

Supporting Statement for Form SSA-754-F4
Statement of Marital Relationship
20 CFR 404.726
OMB No. 0960-0038

A. **Justification**

1. The authority for collecting the information requested on Form SSA-754-F4, Statement of Marital Relationship (By one of the parties), is contained in *Section 216 (h)(1)(A), Title II of the Social Security Act (the Act)*. The Act requires that SSA first apply State law to determine a spousal applicant's relationship to the insured. If the spousal applicant claims a common-law marriage to the insured in a State where such marriages are recognized, then *Section 20 CFR 404.726* of the *Code of Federal Regulations* directs SSA to obtain a signed statement from the spousal applicant and the insured, attesting to their understanding and intent of the relationship.
2. SSA uses the information it collects on Form SSA-754-F4 to determine whether individuals applying for social security benefits meet the conditions for establishing a common-law marriage under State law. The respondents are applicants for spouse's Social Security benefits and/or Supplemental Security Income payments.
3. Improved information technology, which would reduce the burden, is not currently available; therefore, SSA is not currently scheduling Form SSA-754-F4 for electronic implementation.
4. The nature of the information SSA is collecting and the manner in which we are collecting it preclude duplication. There is no other collection instrument used by SSA that collects data similar to that collected here.
5. This collection has no impact on small businesses or other small entities.
6. Federal statute provides that every spousal and widow(er) applicant must have the necessary relationship to the insured in order to become entitled to benefits. Absent formal documentation, SSA looks to State law to establish relationship. If SSA did not collect the information, SSA could not determine whether the applicant's claim of common-law marriage meets State law and consequently, Federal law. Therefore, in order to comply with both Federal and State law, SSA cannot collect the information less frequently. There are no technical or legal obstacles to burden reduction.
7. There are no special circumstances that would cause SSA to collect the information in a manner that is not consistent with 5 CFR 1320.5.

8. SSA published the 60-day advance *Federal Register Notice* on October 27, 2008 at 73 FR 63761, and SSA received no public comments. SSA published the 30-day advance *Federal Register Notice* on February 17, 2009 at 74 FR 7509. SSA had 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. Approximately 30,000 individuals will use Form SSA-754-F4 annually. The estimated average response time is 30 minutes, for a total of 15,000 burden hours. The total burden represents burden hours, and SSA 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 \$92,400. This estimate is a projection of the costs for printing and distributing the collection instrument and for collecting the information.
15. There are no changes in the public reporting burden.
16. SSA will not publish the results of the information collection.
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 approval. 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, SSA avoids 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. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.