

# Congressman Henry Cuellar

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## Social Security Fairness Act: Windfall Elimination Provision (WEP) and Government Pension Offset (GPO) update ([Subscribe](#) | [En español](#))

**Last updated January 24, 2025**

### What is the Social Security Fairness Act and who does it help?

The Act was signed into law on January 5, 2025.

The Act ends the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO). These provisions reduced or eliminated the Social Security benefits of over 3.2 million people who receive a pension based on work that was not covered by Social Security (a "non-covered pension") because they did not pay Social Security taxes. This law increases Social Security benefits for certain types of workers, including some:

- teachers, firefighters, and police officers in many states;
- federal employees covered by the Civil Service Retirement System; and
- people whose work had been covered by a foreign social security system.

Learn more below about the steps the Social Security Administration (SSA) is taking to implement the law.

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### Will every teacher, firefighter, police officer, or public worker receive a benefit increase because of the new law?

Not necessarily. We know that some press articles have mentioned teachers, firefighters, police officers, and other public employees when discussing the Social Security Fairness Act.

However, only people who receive a pension based on work not covered by Social Security may see benefit increases under this new law. Most state and local public employees - about 72% - work in Social Security-covered employment where they pay Social Security taxes and are not affected by WEP or GPO. Those individuals will not receive a benefit increase due to the Act.

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### When will a person see their Social Security benefit increase because of the Social Security Fairness Act?

SSA is finalizing its plan to implement the Act while limiting negative effects on our regular

workloads and services to the public. We cannot yet provide an estimated timeframe for when we will adjust a person's past or future benefits, but we will continue to provide updates on this webpage. We thank the public for its patience.

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### **By how much may a person's monthly benefit increase?**

The amount monthly benefits may change can vary greatly. Depending on factors such as the type of Social Security benefit received and the amount of the person's pension, some people's benefits will increase very little while others may be eligible for over \$1,000 more each month.

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### **For someone already receiving benefits affected by WEP or GPO, how far back might they receive increased benefits under the Social Security Fairness Act?**

December 2023 is the last month that WEP and GPO will apply. This means that those rules no longer apply to benefits payable for January 2024 and later. Important Reminder: Social Security benefits payable for January 2024 would generally have been received in February 2024.

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### **What should people do now that the Social Security Fairness Act is law?**

Because the GPO could reduce or eliminate Social Security spouses' or surviving spouses' benefits, some non-covered pension recipients may have never applied for benefits.

#### **If you never applied for spouses' or surviving spouses' benefits:**

You may need to file an application. The date of your application might affect when your benefits begin. Filing sooner might help you get a higher benefit amount.

- The most convenient way to apply for **retirement or spouses' benefits** is online at [www.ssa.gov/apply](http://www.ssa.gov/apply). The online application will still collect pension information until the application is changed; however, SSA will not offset the benefit.
- The **survivor benefit** application is not available online.
- People who cannot apply online for benefits should call 1-800-772-1213 Monday through Friday 8:00 a.m. to 7:00 p.m. to learn other ways to apply.

#### **If you are not sure whether you ever applied for spouses' or surviving spouses' benefits:**

You may need to file an application. The date of your application might affect when your

benefits begin. Filing sooner might help you get a higher benefit amount.

**If you are entitled to spouses' or surviving spouses' benefits, and your benefits are currently being reduced or eliminated by GPO; OR if you are entitled to retired or disabled workers' benefits, and your benefits are currently being reduced by WEP:**

Consider reviewing the mailing address and/or direct deposit information that SSA has on file for you. This will allow SSA to adjust your benefits as quickly as possible. Generally, no other actions are needed at this time.

The easiest way for most beneficiaries to update their address or direct deposit information with SSA, if needed, is online with a personal *my* Social Security account. There is no need to call or visit SSA. Visit [www.ssa.gov/myaccount](http://www.ssa.gov/myaccount) to sign in or create an account.

SSA will continue to provide updates on this webpage.

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**What if a person pays their Medicare premium directly to the Centers for Medicare & Medicaid Services due to the Windfall Elimination Provision or Government Pension Offset reduction?**

SSA recommends that, until they get a notice from SSA, the person should continue to follow the instructions on the Medicare premium bill and pay the bill to ensure their Medicare coverage does not stop. SSA will send a notice telling people when their Social Security record is updated. Once the person begins receiving a Social Security benefit, the Medicare premium will be deducted from their monthly payment. If the benefit is not enough to cover the Medicare premium, the person will be billed for the remainder. SSA's notice will include this information.

If the person prepaid their premiums to the Centers for Medicare & Medicaid Services, and SSA tells them that their premiums will now be deducted from their monthly Social Security benefits, they will receive any applicable refund. SSA's notice will include this information.

**You may need to take action.** For people who pay their Medicare premium using Automated Clearing House (ACH), also known as Medicare Easy Pay or Online Bill Payment: Once SSA notifies the person that they will receive a benefit increase, the Medicare premium will automatically be deducted from their monthly Social Security payment.

- For people using Medicare Easy Pay: They should arrange to stop the ACH payments by completing the Authorization Agreement for Preauthorized Payments form (SF-5510) and sending to the address on the form or online at Medicare.gov. Both options are located at <https://www.medicare.gov/basics/costs/pay-premiums/medicare-easy-pay>.
- For people using Online Bill Payment: If a person is paying their Medicare premiums through

their bank's online bill payment service, they should contact their bank to stop their online bill payments.

Call 1-800-MEDICARE (1-800-633-4227) for assistance.

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### **How can someone avoid scams about the repeal of WEP and GPO?**

Unfortunately, bad actors might attempt to take advantage of situations when money is involved. SSA will never ask or require a person to pay either for assistance or to have their benefits started, increased, or paid retroactively. Hang up and do not click or respond to anyone offering to increase or expedite benefits. Learn more about Social Security-related scams, and how to report them to SSA's Office of the Inspector General, at [www.ssa.gov/scams](http://www.ssa.gov/scams).

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### **What is SSA doing to tell people about the repeal of WEP and GPO?**

SSA has taken several steps to tell people what it is doing to implement the Act and to provide important updates. SSA wants people to avoid unnecessarily calling or visiting while SSA is finalizing its implementation plan. SSA:

- created this Social Security Fairness Act webpage to explain what the Act does, what steps—if any—someone should take, and other helpful information. The webpage offers the option to subscribe to receive alerts when SSA updates the webpage, eliminating the need to return to the webpage to check for updates. SSA encourages media and organizations to direct people to this webpage for information.
  - added some upfront messaging to its National 800 Number about the Act so callers do not need to wait to speak to a representative. The webpage has more detailed information.
  - plans to share updates with state retirement boards, labor unions, financial planners, and human resources professionals.
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### **What is SSA doing to ensure it can help people affected by the Social Security Fairness Act?**

The Act requires SSA to adjust benefits for over 3 million people. Since the law's effective date is in the past, SSA must adjust some people's past benefits as well as future benefits. Processing these changes is very complex and SSA's analysis shows that much of the work must be done manually, on an individual case-by-case basis. SSA is currently processing pending or new claims involving future benefits and developing procedures and automated solutions for computing

retroactive benefits.

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## **What challenges does SSA face implementing the Social Security Fairness Act?**

SSA's ability to implement the law in a timely manner and without negatively affecting day-to-day customer service relies on funding. The Act did not provide money to implement the law. The law requires SSA to adjust benefits for over 3 million people. Since the law's effective date is retroactive, SSA must adjust people's past benefits as well as future benefits. Though SSA is helping some affected beneficiaries now, under SSA's current budget, SSA expects that it could take more than one year to adjust benefits and pay all retroactive benefits.

Callers to SSA's National 800 Number hear a message about the Act. This message has helped tens of thousands of people avoid holding for a representative. However, more than 7,000 people each day still choose to wait to speak to a representative about the Act. These calls, as well as visitors and appointments in local offices, will continue to increase over the coming weeks and months.

Helping people with this new and unfunded workload is made more difficult by SSA's ongoing staffing shortages, including operating under a hiring freeze since November 2024. This hiring freeze is likely to continue. All SSA customers, including those not affected by the Act, will face delays and increased wait times as SSA prioritizes this new workload.

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