



# THE GPO REPEAL BACKLASH HAS BEGUN - SOCIAL SECURITY AND YOU

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I predicted this was going to happen. The public outcry over the repeal of the Government Pension Offset law has begun. I am hearing from more and more people (mostly women) who want to know why retired teachers, firefighters, police officers and other public employees are getting Social Security spousal and survivor benefits that they can't get. Here is a typical recent email.

Q: My sister and I are both retired teachers. I taught in a private school in Colorado, where I paid into Social Security. My sister taught in Dallas, where she paid into the Texas Teachers Retirement program and not Social Security. So I get a Social Security retirement benefit and she gets a Texas teacher's pension. Surprisingly, they are both about the same amount. We each get about \$3,000 per month. We're also both widows. Until recently, neither of us could get widows benefits because our own retirement pensions prevented us from getting anything from our husband's Social Security. But apparently a new law was recently passed called the Social Security Fairness Act that allows my sister to get full Social Security widows benefits. However, I still can't. How in the world is that fair?

A: It's not fair. I've been preaching that the misnamed Social Security Fairness Act is a bad law. And as a result, I've been receiving angry and even hateful emails from retired public employees around the country. I want them to listen to your story. (In today's column, I will be dealing only with the repeal of the Government Pension Offset, not the repeal of the related Windfall Elimination Provision.)

First, here is some background to help you understand what GPO was all about. Throughout the history of Social Security, the law has always said that a Social Security retirement benefit offsets any spousal or widows benefits a person might be due.

Here are a couple quick examples. Mary is getting \$3,000 in her own Social Security retirement benefit. Her deceased husband Frank was getting \$2,800. Mary can't get widows benefits because her own Social Security benefit is higher than her potential widows benefit.

Or we could change that example a bit and say that Frank was getting a \$4,200 retirement benefit before he died. In this scenario, Mary will keep getting her own \$3,000 Social Security check, but she will get an extra \$1,200 in widows benefits to take her up to Frank's \$4,200 level.

Again, that Social Security benefit offset has been in place ever since the beginning of the program in the 1930s. But by the mid-1970s, Congress noted a glitch in that law. The retirement benefits paid to public employees who worked at jobs that were not covered by Social Security but who had spouses who did work and pay into Social Security, were not subject to any offset. In other words, in our example above, if Mary was a retired teacher in Texas who was getting \$3,000 in a Texas teacher's retirement pension, she would have been able

to get that pension AND have received full Social Security widows benefits on Frank's record. (Either \$2,800 monthly in the first example or \$4,200 in the second.) There would have been no offset.

Congress correctly said that was unfair. So in the 1970s, they passed the Government Pension Offset law that essentially said that a public employee retirement pension would offset any spousal benefits due just as Social Security retirement pensions had always done.

You would think that everyone would recognize the fairness of that. But that is not what happened. Public employees went into a rage thinking that they were being cheated out of spousal and widows benefits from Social Security that everyone else could get. They totally misunderstood the point that Social Security retirement benefits had always offset and spousal or widows benefits due. The GPO law was simply treating their public retirement pensions in the same way that Social Security retirement pensions had always been treated.

Anyway, public employee unions and advocacy groups spent the next 40 years lobbying Congress to repeal the GPO law. Bills to repeal GPO were introduced in every Congress. And every year, those bills were defeated. Why? Because the GPO law made sense — it made sure that all working Americans were treated fairly.

But then we got into the politically wacky 21st century where there seemed to be constant partisan battles in Congress over budgets and continuing resolutions and government shutdowns and all other forms of fiscal chicanery. Amid all that mess, it became easier for GPO repeal advocates to get their bills into the hopper of an otherwise distracted Congress. And each year, they seemed to get closer and closer to having their way. Finally, in December 2024, literally almost at the last minute of the last day of Congress, they tacked on the totally misnamed "Social Security Fairness Act" into a mix of other bills, and it became law.

So now we are right back where we were 40 years ago. Public employees can get spousal and widows benefits that no one else can get.

But back to the teacher who sent the email I quoted at the beginning of the column. With the repeal of GPO, her sister, the teacher from Texas, will now be able to get her teacher's retirement pension AND full widows benefits from Social Security. But the letter writer, the private school teacher from Colorado, will never be able to get widows benefits. If anybody thinks that is fair, then please explain it to me.

Here is one more even weirder and less fair part of the Social Security Fairness Act. As I mentioned many times in this column, as an old federal retiree, I collect a civil service retirement pension — not Social Security. (Feds hired since 1984 do pay into Social Security and will retire with Social Security benefits.) Even though I get a comfortable civil service pension, with the repeal of the GPO, I am now able to collect a dependent husband's benefit on my wife's Social Security account. Anybody with a Social Security retirement pension the same size as my civil service benefit would never be able to do that. So why can I? And for that matter, why can millions of retired teachers, firefighters and police officers do the same? No one has ever been able to give me a good answer to these questions either.