

RAILROAD RETIREMENT BOARD

Social Security Equivalent Benefit Account **Budget Account - 60-8010-0-7-601**

The Railroad Retirement Solvency Act of 1983 amended the Railroad Retirement Act to establish a Social Security Equivalent Benefit (SSEB) Account beginning October 1, 1984. The SSEB Account, which is separate from other railroad retirement accounts, is used to record revenues and expenditures related to social security equivalent portions (similar to "tier I" amounts) of railroad retirement annuities. Accordingly, funds in the SSEB Account are used to pay social security equivalent benefits and related administrative expenses. A social security equivalent benefit is the portion of a railroad retirement annuity that corresponds to an amount calculated under social security formulas, but is based on combined railroad retirement and social security credits.

The following amounts are included as revenue to the SSEB Account:

- (1) payroll taxes,
- (2) income taxes attributable to taxation of the social security portion of railroad retirement annuities,
- (3) financial interchange transfers from the social security trust funds provided by Section 7(c) of the Railroad Retirement Act,
- (4) interest on uncashed checks, and
- (5) return on investments.

In addition, for calendar year 2011, the SSEB Account also receives transfers from the general fund of the Treasury due to the temporary payroll tax reduction provisions of P.L. 111-312, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

In a relatively small number of cases, the railroad retirement system does not pay benefits when social security would pay benefits. In these cases, mainly dependent children of retired railroad employees, the SSEB Account collects an amount through the financial interchange but does not pay a corresponding benefit. This imbalance between outgo and income is relatively small in any particular year. Section 15A(d)(2) of the Railroad Retirement Act, as amended, provides that amounts in the SSEB Account not needed for payment of current benefits and administrative expenses will be transferred to the National Railroad Retirement Investment Trust or the Railroad Retirement Account.

Requested appropriation

The table on pages 2 and 3 identifies the estimated budget authority and outlays for this account for fiscal years 2011 through 2021, based on the Office of Management and Budget's (OMB) June 2011 mid-session economic assumptions. The estimates reflect current law.

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Social Security Equivalent Benefit Account
(Budget Account - 60-8010-0-7-601)

Analysis of Resources
(in thousands of dollars)

	<u>2011</u>	<u>2012</u>	<u>2013</u>		
			<u>Current</u>		
			<u>Services</u>		
Budget authority.....	6,520,000	6,639,000	6,837,000		
Outlays.....	6,516,000	6,613,000	6,812,000		
	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Budget authority:					
Current services.....	7,043,000	7,258,000	7,475,000	7,692,000	7,900,000
Outlays:					
Current services.....	7,019,000	7,233,000	7,455,000	7,671,000	7,883,000

Note: In March 2011, the RRB paid social security equivalent benefits to 460,000 beneficiaries. The RRB estimates that in March 2012 and 2013, the agency will pay these benefits to 457,000 and 454,000 beneficiaries, respectively.

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Analysis of Resources
(in thousands of dollars)

	<u>2019</u>	<u>2020</u>	<u>2021</u>
Budget authority:			
Current services.....	8,099,000	8,279,000	8,445,000
Outlays:			
Current services.....	8,082,000	8,265,000	8,432,000

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Railroad Retirement Account **Budget Account - 60-8011-0-7-601**

Under the Railroad Retirement Act, the RRB pays retirement and disability annuities to qualified railroad workers. Supplemental annuities are payable to career railroad employees with service before October 1981. Annuities are also payable to spouses and divorced spouses of retired workers and to widows, widowers, children, and certain other survivors of deceased railroad workers. There are also provisions for lump-sum benefits. Qualified railroad retirement beneficiaries are also covered by Medicare in the same way as social security beneficiaries.

The Railroad Retirement Account funds the above-described benefits in excess of social security benefits. Funding is primarily from payroll taxes on railroad employers and employees, earnings on trust fund investments and income taxes attributable to these benefits.

The Railroad Retirement and Survivors' Improvement Act of 2001 (P.L. 107-90) made a number of major changes to the Railroad Retirement Act. In addition to other provisions, P.L. 107-90 provides for the transfer of railroad retirement funds from the Railroad Retirement Account to the National Railroad Retirement Investment Trust (NRRIT), whose Board of Trustees is empowered to invest NRRIT-held assets in non-governmental assets, such as equities and debt, as well as in governmental securities. NRRIT is not treated as an agency or instrumentality of the Federal Government.

P.L. 107-90 also repealed the railroad retirement supplemental annuity tax paid by rail employers and eliminated the separate Railroad Retirement Supplemental Account. While supplemental railroad retirement annuities provided by the Railroad Retirement Act continue to be due and payable, they are now funded through the Railroad Retirement Account.

Requested appropriation

The table on pages 5 and 6 identifies estimated budget authority and outlays for this account for fiscal years 2011 through 2021. The estimates are based on OMB's June 2011 mid-session economic assumptions and reflect current law.

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Railroad Retirement Account
(Budget Account - 60-8011-0-7-601)

Analysis of Resources
(in thousands of dollars)

	<u>2011</u>	<u>2012</u>	<u>2013</u>		
			<u>Current</u>		
			<u>services</u>		
Budget authority.....	4,520,000	4,761,000	4,938,000		
Outlays.....	4,505,000	4,747,000	4,926,000		
	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Budget authority:					
Current services.....	5,096,000	5,237,000	5,372,000	5,481,000	5,579,000
Outlays:					
Current services.....	5,085,000	5,225,000	5,362,000	5,472,000	5,570,000

Notes: The RRB paid tier II benefits to 522,000 beneficiaries in March 2011. The agency expects to pay these benefits to 519,000 beneficiaries in March 2012 and 515,000 beneficiaries in March 2013. The RRB also paid supplemental annuities to 121,000 beneficiaries in March 2011. The agency expects to pay supplemental annuities to 121,000 beneficiaries in March 2012 and 121,000 beneficiaries in March 2013.

Budget authority and outlay amounts include tier II benefits, the non-social security equivalent portion of tier I benefits, and supplemental annuities.

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Railroad Retirement Account
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Analysis of Resources
(in thousands of dollars)

	<u>2019</u>	<u>2020</u>	<u>2021</u>
Budget authority:			
Current services.....	5,652,000	5,716,000	5,754,000
Outlays:			
Current services.....	5,643,000	5,708,000	5,747,000

RAILROAD RETIREMENT BOARD

Federal Payments to the Railroad Retirement Accounts **Budget Account - 60-0113-0-1-601**

This account was established in conjunction with the implementation of the Railroad Retirement Solvency Act of 1983. It facilitates the administration of the Railroad Retirement Act by maintaining accurate accounting of, and control over, various financial transactions involving the railroad retirement trust funds. This account acts as a conduit for various financial transactions, such as interfund transfers and fund transfers from the Department of the Treasury (Treasury).

Interest on uncashed checks

Section 417 of the Railroad Retirement Solvency Act of 1983 amended the Railroad Retirement Act to provide for the reimbursement of principal and interest for unnegotiated railroad retirement benefit checks to the extent that such reimbursements are provided for in advance in appropriation acts. Beginning in fiscal year 1991, the principal amount of uncashed railroad retirement and railroad unemployment insurance checks and checks for administrative expenses, under provisions of the Competitive Equality Banking Act of 1987, are made available by Treasury. Treasury transfers principal amounts directly to the appropriate trust fund or administrative limitation. As a result, the RRB is not required to seek prior appropriation authority for the principal amount of the uncashed check transfers. Interest on uncashed checks, however, must be appropriated in advance. This account is the vehicle through which such appropriations are made. Under current law, the RRB requests \$150,000 for estimated interest related to uncashed checks in fiscal year 2013, which shall remain available through September 30, 2014.

Military service credits

In accordance with, and pursuant to, Section 15(b) of the Railroad Retirement Act, the RRB also requests appropriations to the Federal Payments to the Railroad Retirement Accounts for reimbursement of costs (including interest, administrative expenses, and an actuarial adjustment) for crediting military service not reimbursed under the financial interchange. Both the railroad retirement system and the social security system are entitled to reimbursement for the cost of military service credits. Depending on the period during which the military service was rendered, the reimbursement may be made on either a benefit or prepaid tax basis. Reimbursement on a tax basis is accomplished by paying payroll taxes for individuals in military service. No additional reimbursement is due at retirement for military service credits reimbursed on a tax basis. Reimbursement on a benefit basis is accomplished by computing the value of retirement and survivor benefits with and without military service and requesting reimbursement based on this difference.

The Railroad Retirement Account has received full reimbursement for the tax basis periods. No reimbursements from general revenue have been received for the benefit basis periods:

- June 15, 1948, through December 15, 1950, creditable under P.L. 100-647, and
- July 1, 1963, and later.

In prior years, we have sought concurrence with our methodology for computing the reimbursable amount from the Social Security Administration (SSA), Treasury and OMB. We received responses from SSA and Treasury. SSA has concurred with our methodology while Treasury stated that they had no role in this particular process. Section 15(b) requires that these reimbursements from the general funds be authorized in advance by an appropriation act. The fiscal year 2013 appropriation request includes \$548,378,840 for applicable military service credits through December 2009, with interest through September 1, 2011. Excluded are all costs for which the RRB has already received credits.

Other transfers

Appropriations are not necessary for other amounts that flow through this account to the appropriate trust fund accounts under authorizing legislation. Amounts expected to be transferred through this account in fiscal year 2013 that do not require appropriation action include \$207 million in income taxes on the social security equivalent portion of tier I benefits, and \$346 million in income taxes on tier II benefits and the non-social security equivalent portion of tier I benefits.

Requested appropriation

The table on pages 9 and 10 shows the estimated budget authority and outlays for this account for fiscal years 2011 through 2021. The estimates are based on OMB's June 2011 mid-session economic assumptions. The current services level includes interest amounts on uncashed checks for all years.

RAILROAD RETIREMENT BOARD

Federal Payments to the Railroad Retirement Accounts
(Budget Account - 60-0113-0-1-601)

Analysis of Resources
(in thousands of dollars)

	<u>2011</u> ^{1/}	<u>2012</u> ^{1/}	<u>2013</u> ^{2/} <u>Current</u> <u>services</u>
Budget authority.....	718,800	569,650	1,101,529
Outlays.....	718,800	569,650	1,101,529

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Budget authority:					
Current services.....	595,150	623,150	652,150	686,150	720,150
Outlays:					
Current services.....	595,150	623,150	652,150	686,150	720,150

^{1/} Includes \$269,500,000 in fiscal year 2011 and \$75,500,000 in fiscal year 2012 to be transferred from the general fund of the Treasury to the Social Security Equivalent Benefit Account pursuant to section 601(e) of P.L. 111-312, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

^{2/} Fiscal year 2013 budget authority and outlay amounts for current services include \$548,378,840 for military service credits through December 2009 with interest through September 1, 2011.

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Federal Payments to the Railroad Retirement Accounts
(Budget Account - 60-0113-0-1-601)

Analysis of Resources
(in thousands of dollars)

	<u>2019</u>	<u>2020</u>	<u>2021</u>
Budget authority:			
Current services.....	752,150	785,150	817,150
Outlays:			
Current services.....	752,150	785,150	817,150

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Dual Benefits Payments Account **Budget Account - 60-0111-0-1-601**

Section 15(d) of the Railroad Retirement Act provides for a Dual Benefits Payments Account which is separate from other railroad retirement accounts. The vested dual benefit portion of railroad retirement annuities is paid from this account and is funded by appropriations from general revenues.

Legislative history

Under laws in effect prior to 1975, a worker engaging in covered employment under both the Railroad Retirement Act and Social Security Act could receive benefits separately under both Acts. Because the social security benefit formula is weighted in favor of the low wage earner, the total of a worker's benefits from both systems averaged more than annuities of railroad employees who worked in the rail industry exclusively, and who had paid proportionally higher retirement taxes for the purpose of receiving higher benefits. The cost of the dual benefits was borne by the railroad retirement system since they reduced the system's income from its financial interchange with the social security system.

This situation was the major cause of the poor financial condition of the railroad retirement system in the early 1970s. In order to improve the system's financial condition, the Railroad Retirement Act of 1974 provided that the tier I component of the railroad retirement annuity be reduced by any social security benefit. This essentially integrated the two systems and eliminated the advantage of qualifying for benefits under both systems.

However, it was generally considered unfair to eliminate this advantage entirely for those already retired or close to retirement when the 1974 Act became effective. The 1974 Act, therefore, provided for a restoration of benefits which were considered vested at the end of 1974. The restored amount was known as the "vested dual benefit."

After considering various alternatives, the Congress authorized general fund appropriations to finance the cost of phasing out dual benefits. The Congress considered it unfair to impose this cost on current and future railroad employees because such employees would not be permitted to receive dual benefits upon retirement (except where vested rights were involved). Similarly, the Congress believed that it would be unfair to impose this cost on railroads because railroads had not benefited and had consistently opposed the creation and expansion of dual benefits. Financing the vested dual benefit component of railroad retirement annuities from general revenues was supported by a precedent regarding military service and by the fact that the dual benefit problem had been brought about by prior Congressional action repealing past dual benefit restrictions over the objections of the railroads.

Under the 1974 Act, appropriations had been authorized from general revenues for the phase-out costs of vested dual benefits. The amounts were to be sufficient to fund vested dual benefits on a level payment basis over the years 1976 through 2000. Because there was no provision in the law to reduce vested dual benefits to a level that would be fully covered by the amount appropriated, railroad retirement taxes were being used to cover the shortfall in the appropriation from general revenues. This led to a drain on the Railroad Retirement Account and contributed to a cash flow crisis.

To stop the resulting drain on the Railroad Retirement Account, the 1981 amendments changed vested dual benefits to a pay-as-you-go basis rather than a level-payment system. Starting in fiscal year 1982, vested dual benefits were to be reduced so as not to exceed the amount of the annual appropriation.

The Railroad Retirement Solvency Act of 1983 provided that revenues generated from income taxes on vested dual benefits be credited to the Railroad Retirement Account for fiscal years 1984 through 1988, and thereafter to the Dual Benefits Payments Account. Thus, since fiscal year 1989, these taxes have been credited to the Dual Benefits Payments Account and applied as an offset to the amount of funding needed from general revenues.

Requested appropriation

The table on pages 13 and 14 identifies the estimated budget authority and outlays for the Dual Benefits Payments Account for fiscal years 2011 through 2021.

The fiscal year 2011 appropriation (P.L. 112-10) provided \$56,886,000 for the payment of vested dual benefits, representing an appropriation of \$57,000,000, less a rescission of 0.2 percent.

The estimate for fiscal year 2012 includes \$51,000,000 for the payment of vested dual benefits, as shown in the table on the following page, plus a 2 percent reserve (\$1,020,000) to become available in proportion to the amount by which the product of recipients and the average benefit received exceeds the amount available to pay benefits.

For fiscal year 2013, the RRB requests an appropriation of \$45,000,000 to pay vested dual benefits, plus a 2 percent reserve of \$900,000 to become available in proportion to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits. An estimated \$2,000,000 in income taxes on these benefits will be credited to the Dual Benefits Payments Account.

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Dual Benefits Payments Account
(Budget Account - 60-0111-0-1-601)

Analysis of Resources
(in thousands of dollars)

	<u>2011</u>	<u>2012</u>	<u>2013</u>		
Budget authority.....	56,890	51,001	45,001	<u>Current</u>	
				<u>services</u>	
Outlays.....	56,890	51,001	45,001		
	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Budget authority:					
Current services.....	40,001	35,000	30,000	26,000	22,000
Outlays:					
Current services.....	40,001	35,000	30,000	26,000	22,000

Note: The budget estimates for this account include its share of interest on unnegotiated checks through fiscal year 2014.

The RRB paid vested dual benefits to 29,000 beneficiaries in March 2011. The agency expects to pay these benefits to 25,000 beneficiaries in March 2012, and 22,000 beneficiaries in March 2013.

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Dual Benefits Payments Account
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Analysis of Resources
(in thousands of dollars)

	<u>2019</u>	<u>2020</u>	<u>2021</u>
Budget authority:			
Current services.....	19,000	16,000	13,000
Outlays:			
Current services.....	19,000	16,000	13,000