Justification
Evidence for Application of Overall Minimum
RRB Forms G-319 and G-320

1. Circumstances of information collection - Under the provisions of the Railroad Retirement Act (RRA), there are two types of family benefit payments made involving spouses, widow(er)s, children and students:

   - Payments to survivors of an eligible employee under Section 2(d)(1) (45 U.S.C. 231a) and

   - an increase in the employee's annuity under the Special Guaranty computation as prescribed in Section 3(f)(2) (45 U.S.C. 231b) of the RRA and 20 CFR 229.

   Under Section 3(f)(2), the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security (SS) Act. This is referred to as Special Guaranty computation or the Retirement Overall Minimum (O/M) provision.

   The SS Act might have provided benefits to the family members described below if the employee's railroad service had been covered by the SS Act. A spouse or child included in the Special Guaranty computation is referred to as an *Ineligible Person Included* (IPI). All persons included in the Special Guaranty computation are referred to as the "family group."

   Unlike the SS Act:

   - a spouse is never eligible for an RRA annuity before the living employee attains age 62 (or age 60 if the employee had at least 30 years of railroad service). Under the SS Act, if the employee is under age 62, the SS Act allows payment to a spouse if the wage earner has a disability freeze under Section 223(c)(1) (42 U.S.C. 423) of the SS Act.

   - the RRA does not provide an annuity for a child of a living employee. It does, however, provide a survivor annuity to a child of a deceased employee.

   The requirements for eligibility of a child age 18-19, as a student in a Special Guaranty computation case, are prescribed in 20 CFR 216.74 and include students in independent study or home schooling. The evidence for obtaining benefits based on full-time elementary or high school attendance at an educational institution is prescribed in 20 CFR 219.54 and 219.55.

2. Purposes of collecting/consequences of not collecting the information - To administer the Special Guaranty provision, the Railroad Retirement Board (RRB) needs information about a retired employee's family members. The Special Guaranty ensures that, even though children and young spouses are not paid retirement benefits under the Act, no family will receive less than would have been payable if the employee were entitled under the SS Act.

   The RRB also requires evidence of full-time school attendance at an elementary or high school for a child age 18-19. Such evidence includes a statement from the employee that the student attends an elementary or high school, and a statement from a school official that the attendance is full time according to state law. For students who are home schooled, a

statement from the home schoolteacher fulfills the requirement. After the employee is awarded benefits, the application is reviewed to see if a spouse or child(ren) is mentioned. If so, the Special Guaranty computation is compared to the railroad rate to see which is higher. If the Special Guaranty is higher, the RRB mails the forms shown below to the employee to develop the evidence required.

Form G-319, Statement Regarding Family and Earnings for Special Guaranty Computation, is used instead of an RRA annuity application, to obtain information concerning the relationship between the employee and the spouse, minor child, disabled child, or student age 18-19 attending an elementary or secondary school. Though it does not establish entitlement to benefits under the RRA, the information is used to determine those eligible to be included in the family group for the Special Guaranty computation under the RRA.

To prove information concerning previous marriages and the current marriage to the employee, an eligible spouse completes Section 3, Information About the Spouse, on Form G-319, which is similar to Section 3 of Form AA-3, *Application for Spouse/Divorced Spouse Annuity* (OMB 3220-0042). In the rare case where the spouse has already provided this information, completing this section is not necessary. Also, only a spouse who has not filed Form AA-3 completes Items 28 and 29 of Form G-319 as any public-service pension received by a spouse affects the Special Guaranty computation.

The employee completes the remaining sections of Form G-319. These sections request information concerning minor children, disabled children, students, earnings of family members and other benefits. If there is an eligible spouse, that spouse will also complete these sections on a separate G-319. This serves as a useful cross-check of information between the employee and spouse, particularly where the employee and spouse are separated.

Form G-319 is mailed to the employee. A RRB office enters the information on the accompanying transmittal Form RL-319, which lists other forms that may be enclosed and may also request various types of documentation needed to support a claim.

The majority of Forms G-319 are self-administered.

The RRB proposes minor changes to Form G-319:

- **In Section 1, updated the year in example date format.**
- **In Section 2, changed first sentence to "Check the information entered by the Railroad Retirement Board (RRB) for accuracy."**
- **In Receipt For Your Statement section (page 11), updated the office hours.**
- **Made minor changes to Paperwork Reduction Act notice.**

Form G-320, Student Questionnaire for Special Guaranty Computation, is used by the RRB to determine whether the employee annuity may increase by including a full-time student age 18 or 19 in the Special Guaranty Computation.

- Form G-320 is mailed to the employee. A RRB office enters the information on the accompanying transmittal Form RL-320 and mails them to the employee.

- The employee completes Section A of the G-320, before giving it to the student to forward to the school registrar/home-school teacher.

- The school registrar/home-school teacher reviews the information provided in Section A by the employee, then completes Section B before returning the form to the student, who returns it to the employee.

- If not completing Form G-319 at this time, the employee completes Section C of the G-320 and signs the employee certification in Section D before returning the completed form, within 30 days, in the return envelope provided for that purpose.

Form G-320 is used for student initial entitlement cases, age 18 attainment cases, and Special Guaranty student monitoring cases. Special Guaranty student monitoring cases are done on a recurring basis in September, March, and at the end of the school year or, earlier, if the student is attaining age 19, as part of the RRB's monitoring of a student's continuing eligibility, along with Form G-315, *Student Questionnaire* (3220-0123), which is used in all other cases. By periodic monitoring, the RRB maintains up-to-date information about the child's school attendance, which is needed to determine continued entitlement in the family group for the Special Guaranty computation.

The RRB proposes no changes to Form G-320.

The RRB uses the following non-public use form letters as part of the information collection:

Form RL-319, *Cover Letter to Form G-319*, is used by the RRB to transmit Form G-319 to an employee and/or spouse and lists other forms that may also be enclosed, that are mentioned on the G-319. Form RL-319 is also used to request various types of documentation needed to support a claim.

Form RL-320, *Cover Letter to Form G-320*, is used by the RRB to transmit Form G-320 to an employee, the instructions on how to complete and return Form G-320 for Special Guaranty student initial entitlement, age 18 attainment, and student monitoring cases. Form RL-320 is addressed to the employee because the student benefit is paid as an increase to the employee annuity.

Information booklets Form G-179, *Special Guaranty in Employee and Spouse Annuities,* and Form G-316, *Railroad Retirement Benefits for Students Age 18-19 and In Elementary or Secondary School*, are given to individuals who complete Forms G-319 and G-320. An informational leaflet, Form G-77a, *How Work Affects Your Railroad Retirement Benefits*, describing earnings restrictions which apply to annuitants, is also furnished to applicants.

3. Planned use of improved information technology or technical/legal impediments to further burden reduction - Not cost effective due to low volume. Due to agency technology limitations, this information collection does not allow for electronic submission as described in the Government Paperwork Elimination Act (GPEA).

4. Efforts to identify duplication - To our knowledge, no other agency use similar forms, and this information collection does not duplicate any other RRB information collection.

5. Small business respondents - N.A.

6. Consequences of less frequent collection - The G-319 is only completed once. Less frequent use of the G-320 would hamper the RRB's ability to maintain up-to-date information about the child's school attendance, which is needed to determine continued entitlement in the family group for the Special Guaranty computation. This would result in increased benefit overpayments as well as an increase in debt-collection activity.

7. Special Circumstances - N.A.

8. Public comments/consultations outside the agency - In accordance with 5 CFR 1320.8(d), comments were invited from the public regarding the information collection. The notice to the public was published on 75000 of the September 13, 2024, Federal Register. No comments or requests for additional information were received.

9. Payments or gifts to respondents - None

10. Confidentiality - Privacy Act System of Records, RRB-22, Railroad Retirement, Survivor and Pensioner Benefits System - RRB. In accordance with OMB Circular M-03-22, a Privacy Impact Assessment for this information collection was completed and can be found at https://www.rrb.gov/sites/default/files/2017-06/PIA-BPO.pdf.

11. Sensitive questions - N.A.

12. Estimate of respondent burden - The current annual burden for this collection is shown as follows:

Current Burden

Form Number	Annual Responses	Time (Minutes)1/	Burden (Hours)
G-319 (completed by the employee)			
With assistance	5	26	2
Without assistance	230	55	211
G-319 (completed by spouse)			
With assistance	5	30	2
Without assistance	10	60	10
G-320 (Age 18 at Special Guaranty Begin Date or Special Guaranty Age 18 Attainments)	30	15	7
G-320 (Student Monitoring done in Sept, March and at end of school year)	10	15	2
Total	290		234

1/The RRB has been collecting the information on these forms since OMB approved the information collection. Based on a sampling done when the form was originally created, the office calculated the estimated time, which includes time for getting the needed data and reviewing the completed form

13. Estimate of annual costs to respondents or record keepers - N.A.

14. Estimated cost to Federal Government - N.A.

15. Explanation for changes in burden – N.A.

16. Time schedule for data collection and publication - The results of this collection will not be published.

17. Request not to display OMB expiration date - The RRB started an extensive multi-year IT Modernization Initiative at the beginning of Fiscal Year 2019 to transform our operations into the 21st Century using multiple contractor services to improve mission performance, expand service capabilities, and strengthen cybersecurity and modernization is still in progress. The RRB hired a new CIO on November 4. 2024 who will be briefed the modernization initiative status and if requested, the RRB will provide OMB with any updates to the consolidated project timeline.

    Given that the forms in this collection are seldom revised; the costs associated with redrafting, reprinting, and distributing forms to keep the appropriate OMB expiration date in place; and our desire to reevaluate after the completion of the modernization project, **the RRB requests the authority to not display the expiration date on the forms**.

18. Exceptions to Certification Statement - None