

Supporting Statement for Form SSA-3885
Government Pension Questionnaire
20 CFR 404.408
OMB No. 0960-0160

Background

Section 202(k)(5) of the *Social Security Act (Act)* as codified in 20 CFR 404.408a 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 Federal, State or local government pension based on employment not covered by Social Security. SSA may reduce the benefits by two-thirds of the amount of the non-covered government pension under the Act's Government Pension Offset (GPO) provision. SSA uses the form SSA-3885 as an Information Collection (IC) tool to gather the necessary information to determine the correct computing formula to calculate the benefits for these claimants.

On January 5, 2025, Congress signed the Social Security Fairness Act of 2023 (SSFA), which repealed the Windfall Elimination Provision (WEP) and GPO provisions for benefits payable for months after December 2023.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.

SSA will continue to collect pension information for individuals who are due benefits prior to January 2024. Therefore, we are making some modifications to the paper version of the SSA-3885 to properly reflect the SSFA changes. This request outlines the following modifications to this IC.

Paper Form SSA-3885:

- **Change #1:** We are adding the following banner language underneath the form title:
"Complete this form only if you received a non-covered pension prior to January 2024."

Justification #1: We are adding the language to ensure SSA only collects information from individuals who are due benefits prior to January 2024.

SSA will implement these revisions upon OMB approval. We do not expect these revisions will affect the overall current burden for this information collection.