

**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**

The regulatory requirement at 20 CFR 404.726 requires the respondents who complete the forms to provide a wet signature. We are currently working with our Office of General Counsel (OGC) to use eSignature in place of wet signatures; however, we do not have that in place, yet. Once our OGC has determined an acceptable eSignature platform which we can use in place of wet signatures, we will work within the IT Mod programming to schedule the creation of an Internet version. As per our 4/3/20 conversation with OIRA, we welcome OIRA to join our conversations with OMB on IT Mods; however, as our IT Mod programming is an ongoing project, we cannot provide timelines for when we will be able to make any particular ICR available via the Internet. We will convert existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this unconnected to the PRA approval lifecycle.

**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**

SSA published the 60-day advance Federal Register Notice on June 5, 2020 at 85 FR 34703, and we received no public comments. We published the 30-day Notice on August 18, 2020 at 85 FR 50862. If we receive any public comments in response to the 30-day Notice, we will forward them to OMB. There have been no outside consultations with members of the public.

**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**

We estimate approximately 40,000 respondents take about 5 minutes each to gather the facts, read the instructions, and complete the SSA-753, as per the data in the chart below:

<b>Modality of Completion</b>	<b>Number of Respondents</b>	<b>Frequency of Response</b>	<b>Average Burden Per Response (minutes)</b>	<b>Estimated Total Annual Burden (hours)</b>	<b>Average Theoretical Hourly Cost Amount (dollars)*</b>	<b>Total Annual Opportunity Cost (dollars)**</b>
SSA-753 Statement Regarding Marriage	40,000	1	9	6,000	\$25.72*	\$135,000**

\* We based this figures on average U.S. citizen’s hourly salary, as reported by Bureau

of Labor Statistics data ([https://www.bls.gov/oes/current/oes\\_stru.htm](https://www.bls.gov/oes/current/oes_stru.htm)).

\*\* This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. **There is no actual charge to respondents to complete the application.**

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that 5 minutes accurately shows the average burden per response for reading the instructions, gathering the facts, and answering the questions. Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is **6,000** burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of **\$135,000**. SSA does not charge respondents to complete our applications.

### **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 \$8,021,042. This estimate accounts for costs from the following areas:

<b>Description of Cost Factor</b>	<b>Methodology for Estimating Cost</b>	<b>Cost in Dollars</b>
Designing, Printing, and Distributing the Form	Design Cost + Printing Cost + Distribution Cost	\$3,861
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$8,017,181
<b>Total</b>		<b>\$8,021,042</b>

SSA is unable to break down the costs to the Federal government further than we already have. First, since we work with almost every US citizen, we often do bulk mailings, and cannot track the cost for a single mailing. We do not track design costs or upkeep costs (as these are based on employee time and may vary from collection to collection). In addition, it is difficult for us to break down the cost for processing a single form, as field office and State Disability Determination Services staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. As well, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. Finally, SSA prefers

not to provide breakdowns of estimated payment to employees who process these items for a variety of reasons (only one of which is that it is not possible to do this entirely accurately).

**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.