**Justification for Non-Substantive Changes for Form SSA-5-BK**

**Application for Mother’s or Father’s Insurance Benefits**

**20 CFR 404.339-404.342, 20 CFR 404.601-404.603**

**OMB No. 0960-0003**

**Background**

Section *202(g)* of the *Social Security Act (Act)* provides for the payment of monthly benefits to the widow or widower of an insured individual if the surviving spouse is caring for a child of the deceased worker who is entitled to Social Security benefits. The regulatory requirements for implementing section *202(g)* ofthe *Act* are set forth in *20 CFR 404.339 - 404.342* and *20 CFR 404.601 - 404.603* of the *Code of Federal Regulations.* Sections *202, 205, 223, 226,* and *806* of the *Act*, as amended, allow us to collect this information.

On January 5, 2025, Congress signed the Social Security Fairness Act of 2023 (SSFA), which repealed the WEP and Government Pension Offset (GPO) provisions for benefits payable for months after December 2023. Therefore, SSA will no longer collect pension information for individuals due Social Security benefits for January 2024 and thereafter. We are making the following modifications to the paper version of the SSA-5 to remove the pension questions. In addition, in support to the President’s Executive Order (EO) on Defending Women, we are removing questions about sex that are not required to determine eligibility of benefits.

**Paper Form – SSA-5**

* **Change #1:** We are moving the question #1(b) which indicates if the deceased is male or female.

**Justification #1:** We are making this change to align with the President’s executive order on Defending Women. This data field is not required to determine benefit eligibility. This data field was already removed from other benefit application forms.

* **Change #2:** We are removing question number 17 (a) and (b):
* #17 (a) “Have you qualified for, or do you expect to qualify for a pension or annuity (or lump sum in place of a pension or annuity) based on your own employment and earnings for the Federal Government of the United States, or one of its States or local subdivisions that was not covered under Social Security? (Social Security benefits are not government pensions);
* #17 (b) “Check a box -if:
  + I received a government pension or annuity,
  + I received a lump sum in place of a government pension or annuity,
  + I applied for and am awaiting a decision on my pension or lump sum,

**Justification #2:** We are removing the questions as they are no longer needed based on the implementation of the Social Security Fairness Act (SSFA) which repeals the offset provisions for pensions benefits payable for months after December 2023.

SSA will implement the changes to this IC upon OMB approval. We do not expect this revision will affect the overall current burden for this information collection, as our current Management Information data shows that the questions we are removing currently take less than one minute to complete.