

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

A. Justification

1. Introduction/Authoring Laws and Regulations

SSA uses a modified benefit formula to compute U.S. Social Security benefits for persons entitled to both 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 (the Act) requires that SSA use a special benefit formula in certain circumstances when the retired or disabled beneficiary receives both a non-covered pension and a U.S. Social Security benefit.

2. Description of Collection

SSA uses the information from Form SSA-308 to determine exactly how much (if any) of a foreign pension may be used to reduce the amount of title II Social Security retirement or disability benefits under the modified benefit formula. The respondents are applicants for title II Social Security or disability benefits who have foreign pensions.

The respondents complete Form SSA-308 if they indicate they will be receiving a foreign pension during the initial claim process. If the claimant later receives a foreign pension, it is their responsibility to notify SSA, and complete the SSA-308.

As part of the Greenberg lawsuit, SSA will use the information Form SSA-308 collects to determine whether a Class member is eligible for relief and to calculate the accurate amount of past-due benefits or payments to which the Class member may be entitled.

3. Use of Information Technology to Collect the Information

SSA did not create an electronic version of form SSA-308 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 13,452 respondents complete the form. This is less than the GPEA cut-off of 50,000.

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 significantly affect small businesses or other small entities.

6. **Consequence of Not Collecting Information or Collecting it Less Frequently**
If we did not use Form SSA-308, we would not be able to determine exactly how much (if any) of a foreign pension may be used to reduce the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. Because we only collect this information on an as needed basis, we cannot conduct the collection 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 October 31, 2014, at 79 FR 64872, and we received no public comments. The 30-day FRN published on January 23, 2015 at 80 FR 3713. If we receive any comments in response to this Notice, we will forward them to OMB.

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

12. **Estimates of Public Reporting Burden**

Modality of Completion	Number of Responses	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-308	13,452	1	10	2,242
Greenberg cases	1,666	1	60	1,666
Totals	15,118			3,908

The total burden for this ICR is 3,908 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

13. **Annual Cost to the Respondents (Other)**

This collection does not impose a known cost burden on the respondents.

14. **Annual Cost To Federal Government**

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. **Program Changes or Adjustments to the Information Collection Request**

There has been an increase in burden hours. This change stems from adding phone interviews for the foreign pension class members phone interviews to the collection.

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 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.