

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 Law and Regulations

Section 202(k)(5) of the *Social Security Act (Act)*, as codified in 20 CFR 404.408(a) of the *Code of Federal Regulations*, mandates the Social Security Administration (SSA) to reduce a spouse's or surviving spouse's Social Security benefits when the spouse also receives a government pension based on employment not covered by Social Security. 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-L4163, Agency/Employer Government Pension Offset Questionnaire, to secure and provide pension evidence from the pension paying agency/employer.

2. Description of Collection

When an individual is concurrently receiving Social Security spousal, or surviving spousal, benefits, and a government pension (Federal, State, or Local), the individual may have the amount of Social Security benefits reduced by the government pension amount. This is the Government Pension Offset (GPO). SSA asks all beneficiaries about their history with non-covered pensions during an initial claim, as part of the process, and on a post entitlement basis. In addition, we inform the beneficiary at the initial claim that it is their responsibility to notify SSA if they should receive a pension in the future. Once the beneficiary notifies SSA they received a pension the beneficiary either provides sufficient evidence, or SSA secures it from the employer, by mailing them the Form SSA-L4163. Form SSA-L4163 serves as an opportunity for SSA to try to obtain pension information on behalf of the beneficiary; however, it's the beneficiary's responsibility to provide the information to SSA, but SSA's responsibility to help and provide assistance. SSA mails the SSA-L4163 to the respondent with a prepaid envelope to send back to SSA, the respondents never submits Form SSA-L4163 in person. SSA uses Form SSA-L4613 as a source of evidence when the respondent submits it. The beneficiary may have sufficient information for the form, but not have the evidence necessary to support it. In addition, we do not require respondents to use the SSA-L4613, for instance, SSA can accept a pension award letter as acceptable stand-alone evidence, with no need for the respondent to also include the SSA-L4163. SSA uses the SSA-L4163 form only when (1) the beneficiary does not have the information; and (2) the pension-paying agency has not cooperated with the beneficiary by returning Form SSA-L4163 to SSA, or if

the information we receive from the pension payer is incomplete. In addition, the SSA-L4163 is not necessarily a sign that the pension paying agency has not cooperated with the beneficiary, as SSA does not know how far the beneficiary pushed to get the information, or if they are taking the proper channels to obtain the information. SSA only knows the beneficiary informed SSA they have a non-covered pension, and experienced difficulty obtaining proof. SSA requires the information to perform offset, or to rule out offset. The respondents are government agencies, which have information SSA needs to determine if the GPO applies, and, if so, the amount of offset.

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

An SSA technician prints and mails the SSA-L4163 to the respondent with a prepaid envelope to send back to SSA, the respondents never submits Form SSA-L4163 in person. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. Given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle. In the interim, we evaluated this collection for conversion to a submittable PDF and intend to make this conversion within the next 3-6 years. Once we have the submittable PDF ready for implementation, we will submit a Change Request to OMB for prior approval.

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 significantly 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 beneficiaries who are unable to provide the agency with the necessary requested information. This could result in an overpayment or underpayment of Social Security benefits to the beneficiary. Because we collect the information on an as needed basis, 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**

The 60-day advance Federal Register Notice published on June 30, 2022, at 87 FR 39153, and we received no public comments. The 30-day FRN published on September 20, 2022, at 87 FR 57551. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

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**

| Modality of Completion | Number of Respondents | Frequency of Response | Average Burden Per Response (minutes) | Estimated Total Annual Burden (hours) | Average Theoretical Hourly Cost Amount (dollars)* | Total Annual Opportunity Cost (dollars)** |
|-------------------------------|------------------------------|------------------------------|--|--|--|--|
| SSA-L4163 (mail only) | 2,911 | 1 | 10 | 485 | \$21.13* | \$10,248*** |

* We based this figure on the median hourly salary of State Agencies Information and Record Clerks hourly wages, as reported by Bureau of Labor Statistics data (<https://www.bls.gov/oes/current/oes434199.htm>).

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

We base our burden estimates on current management information data, which

includes data from actual submissions, as well as from years of conducting this information collection. Per our management information data, we believe that **10** minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **485** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$10,248**. SSA does not charge respondents to complete our applications.

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 \$8,541. This estimate accounts for costs from the following areas:

| Description of Cost Factor | Methodology for Estimating Cost | Cost in Dollars* |
|---|--|-------------------------|
| Designing and Printing the Form | Design Cost + Printing Cost | \$235 |
| Distributing, Shipping, and Material Costs for the Form | Distribution + Shipping + Material Cost | \$1,601 |
| SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time | GS-9 employee x # of responses x processing time | \$3,285 |
| Full-Time Equivalent Costs | Out of pocket costs + Other expenses for providing this service | \$0* |
| Systems Development, Updating, and Maintenance | GS-9 employee x man hours for development, updating, maintenance | \$3,420 |
| Quantifiable IT Costs | Any additional IT costs | \$0* |
| Total | | \$8,541 |

* We have inserted a \$0 amount for cost factors that do not apply to this collection.

SSA is unable to break down the costs to the Federal government further than we already have. In addition, it is difficult for us to break down the cost for processing a single form, as government agencies fill out the form, and the time it

takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections

15. **Program Changes or Adjustments to the Information Collection Request**
When we last cleared this IC in 2019, the burden was 146 hours. However, we are currently reporting a burden of 485 hours. This change stems from an increase in the completion time from 3 minutes to 10 minutes, which includes the time to read the directions, gather information, and complete the form based on our current management information data.
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.