



RAILROAD RETIREMENT BOARD

20 CFR Part 218

RIN 3220-AB81

Annuity Beginning and Ending Dates

AGENCY: Railroad Retirement Board.

ACTION: Direct final rule.

SUMMARY: The Railroad Retirement Board amends its regulations to remove limitations on the beginning date of an employee annuity under the Railroad Retirement Act based on attaining age 60 with 30 years of railroad service. As currently written, the regulation requires a claimant to accept a reduced monthly benefit in order to begin the annuity on the first day of the first full month in which the claimant attains age 60. This requirement is no longer consistent with the statutory criteria in the Railroad Retirement Act for the earliest annuity beginning date permitted by law and is therefore facially unlawful.

DATES: This rule is effective [INSERT 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Peter J. Orlowicz, Senior Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-1275, (312) 751-4922.

SUPPLEMENTARY INFORMATION: Section 2(a)(1)(ii) of the Railroad Retirement Act, 45 U.S.C. 231a(a)(1)(ii), provides for annuities to be paid to railroad workers who file an application for an annuity and who have attained age 60 and completed 30 years of railroad service. Prior to 2001, section 3(a)(3) of the Act required that when an employee began receiving such an annuity prior to attaining age 62, the amount of the annuity would be reduced in the same manner as early retirement benefits under the Social

Security Act. *See* 45 U.S.C. 231b(a)(3) (1999). Consistent with the law prior to 2001, the Railroad Retirement Board's regulations at 20 CFR 218.9(d) state the earliest annuity beginning date permitted by law for an annuity based on 30 years of service is the latest of the following:

- (1) The day after the day the claimant last worked for a railroad employer;
- (2) The first day of the first full month in which the claimant is age 60 and will accept a reduced annuity;
- (3) The first day of the month in which the claimant attains age 62; or
- (4) The first day of the sixth month before the month in which the application is filed.

Section 102 of the Railroad Retirement and Survivors' Improvement Act of 2001 amended section 3(a) of the Railroad Retirement Act to remove this reduction for annuities based on attaining age 60 with 30 years of railroad service. Pub. L. 107-90, § 102 (Dec. 1, 2001). Instead, individuals entitled to an annuity based on attaining age 60 with 30 years of railroad service are deemed to have attained full retirement age under the Social Security Act and the individual may receive an unreduced annuity beginning at age 60. 45 U.S.C. 231b(a)(2). Although the Board implemented the statutory amendments in the Railroad Retirement and Survivors' Improvement Act of 2001 in policy and practice to permit an unreduced annuity to begin at age 60 with 30 years of service, the regulation at 20 CFR 218.9(d) was not updated to reflect these statutory amendments.

As part of its review of regulations directed by Executive Order 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative (Feb. 19, 2025), the Board identified this provision purporting to require claimants to accept a reduced annuity as a condition of beginning an annuity at age 60 with 30 years of railroad service as facially unlawful and in conflict with the statutory criteria in the Railroad Retirement Act for receiving such an annuity. In

accordance with the Presidential memorandum of April 9, 2025, directing the repeal of unlawful regulations, the Board is amending its regulations at 20 CFR 218.9(d) to remove this facially unlawful condition. Pursuant to the memorandum, notice and comment proceedings are unnecessary and contrary to the public interest because the statutory criteria of the Railroad Retirement Act controls the earliest annuity beginning date permitted by law and the application or non-application of reductions to an annuity, with no discretion left to the agency. Therefore, no comments are being requested.

Regulatory Analysis

Executive Order 12866, as Supplemented by Executive Order 13563

The Board, with the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, no regulatory impact analysis is required.

Regulatory Flexibility Act

The Board certifies that this direct final rule would not have a significant economic impact on a substantial number of small entities because it affects only individuals.

Paperwork Reduction Act

This direct final rule imposes no reporting or recordkeeping requirements subject to Office of Management and Budget clearance.

List of Subjects in 20 CFR Part 218

Railroad retirement, reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Railroad Retirement Board amends 20 CFR part 218 as follows:

PART 218—ANNUITY BEGINNING AND ENDING DATES

1. The authority citation continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5).

2. Amend § 218.9 as follows:

a. Revise paragraph (d)(2);

b. Remove paragraph (d)(3); and

c. Redesignate paragraph (d)(4) as paragraph (d)(3).

The revision reads as follows:

§ 218.9 When an employee annuity begins.

* * * * *

(d) * * *

(2) The first day of the first full month in which the claimant is age 60; or

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Dated: May 18, 2026.

By Authority of the Board.

Sarah Kreydich,

Administrative Specialist.