

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. **Introduction/Authoring Laws and Regulations** - 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 claimants must furnish 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. **Description of Collection** - The Social Security Administration (SSA) uses the information from Form SSA-766 to determine a claimant’s eligibility for Social Security benefits. The information assists us in determining if the claimant will have at least the minimum amount of SEI needed for one or more quarters of coverage in the current year. We also use the information to credit additional quarters of coverage, expediting 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. **Use of Information Technology to Collect the Information** – We have not scheduled Form SSA-776 for electronic implementation under the Government Paperwork Elimination Act due to its low volume of usage.
4. **Why We Cannot Use Duplicate Information** - The nature of the information we are collecting and the manner in which we are collecting it preclude duplication. SSA does not use another collection instrument to obtain similar data.
5. **Minimizing Burden on Small Business Respondents** - This collection does not affect small businesses or other small entities.
6. **Consequence of Not Collecting Information or Collecting it Less Frequent** - SSA collects this information from a claimant if it appears we could use the current year SEI to provide insured status for that claimant. If we 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 to qualify for benefits. Therefore, we cannot collect this information less frequently. There are no technical or legal obstacles that prevent burden reduction.
7. **Special Circumstances** - There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with 5 CFR 1320.5.

8. **Solicitation of Public Comment and Other Consultations with the Public** – SSA published the 60-day advance Federal Register Notice on May 9, 2012 at 77 FR 27264, and we received no public comments. We published the 30-day Notice on July 16, 2012 at 77 FR 41874. If we receive any public comments in response to our 30-day notice, we will forward them to OMB. We did not consult with the public on the maintenance of this form.
9. **Payment or Gifts to Respondents** - SSA provides no payments or gifts to the respondents.
10. **Assurances of Confidentiality** – SSA protects and holds confidential the information we collect 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. **Justification for Sensitive Questions** - The information collection does not contain any questions of a sensitive nature.
12. **Estimates of Public Reporting Burden** - Approximately 2,500 respondents use Form SSA-766 annually. The estimated response time is 5 minutes per respondent, for a total of 208 burden hours. The total burden reflects burden hours, and we did not calculate a separate cost burden.
13. **Annual Cost to the Respondents (Other)** - There is no known cost burden to the respondents.
14. **Annual Cost to Federal Government** - 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. **Program Changes or Adjustments to the Information Collection Request** - There are no changes in the public reporting burden.
16. **Plans for Publication Information Collection Results** - SSA will not publish the results of the information collection.
17. **Displaying the OMB Approval Expiration Date** - 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 approval. SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis). OMB granted this exemption so SSA would not have to discontinue using otherwise usable editions of forms with outdated expiration dates. In addition, SSA avoids Government waste, because we will not have to destroy and reprint stocks otherwise useable forms with expired OMB approval dates.
18. **Exceptions to Certification Statement** - 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 does not use statistical methods for this information collection.