

**Supporting Statement for Forms SSA 1002 and SSA 1003,
Statement of Agricultural Employer (Year Prior to 1988; and 1988 and Later)
20 CFR 404.702, 404.802, 404.1056
OMB No. 0960-0036**

A. Justification

1. *Section 205(a)* of the *Social Security Act (the Act)* provides that the Commissioner of Social Security shall have full power and authority to make rules, regulations and procedures necessary to carry out the provisions of *the Act*. *Section 205(c)(2)(A)* of *the Act* charges the Commissioner with establishing and maintaining records of the amount of wages paid to individuals.

Prior to January 1, 1988, *Section 209(a)(7)(B)* of *the Act* provided that Form SSA-1002 be used when an agricultural employee was covered by *the Act* if the employee was paid \$150 or if the employee worked for the same employer on 20 or more days in a year and was paid cash wages (figured on a time basis). Effective January 1, 1988, Form SSA-1003 is used when wages paid to an agricultural employee are covered by *the Act* if he is paid by an employer whose annual agricultural payroll is \$2,500 or more. The amount of earnings credited to an individual, and the periods to which such earnings are credited, may be proven by Social Security Administration (SSA) records and by other evidence of probative value, as explained in *20 CFR 404.702, 404.802 and 404.1056* of the *Code of Federal Regulations*.

2. Forms SSA-1002 and SSA-1003 are used to establish earnings for periods of agricultural earnings which have not been reported correctly. If an agricultural employer has incorrectly reported wages, or failed to report any wages for an employee, SSA must attempt to correct its records by contacting the employer to obtain convincing evidence of the wages paid. Form SSA-1002 is used when an agricultural employee was covered by the Act if the employee was paid \$150 or if the employee worked for the same employer on 20 or more days in a year and was paid cash wages (figured on a time basis). Form SSA-1003 is used when wages paid to an agricultural employee are covered by the Act if he is paid by an employer whose annual agricultural payroll is \$2,500 or more. If the employer's payroll is less than \$2,500, wages of \$150 or more are covered, and the 20 day work test is eliminated. In the case of seasonal agricultural workers, wages less than \$150 may not be covered even if the employer's annual payroll is \$2,500, unless certain conditions are met. Respondents are agricultural employers having knowledge of wages paid to agricultural employees.
3. Improved information technology that would reduce the burden is available, and the form is a candidate for conversion to electronic version as resources permit. However, since other forms with a greater volume of respondents take precedence over this collection, SSA is unsure as to when this collection will be available electronically.

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 of information may involve agricultural small businesses. However, we do not request wage data from the employer unless the employee is unable to furnish the necessary wage evidence. This minimizes the burden on small businesses.
6. This information collection takes place only when the applicant alleges that the employer has not reported wages or reported the wages incorrectly. The consequence of not collecting this information is that the earnings recorded may not be accurate because of incorrectly reported or unreported wages and a determination on entitlement may have been made based on inaccurate earnings records, which may cause incorrect payments. Therefore, the forms could not be used less frequently. There are no technical or legal obstacles which prevent burden reduction.
7. There are no special circumstances that would cause this information collection to be conducted in a manner that is not consistent with 5 CFR 1320.5.
8. The 60-day advance Federal Register Notice was published on July 24, 2007 at 72 FR 40353, and SSA has received no public comments. The second Notice was published on October 18, 2007, at 72 FR 59132. There have been no outside consultations with members of the public.
9. SSA provides no payment 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-1002 will be used by approximately 75,000 respondents annually. The estimated average response time is 30 minutes, for a total of 37,500 burden hours. Form SSA-1003 will be used by approximately 50,000 respondents annually. The estimated average response time is 30 minutes, for a total of 25,000 burden hours. The total burden for both forms is 62,500 hours.

Form Number	Number of Respondents	Frequency of Response	Average Burden Per Response	Total Annual Burden
SSA-1002	75,000	1	30 minutes	37,500
SSA-1003	50,000	1	30 minutes	25,000

Total	125,000			62,500
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The total burden is reflected as burden hours, and no separate cost burden has been calculated.

13. There is no known cost burden to the respondents.
14. The annual cost to the Federal Government is approximately \$300,000. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. Prior to ROCIS SSA had no way to separate the burdens for the two forms. Through ROCIS we can now separate them; therefore we created a new IC to do so. There is no change in the number of respondents or the Annual Burden Hours. The change that you see within the ICs themselves is due only to the way in which ROCIS processes ICs.
16. The results of the information will not be published.
17. OMB has granted SSA an exemption from the requirement that the expiration date for OMB approval be printed 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). This exemption was granted so that otherwise useable editions of forms would not be taken out of circulation because the expiration date had been reached. In addition, Government waste has been avoided because stocks of forms will not have to be destroyed and reprinted.
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

Statistical methods are not used for this information collection.