

U.S. response to the March 30, 2017 letter from Mr. Martin Garcia Moritan, Chair-Designate of the UN Open-Ended Working Group (OEWG) on Ageing, concerning the session's two main themes: "Equality and Non-Discrimination" and "Neglect, Violence, and Abuse."

The United States appreciates the opportunity to highlight a number of examples of U.S. policies and programs on these subjects.

EQUALITY AND NON-DISCRIMINATION.

Non-Discrimination in Employment for Older Persons.

- The Age Discrimination in Employment Act of 1967 (ADEA) protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions, or privileges of employment. The ADEA is enforced by the Equal Opportunity Commission (EEOC).
- The U.S. government itself is a leader in implementing policies and programs which enable older persons and persons with disabilities to continue working and that enhance work-life balance. These include flexible and compressed work schedules and telecommuting options; accommodating older or disabled workers by providing workspace and computer modifications; continued education and training; and support for caring for dependents. Many of these efforts are mirrored in the private sector. There are programs focused on the employability and employment of older persons across the U.S. government. Examples include:
 - The Environmental Protection Agency's Senior Environmental Employment Program created a program utilizing the skills of individuals age 55 and over in short-term environmental assignments.
 - The U.S. Department of Agriculture's Natural Resource Conservation Service established an older worker employment program to provide technical assistance for its conservation operations around the country.

Efforts to Address Access to Health Care and Supportive Services for Older Persons.

- Healthy aging is a primary focus of the U.S. Government, both through advances to public health, and in increasing the access, affordability, and quality of healthcare for older persons. Programs and policies across the U.S. government have been enacted to address chronic disease, accidents and injury, the design of the built environment, pollution, and many more factors that impact the health of older adults. Since 1987, under the Older Americans Act, the U.S. Department of Health and Human Services has funded a series of Preventive Health Services. It does this through providing formula grants to states and territories based on their share of the population age 60 and over, to support evidence-based disease prevention and health promotion programs.
- In 2015, the Department of Health and Human Services joined the American College of Preventive Medicine to host a Healthy Aging Summit, bringing together policymakers, researchers, clinicians, educators, and public health practitioners to explore the science of healthy aging, identify knowledge gaps, promote the role of prevention and preventive services in improving quality of life in later years, and mobilize action to improve the delivery of care for those aging in place or in transition.
- The United States has also made significant investments in recent years related to brain health and aging. These investments have involved increased funding for biomedical research related to understanding the brain, cognitive health, and dementia, as well as investing in programs to support individuals with dementia and their caregivers.
- The United States has seen the continued expansion of Long-Term Services and Supports (LTSS) for older adults in recent years, which reflects the growing demographic of individuals that require supports but want to remain living in the community. The U.S. government has supported this expansion in a number of ways, including rebalancing initiatives that encourage States to invest in more home and community-based services and reduce reliance on institutions.

Information about Outcomes & Experiences of Older Persons.

- A crucial focus of U.S. government programs is monitoring and evaluating the effectiveness of aging programs to ensure they are delivering meaningful

services and resources to our country's older adults and their support networks. The Federal Interagency Forum on Aging-Related Statistics (Forum) has convened Federal agencies with a shared interest in improving aging-related data since 1986. These include the National Institute on Aging, National Center for Health Statistics, and Census Bureau. Every four years, the Forum compiles a report on older Americans with key indicators of well-being to provide the latest data on five subject areas: population, economics, health status, health risks and behaviors, and health care. Archived reports can be found at www.agingstats.gov.

Age-Based Benefits for Older Persons (particularly in access to healthcare, social protection, and nutrition support).

- The United States has made protecting the rights, dignity, and independence of older people a national priority for more than 80 years. The Social Security Act was passed in 1935 to support the economic and general welfare of older adults (age 65 and older). In 1965, Medicare (government-sponsored health care coverage for older persons 65 and above), Medicaid (government-sponsored health coverage for persons living below a certain income level, regardless of age), and the Older Americans Act (supportive services for older persons ages 60 and older) were enacted, and these four programs continue to form the cornerstones of the U.S. system for supporting the health, economic security, and social wellbeing for millions of seniors, individuals with disabilities, and their families.
- The U.S. Department of Health and Human Services, through the Administration for Community Living (ACL) administers the Older Americans Act (OAA) programs. For example, OAA funds nutrition assistance programs that are designed to reduce hunger and food insecurity, while also promote the socialization of older individuals, as well as their health and well-being.
- A core tenet of the OAA is to specifically help those older adults that might be at highest risk of losing their independence. Section 305(a)(E) stipulates that states must provide assurances that preference will be given to providing services to older individuals with the greatest economic and social need.

NEGLECT, VIOLENCE, AND ABUSE.

Legal Assistance and Elder Rights.

- Legal assistance and elder rights programs under Title III-B of the Older Americans Act (OAA) are instrumental in addressing the harmful consequences of elder abuse, including financial damage caused by exploitation and fraud. Legal services provided under Title III-B, Section 321, of OAA are part of the essential core of ACL's legal assistance and elder rights programs. There are approximately 1,000 OAA-funded legal services providers nationwide, which provide over one million hours of legal assistance per year. Legal services under Title III-B can protect older persons against the direct challenges to independence presented by elder abuse. These cases involve complex legal issues which may include: cases of financial exploitation, fiduciary abuses, and consumer fraud; cases of physical abuse; and cases of neglect/self-neglect.
- ACL funded the creation of a new National Center on Law and Elder Rights in 2016. This organization will focus on building the capacity of legal service delivery systems across the U.S. to address critical legal issues for older adults. The center will provide technical assistance related to legal training, case consultation, systems enhancement, and other relevant areas.
- In 2016 the U.S. Department of Justice, through its Elder Justice Initiative and its Office for Victims of Crime with support from the Office for Access to Justice, and the Corporation for National and Community Service, announced Elder Justice AmeriCorps, a \$2 million grant program to provide legal assistance and support services to victims of elder abuse, neglect and exploitation – the majority of whom are women – and to promote pro bono capacity building in the field.

Legislation to address Violent, Abuse and Neglect of Older Persons.

- The Elder Justice Act (EJA) of 2009 (Title XX of the Social Security Act, Subtitle B), was signed into law on March 23, 2010 to address weaknesses in Federal and state responses to elder abuse. The EJA provides funding to implement a number of provisions, including to:
 - Improve and enhance adult protective services programs;
 - Enhance the long-term care ombudsman program; and
 - Receive reports of crimes in long-term care facilities.

- The Elder Justice Act also established the Elder Justice Coordinating Council (EJCC) to coordinate activities related to elder abuse, neglect, and exploitation across the Federal government.
- In 2014, as part of the continued roll-out of the EJA, ACL created the Office of Elder Justice and Adult Protective Services (OEJAPS), expanding our administration of elder abuse prevention, legal assistance, and pension counseling programs by officially designating this office as the home for adult protective services (APS) in the federal government.
- Title VII-A3 of the Older Americans Act also provides funding for elder justice programming through the Prevention of Elder Abuse, Neglect, and Exploitation program. Through this title, ACL distributes funds via formula grants to states and territories based on their share of the population aged 60 and over, roughly \$5 million annually. With an emphasis on training for prevention, the program is focused on technical assistance and capacity building for law enforcement, medical professionals, and others working with older adults to recognize elder abuse.
- Since 2000, the Enhanced Training and Services to End Abuse in Later Life Program, a discretionary grant under the Violence Against Women Act (VAWA), addresses elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking, against victims who are 50 years of age or older through training and services. The Department of Justice Office on Violence against Women administers approximately \$3.1 million for this grant program annually, which funds approximately eight to nine communities a year to work collaboratively to address abuse in later life.

Protection from Violence, Abuse and Neglect.

- ACL funds the National Center on Elder Abuse (NCEA). The NCEA provides relevant information, materials, and support to enhance state and local efforts to prevent and address elder mistreatment. The NCEA makes available news and resources; collaborates on research; provides consultation, education, and training; identifies and provides information about promising practices and interventions; answers inquiries and requests for information; operates a listserv forum for professionals; and advises on

program and policy development. NCEA also facilitates the exchange of strategies for uncovering and prosecuting fraud and scams targeted at seniors.

- There has been significant progress in developing new national systems that are responsive to elder abuse. The U.S. Department of Health and Human Services' Administration for Community Living (HHS/ACL) is overseeing the launch of the National Adult Maltreatment Reporting System, the first national reporting system for states to submit data on adult maltreatment, as well as the development of the first national Adult Protection Services guidelines that highlight best practices for an effective APS system.
- States' Long-Term Care Ombudsman Programs serve residents of long-term care facilities (nursing homes, board and care, assisted living and similar settings) and work to resolve resident problems related to poor care, violation of rights, and quality of life. Ombudsmen also advocate at the local, state, and national levels to promote policies and consumer protections to improve residents' care and quality of life.
- Adult Protective Services (APS) is a social services program provided by state and local governments nationwide serving older adults and adults with disabilities who are in need of assistance because of abuse, neglect, self-neglect, or financial exploitation (adult maltreatment). ACL oversees Federal coordination of APS services, and in 2016 published the first ever national APS guidelines that highlight best-practices for an effective APS system. The majority of states have adopted these national guidelines or plan to do so, which will result in significant improvements in APS provision, evaluation, and expansion.
 - 2016 saw the launch of the National Adult Maltreatment Reporting System, the first national reporting system for states to submit data on adult maltreatment. This system will result in the first ever national data on elder abuse and will greatly improve the Federal government's ability to evaluation progress.
- The Department of Justice Office on Violence Against Women (DOJ OVAW), through its technical assistance provider, the National Clearinghouse for Abuse in Later Life (NCALL), worked with elder abuse prosecutors throughout the country to create the National Institute on the Prosecution of

Elder Abuse (NIPEA) curriculum. Aequitas, an organization dedicated to fighting sexual violence of all kinds, has partnered with NCALL to offer this three-and-a-half-day course annually for the last three years. During the course, participants receive training on the dynamics of elder abuse and practical skills to successfully prosecute cases. By 2018, a prosecutor from every state will have participated in this institute.