

**Supporting Statement for Form SSA-753**  
**Statement Regarding Marriage**  
**20 CFR 404.726**  
**OMB # 0960-0017**

**A. Justification**

**1. Introduction/Authoring Laws and Regulations**

Section 216(h)(1)(A) of the *Social Security Act (Act)* directs the Social Security Administration (SSA) to apply State law to determine an individual's marital relationship. Some State laws recognize marriages entered into without a ceremony (i.e., common-law marriages). In such cases, SSA provides the same spouse or widow(er) benefits to the common-law spouses as it does to ceremonially married spouses. 20 CFR 404.726 of the *Code of Federal Regulations* sets forth the procedures and policies for determining whether a common-law marriage exists for purposes of the *Act*. These procedures direct SSA to elicit information from blood relatives or other persons who have knowledge about the alleged common-law relationship. SSA uses the SSA-753, Statement Regarding Marriage, to make this determination.

**2. Description of Collection**

Form SSA-753 collects information from third parties to verify the applicant's statements about intent, cohabitation, and holding out to the public as married, which are the basic tenets of a common-law marriage. SSA then uses the information to determine if a valid marital relationship exists, and if the common-law spouse is entitled to Social Security spouse or widow(er) benefits. Completion of the form is voluntary for respondents; however, if the agency cannot obtain the information from a blood relative of each spouse, we must collect a statement from the claimant and obtain the SSA-753 from someone else who knows the facts about the common-law marriage. The respondents are third parties who can vouch for applicants of spouse or widow(er) benefits who allege common-law marriage.

**3. Use of Information Technology to Collect the Information**

SSA did not create an electronic version of the SSA-753 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 40,000 respondents complete the form annually. This is less than the GPEA cut-off of 50,000. In addition, the regulatory requirement at 20 CFR 404.726 requires the respondents who complete the forms to provide a wet signature.

**4. Why We Cannot Use Duplicate Information**

The nature of the information we are collecting 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 Respondents**

This collection does not affect small businesses or other small entities.

**6. Consequence of Not Collecting Information or Collecting it Less Frequently**

The rules cited above mandate an applicant for spouse or widow(er) benefits to have the necessary relationship to the number holder to be entitled to spouse or widow(er) benefits. The information on the SSA-753 enables SSA to determine if an applicant's alleged common-law marriage meets State law requirements. If we did not use the SSA-753, SSA would be in violation of a Federal statute; therefore, in order to comply with both Federal and State law, we must collect the information. Since we only collect this 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 3, 2011, at 76 FR 11835, and SSA received no public comments. The second Notice published on May 26, 2011 at 76 FR 30749. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. SSA did not consult members of the public in the development or maintenance of this form

**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 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 40,000 respondents take 9 minutes each to complete the SSA-753 each year. Accordingly, the burden is 6,000 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 on the respondents.

**14. Annual Cost To Federal Government**

The annual cost to the Federal Government is approximately \$61,600. 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 to 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. Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.