

Supporting Statement for Form SSA-7104
Partnership Questionnaire
20 CFR, Subpart K, 404.1080-.1082(e)
OMB No. 0960-0025

A. Justification

1. *Section 202(b) (1)* of the *Social Security Act (the Act)* directs the Commissioner of Social Security to "... make findings of fact, and decisions as to the rights of any individuals applying for a payment under this title." *Section 205(c) (2) (A)* of the *Act* requires the Commissioner to "establish and maintain records of ... the individual ..." In 20 CFR 404.1080-404.1082(e), of the Code of Federal Regulations (CFR), defines the partnership income that is countable for insured status.
2. The Social Security Administration (SSA) uses Form SSA-7104 to establish several aspects of eligibility for benefits, including accuracy of reported partnership earnings, the veracity of a retirement, and lag earnings where SSA needs this information to determine an insurer's status. The respondents are applicants for old age and disability benefits who are reporting partnership earnings.
3. This form is available for public use as an on-line portable document format (PDF) which can be printed, filled out, and sent in to SSA for processing. SSA has not scheduled this form for electronic implementation due to the low volume of usage and the agency's limited resources.
4. The nature of the information being collected and the manner in which it is collected preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. The collection does not have a significant impact on a substantial number of small businesses or other small entities.
6. If SSA did not collect the information, the agency may not be able to make proper eligibility determinations, and incorrect payments to beneficiaries may occur. SSA cannot collect this information less frequently, because information collection is on an as needed basis. There are no technical or legal obstacles preventing burden reduction.
7. There are no special circumstances that would cause SSA to collect this information in a manner inconsistent with 5 CFR.1320.5.

8. SSA published the 60-day advance Federal Register Notice on December 11, 2008 at 73 FR 75489, we received no public comments. We published the 30-day Federal Register Notice on March 19, 2009 at 74 FR 11804. If we receive any public comments in response to the 30-day Notice, we will forward them to OMB. There have been no outside consultations with members of the public.
9. SSA provides no payments or gifts to the respondents.
10. The information requested is protected and held confidential 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. The information collection does not contain any questions of a sensitive nature.
12. Form SSA-7104 will be used by approximately 12,350 respondents annually. The estimated average response time is 30 minutes, for a total of 6,175-burden hours. The total burden represents burden hours, and SSA did not calculate a separate cost burden.
13. There is no known cost burden to the respondents.
14. A paper copy of this form is no longer printed. Only an automated version of the form is used. Therefore, the estimated cost to the Federal government to collect the information is now negligible. Because the cost of maintaining the system which collects this information is accounted for within the cost of maintaining all of SSA's automated systems, it is not possible to calculate the cost associated with just one internet application.
15. There are no changes in the public reporting burden.
16. SSA will not publish the results of the information collection.
17. OMB exempted SSA from publishing the expiration date for OMB approval on its forms. SSA produces millions of public-use forms, many of which have a life cycle longer than that of an OMB clearance. SSA does not periodically revise and reprint its public-use forms, (e.g., on an annual basis). OMB granted this exemption so that SSA would not have to stop using otherwise useable editions of forms with outdated expiration dates. In addition, we avoid government waste because we do not have to destroy and reprint stocks of forms.
18. 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.