

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

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

The Social Security Administration (SSA) uses a modified benefit formula to compute U.S. Social Security benefits for people entitled to both a pension or annuity based on employment after 1956 not covered by U.S. Social Security, i.e., a ‘non-covered’ pension, and a U.S. Social Security retirement or disability insurance benefit. Non-covered pensions include foreign government or private pensions, or annuities based on work in other countries. Sections 215(a)(7) and (d)(3) of the *Social Security Act (Act)* requires SSA to 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. Sections 205(a) and (c) of the *Act* authorize the solicitation and collection of evidence to establish the right to benefits.

**2. Description of Collection**

SSA uses the information collected on Form SSA-308 to determine exactly how much (if any) of a foreign pension we may use to reduce the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. Respondents complete Form SSA-308 during the initial claims process if they indicate they will receive a foreign pension. A claimant who later receives a foreign pension must notify SSA and complete the SSA-308 again. As part of the *Greenberg vs Colvin* Class Action lawsuit settlement, SSA uses the information from Form SSA-308 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. The respondents are applicants for Title II Social Security or disability benefits who are first eligible for a foreign pension after 1985, and who are entitled, or will be entitled, to a foreign pension based on an application filed with the appropriate foreign agency or employer.

**3. Use of Information Technology to Collect the Information**

Form SSA-308 is available as a fillable print-only PDF on SSA’s website. SSA did not create an electronic version of Form SSA-308 under the agency’s Government Paperwork Elimination Act (GPEA) plan because only 2,709 respondents complete the form annually. This is less than the GPEA plan cut-off of 50,000.

**4. Why We Cannot Use Duplicate Information**

The nature of the information we collect and the manner in which we collect 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 SSA did not use Form SSA-308, we would not be able to determine exactly how much (if any) of a foreign pension we may use to reduce the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. Because we only collect the information on an as needed basis, 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 November 9, 2017, at 82 FR 52088, and we received no public comments. The 30-day FRN published on January 12, 2018 at 83 FR 1651. 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**

<b>Modality of Completion</b>	<b>Number of Responses</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>
SSA-308	2,426	1	10	404
Greenberg Cases	283	1	60	283
<b>Totals</b>	<b>2,709</b>			<b>687</b>

The total burden for this ICR is **687** hours. We based these figures on current management information data. 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 \$28,566. This estimate accounts for costs from the following areas: (1) designing the form; and (2) SSA employee (e.g., field office, 800 number, DDS staff) information collection and processing time.

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

The decrease in burden hours stems from a decrease in the use of Form SSA-308 in initial claims, because we enter the information directly into the Modernized Claims System (MCS) during initial claims interviews.

The Greenberg vs Colvin Class Action lawsuit settlement effective April 8, 2015, required the settlement class members to contact SSA to be eligible to receive a payment by June 22, 2017. This explains the reduction in the number of Greenberg Case SSA-308 respondents.

**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.