

SUPPORTING STATEMENT FOR FORM SSA-766
STATEMENT OF SELF-EMPLOYMENT INCOME
20 CFR 404.101, 404.110, 404.1096 (a) – (d), 404.610-611, 422.505
OMB No. 0960-0046

A **Justification**

1. *Section 205(a)*, Title II of the *Social Security Act* authorizes the Commissioner of Social Security to adopt rules and regulations on the nature and extent of evidence a claimant must furnish in order to receive Social Security benefits. Rules for defining net earnings from self-employment, for determining what constitutes self-employment income (SEI), and for determining insured status are contained in *20 CFR 404.101, 404.110, 404.1096(a) through (d), 404.610-404.611, and 422.505* of the *Code of Federal Regulations*.
2. The citations referenced above give the Social Security Administration (SSA) authority to use the information collected on Form SSA-766 to determine a claimant's eligibility for Social Security benefits. The form elicits the information necessary for the agency to determine if the claimant will have at least the minimum amount of SEI needed for one or more quarters of coverage in the current year. SSA may also credit additional quarters of coverage based on the information obtained, and we may expedite benefit payments when there are sufficient quarters of coverage to give the claimant insured status. Respondents are self-employed individuals who may be eligible for Social Security benefits.
3. SSA has not scheduled Form SSA-776 for electronic implementation due to its low volume of usage.
4. The nature of the information SSA is collecting and the manner in which we are collecting it preclude duplication. SSA has no other collection instrument that collects data similar to that collected here.
5. This collection has no impact on small businesses or other small entities.
6. SSA collects this information from a claimant if it appears that SSA could use the current year SEI to provide insured status for that claimant. If SSA did not collect the information, claimants who could otherwise qualify for immediate Social Security benefits would have to wait until the close of the tax year in order to be qualified for benefits. Therefore, we cannot collect this information less frequently. There are no technical or legal obstacles that prevent burden reduction.
7. There are no special circumstances that would cause SSA to collect this information in a manner that is not consistent with 5 CFR 1320.5.

8. SSA published the 60-day advance Federal Register Notice on April 7, 2009 at 74 FR 15808, and we received no public comments. SSA published the 30-day Federal Register Notice on June 9, 2009 at 74 FR 27379. Note: The first Federal Register Notice lists this Information Collection Request (ICR) as an extension; however, as we are revising the Privacy Act Statement, SSA is now listing this ICR as a revision. There have been no outside consultations with members of the public
9. SSA provides no payment or gifts to the respondents.
10. SSA protects and holds confidential the information requested 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. Approximately 2,500 respondents will use Form SSA-766 annually. The estimated average response time is 5 minutes per respondent, for a total of 208 burden hours. The total burden represents burden hours and we did not calculate a separate cost burden.
13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$1,000. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. There has been a decrease in the public reporting burden due to a decrease in the number of respondents using Form SSA-766.
16. SSA will not publish the results of the information collected.
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. Collection of Information Employing Statistical Methods

SSA did not use statistical methods for this information collection.