

**GUIDING QUESTIONS FOR THE FOCUS AREAS OF THE X SESSION OF THE OPEN-ENDED WORKING GROUP ON AGEING:**

**Social protection and social security (including social protection floors)**

**National legal framework**

1. **What are the legal provisions in your country that recognizes the right to social security and social protection, including non-contributory and contributory old-age benefits? Do they have a constitutional, legislative or executive foundation?**

Social Security was established through federal legislation and provides income replacement benefits in retirement to all workers who qualify. It also provides benefits to eligible workers who become disabled and to the survivors of eligible workers.

In general, workers become eligible for Social Security benefits after having worked and made contributions to the system for 10 years. Retirement benefits can first be claimed at age 62. Social Security is a defined benefit plan in which the size of the monthly benefit related to earnings and number of years worked. Both employers and workers contribute to the program. Changes to program benefits require federal legislation.

**Availability**

1. **What steps have been taken to guarantee universal coverage, ensuring that every older person has access to social security and social protection schemes including non-contributory, contributory and survivor old-age pensions, to ensure an adequate, standard of living in older age?**

The federal government operates two programs that provide income in retirement. The first is Social Security, a benefit people earn through work. The other is Supplemental Security Income (SSI), a means-tested federal program administered by the states. SSI provides monthly cash benefits to people 65 and over, blind individuals, or people with disabilities with very low income and resources. States may supplement federal SSI benefits.

1. **What steps have been taken to ensure that every older person has access to social security and social protection schemes which guarantee them access to adequate and affordable health and care and support services for independent living in older age?**

Almost all people age 65 and older are eligible for health insurance through the Medicare program. In general, people age 65 and older are eligible for Medicare if they worked and contributed to the system for at least 10 years. People with disabilities who are younger than 65 also may receive Medicare benefits.

Some people with limited income and assets qualify for Medicaid, a means-tested health insurance program for people 65 and older, blind or disabled as well as some able-bodied people below the age of 65. The program is funded jointly by the federal government and the states but managed by the states. States have some control over eligibility. Most people who receive SSI benefits are automatically eligible for Medicaid.

Medicaid is also the major source of public long-term services and supports (LTSS) funding. It pays for nursing facility care and limited, but increasing, amounts of home- and community-based services. To qualify, people must have extremely low assets and income, or have spent almost all of their assets and income to pay for their health care and LTSS. The Medicare program does not pay for LTSS.

**Adequacy**

1. **What steps have been taken to ensure the levels of social security and social protection payments are adequate for older persons to have access to an adequate standard of living, including adequate access to health care and social assistance?**

The adequacy of Social Security benefits is essential since these benefits are the primary source of retirement income for most Americans, and about one-quarter of Americans rely on Social Security for all or nearly all of their income. Some features of Social Security aim to increase benefit adequacy: Social Security benefits replace a higher proportion of pre-retirement earnings for low earners than for higher earners; the benefits are indexed annually for inflation; and benefits last a lifetime. Social Security has no absolute benefit floor. Instead it has an alternative benefit formula, which increases with years of work, for people with low lifetime earnings. The Supplemental Security Income program is intended as a safeguard for income adequacy in retirement. However the income and asset limits are quite strict, and the maximum benefit is below the poverty level.

**Accessibility**

1. **What steps have been taken to ensure older persons have adequate and accessible information on available social security and social protection schemes and how to claim their entitlements?**

Both government agencies and private, nonprofit organizations provide information about the programs. Government agencies operate web sites and toll-free phone numbers to offer information and answer questions. They also mail letters to people approaching the eligibility age to inform them how to apply. In addition, the Social Security Administration operates local offices around the country to answer questions, facilitate benefit applications, and provide information. Forms and information are available in a variety of languages, web sites offer accessibility options for people with impairments, and field offices in areas with large foreign-born populations employ translators. State health insurance assistance programs provide information to Medicare beneficiaries about other social protection programs for which they may qualify. Some private nonprofit organizations assist people by creating materials to help them understand the benefits to which they may be entitled, make informed decisions about benefit claiming, and obtain assistance with the application process.

1. **The design and implementation of normative and political framework related to social security and social protection benefits included an effective and meaningful participation of older persons?**

Nonprofit organizations representing the interests of older Americans participate in discussions about any changes to the Social Security program and other social protection benefits, including Supplemental Security Income, Medicare and Medicaid.

**Equality and non-discrimination**

1. **Which are the measures adopted to ensure equitable access by older persons to social security and social protection, paying special attention to groups in vulnerable situation?**

Social Security and Medicare are earned benefits available to all who have worked and contributed to the system for at least 10 years. To reach vulnerable populations, SSA issues grants to nonprofit organizations to conduct outreach to inform people how to apply for benefits. Some private nonprofit organizations also conduct outreach to help people understand what social protections they may qualify for and help them apply for benefits.

**Accountability**

1. **What mechanisms are in place to ensure social security and social protection schemes are effective and accountable?**

The agencies responsible for Social Security, Supplemental Security Income, Medicare and Medicaid are held accountable in three main ways. First, they regularly publish publically available reports concerning agency, program, and financial performance. Second, each agency includes an Office of the Inspector General. These are independent and objective organizations designed to conduct and supervise audits and investigations relating to agency programs and operations. Third, the legislative branch conducts oversight ofd the administration of the program.

1. **What judicial and non-judicial mechanisms are in place for older persons to complain and seek redress for denial of their right to social security and social protection?**

The agencies responsible for Social Security and Medicare offer toll free numbers and web site forms for submitting complaints and requesting information. In the Social Security Administration, the Office of Inspector General handles and investigates complaints from beneficiaries. Other offices are responsible for holding hearings, issuing decisions, and reviewing post-hearing appeals regarding benefit and eligibility decisions.

The Medicare Beneficiary Ombudsman helps beneficiaries with complaints, grievances, and information requests. Beneficiaries can file appeals if they disagree with a coverage or payment decision made by Medicare, their Medicare health plan, or their Medicare Prescription Drug Plan. State Health Insurance Assistance Programs can help beneficiaries file complaints about health providers.