

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 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 collect information from blood relatives or other people who have knowledge about the alleged common-law relationship.

2. Description of Collection

SSA uses Form SSA-753, Statement Regarding Marriage, to collect 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 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. The respondents are third parties who can confirm or deny an alleged 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 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 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-753, SSA would have no way to determine if an applicant's alleged common-law marriage meets State law requirements. Because 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 February 28, 2017, at 82 FR 12159, and we received no public comments. The 30-day FRN published on May 5, 2017 at 82 FR 21291. 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 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

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden Per Response (minutes)	Estimated Total Annual Burden (hours)
SSA-753	40,000	1	9	6,000

The total burden for this ICR is 2,458. 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.