

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 the Social Security Administration (SSA) to adopt rules and regulations on the nature and extent of evidence claimants must furnish to receive Social Security benefits. 20 CFR 404.101, 404.110, 404.1096(a) through (d), 404.610-404.611, and 422.505 of the *Code of Federal Regulations* contain rules for defining net earnings from self-employment, for determining what constitutes self-employment income (SEI), and for determining insured status. To carry out these laws and governing regulations to compute net earnings from self-employment, the Social Security Administration (SSA) uses Form SSA-766, Statement of Self-Employment Income.

2. Description of Collection

To qualify for insured status and thus collect Social Security benefits, self-employed individuals must demonstrate they earned the minimum amount SEI in a current year. SSA uses Form SSA-766, Statement of Self-Employment Income, to collect the information we need to determine if the individual will have at least the minimum amount of SEI needed for one or more quarters of overage in the current year. Based on the information we obtain, we may credit additional quarters of coverage to give the individual insured status thus expediting benefit payments. Respondents are self-employed individuals potentially eligible for Social Security benefits

3. Use of Information Technology to Collect the Information

SSA did not create an electronic version of Form SSA-766 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 2,500 respondents complete the form. This is less than the GPEA cut-off of 50,000.

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 Frequently**
 If we did not use Form SSA-766, 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. Because we collect the information on an as needed basis, we cannot collect it 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**
 The 60-day advance Federal Register Notice published on February 23, 2015, at 80 FR 9499, and we received no public comments. The 30-day FRN published on April 30, 2015 at 80 FR 24307. If we receive any comments in response to this Notice, we will forward them to OMB.

- 9. Payment or Gifts to Respondents**
 SSA does not provide 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

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Total Estimated Annual Burden (hours)
SSA-766	2,500	1	5	208

The total burden for this ICR is 208 hours. This figure represents burden hours, and we did not calculate a separate cost burden.

- 13. Annual Cost to the Respondents (Other)**
 This collection does not impose a 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 program 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.