**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. **Legal Framework: 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? Availability**

* Contributory old age benefits (OASDI.) The US provided these benefits relatively late compared to other developed countries through the Social Security Act of 1935, It established a pension plan based on an intergenerational transfer of payroll contributions by employees and employers. Individuals are eligible having completed at least ten years of contributions. They may apply at age 65-67 depending on their year of birth. The program is administered by the Federal Government. Current issues center on the declining ratio of workers contributing to individuals drawing benefits.

[https://www.ssa.gov/history](http://www.ssa.gov/history)

* Non-contributory old age benefits SSI provides benefits to disabled adults and children who have limited income and resources. SSI benefits also are payable to people 65 and older without disabilities who meet the means test.

<https://www.ssa.gov/benefits/ssi/https://www.ssa.gov/benefits/ssi/>

**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 noncontributory, contributory and survivor old-age pensions, to ensure an adequate, standard of living in older age?**

* As of 2010, 85.6 percent of persons aged 65 or older were receiving income from Social Security, far surpassing the percentage receiving income from any other source. However, some aged individuals never receive Social Security Old-Age, Survivors, and Disability Insurance ( OASDI ) benefits. Late-arriving immigrants and those with infrequent work histories are particularly vulnerable. Neither OASDI nor SSI cover undocumented older residents

<https://www.ssa.gov/policy/docs/ssb/v71n2/v71n2p17.html>

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?**

* Medicare provides universal health care for all over sixty-five. It does not cover long term care which is typically covered by Medicaid when the means test for eligibility is reached.
* In recent years there have been many legislative and administrative proposals to limit access by older people to Medicare and Medicaid .
* Residents of long term care facilities are almost prohibited for suing over deplorable conditions. The Federal government is now permitting binding arbitrational in lieu of legal options.

**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?**

* Since President Roosevelt signed it into law, Social Security has become one of the most successful anti-poverty programs in history. Without Social Security, 21.9 million living Americans, including 15.2 million seniors and 1.1 million children, would have fallen below the poverty. (SocialSecurityWorks.org).
* Social Security is based upon an Intergenerational compact and will only become more important to future beneficiaries, who must contend with rising inequality, stagnating wages, disappearing employer-sponsored traditional pensions, and growing student loan debt. Today, 52 percent of working-age households are at risk of being unable to maintain their standards of living in retirement. (SocialSecurityWorks.org) Benefits assure a level of income security but over a third of all people retiring in 2001, including more than half of retired women, received Social Security benefits of less than $700 a month, roughly the poverty level for a single individual intergenerational compact

<https://www.urban.org/research/publication/social-security-reform-and-benefit-adequacy>

* Much policy discussion has centered around changes in the index used to calculate for inflation, making the payments more adequate and maintain current levels of benefit. Other proposals to “fix” social security have proposed cutting benefits. Adequacy could be better assured through Increasing revenues and cost effective administration as cost cutting as opposed to reducing benefits, or narrowing eligibility requirements.

**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?**

* SSA and concerned NGOs such as AARP and Gray Panthers provide information to public through traditional and social media.

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? Equality and non-discrimination**

* NGO advocacy groups such as Gray Panthers, AARP and, Social Security Works engage in the political process creating and modifying legislation. They also have opportunities to comment on proposed regulations, as does the general public including olders. We could do far more to expand these efforts and make commenting on regulations more accessible.

**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?**

* In recent years the closing of numerous local Social Security offices has made it more difficult to access benefits, especially for olders living in rural areas.
* SSI Restoration Act proposed not passed

[**H.R. 3307**](https://www.congress.gov/bill/115th-congress/house-bill/3307?q=%7B%22search%22%3A%5B%22HR+3307%22%5D%7D&r=1)

Modernizes and improves SSI by streamlining and simplifying the claiming process, expanding the resources and income limits and eliminating punitive reductions in benefits

**Accountability**

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

* Supplemental Security Income appeals are often onerous and not always objective. NGOs advocating for both the elderly and disabled from both the Civil society watchdogs must be encouraged not limited in their ability to assist and act as advocates. . As the population of olders accelerates, the number of applications and appeals can only be expected to increase.
* Social Security Administration Accountability Act proposed not passed
* [H.R. 5431](https://www.congress.gov/bill/115th-congress/house-bill/5431?q=%7B%22search%22%3A%5B%22Social+Security%22%5D%7D&r=46)

Rep. Brian Higgins (D-NY-26)

Social Security Commissioner must include the number of pending cases at the hearing offices in each budget submission. Commissioner must give justification for any office closing. GAO must study disability hearings process.

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**

* Administrative hearings are available to contest when OASDI and SSI benefits are denied Four levels of appeal are available from a request for reconsideration through Federal court review

<https://www.ssa.gov/appeals/>