

**2Supporting Statement for SSA-308 Form Number
Modified Benefit Formula Questionnaire
OMB No. 0960-0561**

A. Justification

1. Introduction/Authoring Laws and Regulations

The Social Security Administration (SSA) applies the Windfall Elimination Provision (WEP), a modified benefit formula used 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). A non-covered pension is a pension paid by an employer that does not withhold Social Security taxes from the employee’s salaries; these are typically, state and local governments or foreign country employers. 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 employees use 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 WEP, a modified benefit formula. Respondents should complete Form SSA-308 during the initial claims process, (conducted by in-person or telephone interview) 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. 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. Respondents need foreign pension information to complete the form.

3. Use of Information Technology to Collect the Information

Form SSA-308 is available as a fillable print-only PDF on SSA’s website. If the respondent has pension information readily available during the interview, The CS enters the information directly into the Modernized Claims System (MCS). If the respondent does not have the pension information available during the interview, we ask them to complete the SSA-308 and return it to us. SSA estimates that approximately 45 percent of respondents submit information orally during the personal interview. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. As per our 4/3/20 conversation with OIRA, we

welcome OIRA to join our conversations with OMB on IT Mods; however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular ICR available via the Internet. We will convert existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this unconnected to the PRA approval lifecycle.

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 January 28, 2021, at 86 FR 7446, and we received no public comments. The 30-day FRN published on X at X. 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.

Correction Notice: The first Federal Register Notice shows incorrect burden information for the SSA-308. We have corrected for this in the second Notice, in #12 below and on ROCIS.
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 Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Average Wait Time in Field Office (minutes)**	Total Annual Opportunity Cost (dollars)***
SSA-308	2,465	1	10	411	\$10.73*	24**	\$4,410

* We based this figure on averaging both the average DI payments based on SSA's current FY 2020 data (<https://www.ssa.gov/legislation/2020Fact%20Sheet.pdf>), and the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (https://www.bls.gov/oes/current/oes_nat.htm).

** We based this figure on the average FY 2020 wait times for field offices, based on SSA's current management information data.

*** 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.**

In addition, OMB's Office of Information and Regulatory Affairs is requiring SSA to use a rough estimate of a 30-minute, one-way, drive time in our calculations of the time burden for this collection. OIRA based their estimation on a spatial analysis of SSA's current field office locations and the location of the average population centers based on census tract information, which likely represents a 13.97-mile driving distance for one-way travel. We depict this on the chart below:

Total Number of Respondents Who Visit a Field Office	Frequency of Response	Average One-Way Travel Time to a Field Office (minutes)	Estimated Total Travel Time to a Field Office (hours)	Total Annual Opportunity Cost for Travel Time (dollars)****
2,465	1	30	1,233	\$13,230

The total burden for this ICR is **2,465** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$17,640**. SSA does not charge respondents to complete our applications.

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 **\$1,391,069**. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing, Printing, and Distributing the Form	Design Cost + Printing Cost + Distribution Cost	\$350
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$22,719
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$1,368,000
Total		\$1,391,069

* 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. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. In addition, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, 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 2018, the burden was 60 hours for Greenberg cases. However, we are currently reporting a burden of 0 hours for Greenberg cases, as the Greenberg cases are no longer involved in this calculation. For the cost to the Federal Government, we used the salary of a GS-11 in the last report; however, we have corrected that to a GS-9 employee’s salary. There is no change to the burden time per response. Although the number of responses changed, SSA did not take any actions to cause this change. We are also including the 30 minute travel time in our burden estimate reported above, which increased the burden information accordingly. These figures represent 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**
We are required to inform respondents of the OMB approval expiration date. However, due to practical considerations this is not always feasible. 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.