

**Supporting Statement for Form SSA-3
Marriage Certification
20 CFR 404.725
OMB No. 0960-0009**

A. Justification

1. **Introduction/Authoring Laws and Regulations** - Section 205(a) of the *Social Security Act (Act)* gives the Commissioner of the Social Security Administration (SSA) the authority to make rules and regulations and establish procedures that provide for collecting evidence from individuals applying for Social Security benefits. Sections 202(b) and 202(c) of the *Act* stipulate that every spouse of an individual entitled to Old Age and Survivors Disability Insurance benefits is entitled to a spouse benefit if the wife or husband, in addition to meeting the entitlement requirements, meets the relationship criteria in Section 216(h)(1)(A) and (B). As provided in 20 CFR 404.725 of the *Code of Federal Regulations* on the evidence requirements of a ceremonial marriage, when the worker and spouse file claims separately, the Social Security Administration (SSA) uses Form SSA-3, Marriage Certification, to record changes to the worker's marital history. The spouse's and the spouse-claimant's statements both attesting to the ceremonial marriage on the SSA-3, generally constitute evidence of a ceremonial marriage in lieu of a marriage certificate. The respondents are workers whose spouses are filing separately for benefits.
2. **Description of Collection** - The purpose of the form is to document the marriage when the spouse of a worker files for benefits separately from the worker. Certification of the marriage is necessary for the spouse to obtain benefits. The collection is mandatory for respondents (i.e., workers); however, if the worker fails to cooperate, we rely on other documentation. SSA employees collect the information via a paper form that respondents can complete without information or help from another person.
3. **Use of Information Technology to Collect the Information** – SSA has not created an electronic version of the SSA-3 under the agency's Government Paperwork Elimination Act plan because higher volume forms take precedence. Although SSA has not created an electronic version of Form SSA-3, the form is currently available as a print-only PDF on the SSA website.
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 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-3, SSA would be unable to determine if spouse-claimants have the

necessary relationship to the worker and if they meet our statutory obligation under section 216(h)(1)(A) and (B) of the Act. 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** - SSA published the 60-day advance Federal Register Notice on May 26, 2011, at 76 FR 30749, and we received no public comments. We published the 30-day Notice on August 1, 2011 at 76 FR 45902. If we receive any comments in response to the 30-day Notice, we will forward them to OMB. We did not consult with members of the public in the 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 hold 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** - Approximately 180,000 respondents take 5 minutes each to complete Form SSA-3 each year. Accordingly, the burden is 15,000 hours, and we did not calculate a separate cost burden.
13. **Annual Cost to the Respondents** - This collection does not impose a known cost burden on the respondents.
14. **Annual Cost to the Federal Government** - The annual cost to the Federal Government is approximately \$277,200. 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.