

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

**A. Justification**

- 1. Introduction/Authoring Laws and Regulations** - Section 216 (h)(1)(A) of the *Social Security Act (Act)* provides the authority for collecting the information requested on Form SSA-754-F4, Statement of Marital Relationship (By one of the parties). The Act requires SSA first apply state law to determine a spousal applicant's relationship to the insured when applying for Federal Old-Age, Survivors, and Disability insurance benefits (Title II). 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 signed statements from the insured and the spousal Title II-applicant, attesting to their understanding and intent of the relationship.
- 2. Description of Collection** - SSA uses the information we collect 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.
- 3. Use of Information Technology to Collect the Information** - SSA did not create an electronic version of form SSA-754-F4 under the agency's Government Paperwork Elimination Act (GPEA) plan because only 30,000 respondents complete the form. This is less than the GPEA cut-off of 50,000.
- 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. Consequences of Not Collecting Information or Collecting it Less Frequently** - Federal statute provides that every spousal and widow(er) applicant must have the necessary relationship to the insured to become entitled to benefits. Absent formal documentation, SSA looks to state law to establish relationship. If we did not collect the information, we could not determine whether the applicant's claim of common-law marriage meets state law and, consequently, Federal law. Therefore, 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. 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 August 28, 2014 at 79 FR 51387. We received a public comment on October 27, 2014 in response to our notice. We address the comment below:
 

The commenter recommends we revise Form SSA-754 to reflect a more gender-neutral language throughout the form. SSA response: We will consider the commenter's recommendation to replace the gendered spousal language on the SSA-754. Once we complete SSA's administrative process for revising forms, we will consider submitting the necessary request to OMB to change the language on the form to gender-neutral terminology.

SSA published the 30-day advance Federal Register Notice on October 31, 2014 at 79 FR 64872. 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 payments or gifts to the respondents.
10. **Assurances of Confidentiality** - SSA protects and holds 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 30,000 individuals take 30 minutes each to complete form SSA-754-F4 each year. Accordingly, the burden is 15,000 hours. This figure represents burden hours, and we did not calculate a separate cost burden.
13. **Annual Cost to the Respondents** - This is no known cost burden to the respondents.
14. **Annual Cost to Federal Government** - 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. **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. Collections of Information Employing Statistical Methods**

SSA does not use statistical methods for this information collection.