

**Justification for Non-Substantive Changes for Form SSA-308
Modified Benefit Formula Questionnaire – Foreign Pension
20 CFR 404.213 and 404.243
OMB No. 0960-0561**

Background

As part of the IT Modernization project, the Social Security Administration (SSA) created the Consolidated Claims Experience (CCE) System which will serve as a new collection tool for different Information Collections (ICs) for Title II benefits. 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)* require 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. SSA employees use the information collected from 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. We are making the following changes to this IC.

Revisions to the SSA-308:

- **Change #1:** We are adding a new question to record the month when the foreign pension began and ended.

Justification #1: We will collect this information from individuals who indicate that they are entitled to a foreign pension based on non-covered employment. We need this information to determine when to start and stop applying the WEP to the individual’s benefit amount.

Change #2: We are adding CCE as a new collection tool to collect the information electronically and during the retirement interview process.

Justification #2: Adding this new collection tool allows technicians to collect and store the information electronically instead of using the paper modality.

SSA will implement the changes to this IC upon OMB approval.

These updates do not affect the reported public burden as we are collecting the same data reported in already approved Information Collections (ICs).