

Supporting Statement for Form SSA-766
Statement of Self-Employment Income
20 CFR 404.101, 404.110, 404.1096 (a)-(d), 404.610-404.611, 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 provide to receive Social Security benefits. Sections 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, SSA uses Form SSA-766, Statement of Self-Employment Income.

2. Description of Collection

To qualify for insured status, and collect Social Security benefits, self-employed individuals must demonstrate they earned the minimum amount of 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 earned at least the minimum amount of SEI needed for one or more quarters of coverage in the current year. Based on the information we obtain, we may credit additional quarters of coverage to give the individual insured status, expediting benefit payments. Respondents are self-employed individuals potentially eligible for Social Security benefits.

3. Use of Information Technology to Collect the Information

This Information Collection is available as a print-only PDF on SSA's website. We do not have an electronic method of filing available. 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 annually. This is less than the GPEA cut-off of 50,000.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect 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 to 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 March 21, 2018, at 83 FR 12455, and we received no public comments. The 30-day FRN published on June 8, 2018 at 83 FR 26736. 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 payment or gifts to the respondents.

10. Assurances of Confidentiality

SSA protects and holds confidential the information it collects 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 take 5 minutes each to complete form SSA-766. Accordingly, the burden is 33,333 hours:

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. We based this figure on current management information data, and it represents burden hours. 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 for the form is approximately \$1,000. This estimate accounts for costs from the following areas: (1) designing, printing, and distributing the form; and (2) SSA employee (e.g., field office, 800 number, DDS staff)

information collection and processing time.

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 granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since 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 destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

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.