the information, we would be unable to prevent incorrect Social Security benefits for a spouse or surviving spouse; we would be in violation of Section 202(k)(5) of the *Act*, and regulations at 20 *CFR* 404.408a. Since we collect this information only once, we cannot collect it 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

The 60-day advance Federal Register Notice published on January 7, 2014, at 79 FR 889, and we received no public comments. SSA published the second Notice on March 28, 2014, at 79 FR 17632. If we receive comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information 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

The information collection does not contain any questions of a sensitive nature.

12. Estimates of Public Reporting Burden

Approximately 76,000 respondents take approximately 13 minutes each to complete Form SSA-3885 each year. Accordingly, the total burden is 16,467 hours. The total burden reflects 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 \$49,852. This estimate is a projection of the costs for printing and distributing the collection instrument.

15. Program Changes or Adjustments to the Information Collecting Request

The increase in burden is due to a slight increase in the burden per response from 12.5 to 13 minutes. We increased to 13 minutes as SSA tries not to use fractions of minutes within our time estimates; however, the burden on the public has not changed.

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 has 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 useable forms with expired OMB approval dates, avoiding Government waste.

18. Exceptions to Certification Statement

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

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.