RESOLVED, That the American Bar Association urges governments to promote the human right to adequate food and nutrition for all through increased funding, development and implementation of strategies to prevent infringement of that right.

FURTHER RESOLVED, That the American Bar Association urges the United States government to make the realization of a human right to adequate food a principal objective of U.S. domestic policy.
REPORT

The right to adequate food and nutrition is a human right most often manifested in policies and programs designed to protect the right for people to be free from hunger, food insecurity and malnutrition. The right recognizes that sufficient food is available in the world and that people should have the means to access it.

In August 1986, the ABA House of Delegates approved a resolution recognizing a fundamental right to food (see Resolution 116A; the resolution focused on U.S. foreign policy with regards to food). This resolution reaffirmed prior action by the ABA House of Delegates in 1980 whereby the ABA declared that “the existence of hunger and malnutrition is avoidable in light of the economic and physical resources of the United States, and the continued existence of hunger and malnutrition is therefore inexcusable, humanly unconscionable, economically and socially shortsighted and unwise.” Adoption of this policy would build on the ABA’s 33 year history of advocacy in the human rights arena.

Recent economic and natural disasters across the nation coupled with ongoing high unemployment rates have left millions of individuals, families and children homeless, living in poverty or with economic insecurity. As of 2012, 46.5 million Americans (15% of the population) were living in poverty including 16.1 million (or 21.8 percent of) children.1 Recent research indicates that nearly 40% of Americans between the ages of 25 and 60 will experience at least one year below the official poverty line during that period and 54% will spend a year in poverty or near poverty.2 Beyond poverty, economic insecurity has increased steadily since 2007 for every major American demographic group, rising from 38% to 45% for Americans overall. The rate for women increased from 35% to 41%. If economic insecurity continues to rise at the average rate of increase, half of all Americans could lack secure incomes in 2015.3

Food insecurity in the United States remains at record levels for the fifth year in a row, with 17.6 million households having difficulty feeding their families, and 7 million of these families suffering from "very low food security" that forced them to go hungry in 2012, according to a new report by the U.S. Department of Agriculture.4 A shocking 14.5 percent of all U.S. households—amounting to 49 million people—suffered food insecurity in 2012, with poor households, households with children headed by single

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women or single men, and African American and Hispanic households hardest hit.\(^5\) These findings, based on survey data from the Census Bureau, come as members of Congress are pushing for a nearly $40 billion cut to the federal Supplemental Nutrition Assistance Program (SNAP), the largest program in the domestic hunger safety net.

Our nation’s hunger safety net is primarily comprised of the following programs: (1) SNAP, which helps roughly 35 million low-income Americans to afford a nutritionally adequate diet; (2) the School Lunch and School Breakfast programs, which provide free and reduced-price meals that meet federal nutritional standards to over 22 million school children from low-income families; and (3) WIC — short for the Special Supplemental Nutrition Program for Women, Infants, and Children — provides nutritious foods, information on healthy eating, and health care referrals to about 8 million low-income pregnant and postpartum women, infants, and children under five.

SNAP is the largest and only universal anti-hunger program. One in seven Americans relies on food stamps, and the vast majority of SNAP recipients either work or are children, disabled or elderly.\(^6\) The food stamp program is widely acknowledged as one of our nation’s most effective defenses against hunger and poverty, having kept four million Americans out of poverty last year and preventing millions more from falling deeper into poverty. In the 2012 fiscal year, $74.6 billion in food assistance was distributed. As of December 2012, 47.8 million Americans were receiving on average $133.73 per month in food assistance.

Most other domestic anti-hunger programs are targeted at particular types of citizens. The largest of these is the School Lunch program, which helped feed 32 million children per day in 2010. The second largest is the School Breakfast Program, which fed 16 million children in 2010. The next largest is the Special Supplemental Nutrition Program for Women, Infants and Children (also known as WIC) which provided food aid for roughly 9 million women and children in 2010.

A program that is neither universal nor targeted is the Emergency Food Assistance Program. This is a successor to the Federal Surplus Relief Corporation that used to distribute surplus farm production directly to poor people; now the program works in partnership with the private sector, by delivering the surplus produce to food banks and other civil society agencies. Recent proposed cuts to this critical program will ultimately result in millions of Americans --- including children, the disabled and elderly --- going hungry and falling deeper into poverty.

Over the course of time federal, state, local and tribal governments have adopted more direct roles in addressing the problem of hunger, often through programs aimed at the root cause of poverty. In this era of both soaring budget deficits and escalating poverty, there is a great need for the federal government to ensure it is spending its resources as wisely and effectively as possible on the needs of those Americans who require a helping hand during hard times. Combating hunger and food insecurity is an important goal in

\(^5\) Ibid.
\(^6\) [http://www.moneynews.com/Economy/Americans-Food-Stamps/2012/03/06/id/431592](http://www.moneynews.com/Economy/Americans-Food-Stamps/2012/03/06/id/431592)
itself. But it is also a sound investment. Hungry children learn less effectively, hungry workers work less productively, and food insecurity costs the nation tens of billions of dollars annually in health care costs. A 2007 study by the Harvard School of Public Health found that domestic hunger and food insecurity cost the American economy $90 billion annually.\(^7\) The price we pay for food insecurity in children alone is at least $28 billion.

Federal programs that make up key portions of the safety net including Temporary Assistance for Needy Families (TANF) and SNAP have saved countless lives and provided much-needed assistance to millions. The creation and expansion of these programs in the 1960s and 1970s almost eliminated severe hunger in America. After cut backs to welfare in the early 1980s and late 1990s, private sector aid had begun to overtake public aid such as food stamps as the fastest growing form of food assistance, although the public sector still provided much more aid in terms of volume. This changed in the early 21st century; the public sector’s rate of increase in the amount of food aid dispensed again overtook the private sector’s. President Bush’s administration undertook bipartisan efforts to increase the reach of the food stamp program, increasing its budget and reducing both the stigma associated with applying for aid and barriers imposed by red tape. This same safety net greatly reduced the suffering caused by the Great Recession and other events such as Hurricane Katrina.

**Status of Legislation**

On September 19, 2013, the House of Representatives passed legislation that would cut $40 billion from the food stamp (SNAP) program over the next ten years and would require adults between the ages of 18 and 50 without minor children to find a job or enroll in a work-training program in order to receive benefits. It would also limit to three months the length of time they could receive benefits. Currently, states can extend SNAP benefits beyond three months for those who are working or participating in a job training program. Passage of this bill has led to the creation of a conference committee that has met in recent weeks to try to come up with a compromise between the Senate farm bill that was passed earlier this year and included SNAP benefits with less cuts. It is anticipated that either a compromise will be reached by the conferees by the end of the year or continuing resolution will be adopted similar to last year that resulted in SNAP cuts to address increases in dairy costs.

The Congressional Budget Office (CBO) estimates it would deny SNAP to approximately 3.8 million low-income people in 2014 and to an average of nearly 3 million people each year over the coming decade. Those who would be dropped from the program include some of the nation’s most destitute adults, as well as many low-income children, seniors, and families that work for low wages. The people the bill would cut off SNAP include but are not limited to:

- 1.7 million unemployed, childless adults in 2014 who live in areas of high unemployment — a group that has average income of only 22 percent of the

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poverty line (about $2,500 a year for a single individual) and for whom SNAP is, in most cases, the only government assistance they receive (this number will average 1 million a year over the coming decade);

- 2.1 million people in 2014, mostly low-income working families and low-income seniors, who have gross incomes or assets modestly above the federal SNAP limits but disposable income — the income that a family actually has available to spend on food and other needs — below the poverty line in most cases often because of high rent or child care costs. (This number will average 1.8 million a year over the coming decade.) In addition, 210,000 children in these families would also lose free school meals;

- Other poor, unemployed parents who want to work but cannot find a job or an opening in a training program — along with their children, other than infants.

Conclusion

The U.S. is one of the only countries that has yet to acknowledge that access to food is a human right. Hunger is not inevitable – the United States produces enough food to feed each American. There is no question that government must address the most basic of human needs—hunger and nutrition— with a human rights approach in order for ending hunger to be a national goal to which we all will be held accountable. A human rights approach incorporates the belief that access to healthy food is a fundamental right of all people regardless of age, race, ethnicity, gender or national origin and that hunger is a violation of fundamental human rights.

Respectfully submitted,
Antonia K. Fasanelli, Chair
Commission on Homelessness & Poverty
February 2014

8 http://www.worldhunger.org/articles/Learn/world%20hunger%20facts%202002.htm
1. **Summary of Resolution(s).**

   This resolution urges governments to promote the human right to adequate food and nutrition for all through increased funding, development and implementation of strategies to prevent infringement of that right. The resolution also urges the United States government to make the realization of a human right to adequate food a principal objective of U.S. domestic policy.

2. **Approval by Submitting Entity.**

   The Commission approved this policy resolution on November 20, 2013.

3. **Has this or a similar resolution been submitted to the House or Board previously?**

   In August 1986, the ABA House of Delegates approved a resolution recognizing a fundamental right to food (See Resolution 116A); the resolution focused on U.S. foreign policy with regards to food.

4. **What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?**

   In August 1986, the ABA House of Delegates approved a resolution recognizing a fundamental right to food. This resolution reaffirmed prior action by the ABA House of Delegates in 1980 whereby the ABA declared that “the existence of hunger and malnutrition is avoidable in light of the economic and physical resources of the United States, and the continued existence of hunger and malnutrition is therefore inexcusable, humanly unconscionable, economically and socially shortsighted and unwise.” Adoption of this policy would build on the ABA’s 33 year history of advocacy in the human rights arena.

5. **If this is a late report, what urgency exists which requires action at this meeting of the House?**

   N/A
On September 19, 2013, the House of Representatives passed legislation that would cut $40 billion from the food stamp (SNAP) program over the next ten years and would require adults between the ages of 18 and 50 without minor children to find a job or enroll in a work-training program in order to receive benefits. It would also limit to three months the length of time they could receive benefits. Currently, states can extend SNAP benefits beyond three months for those who are working or participating in a job training program. Passage of this bill has led to the creation of a conference committee that has met in recent weeks to try to come up with a compromise between the Senate farm bill that was passed earlier this year and included SNAP benefits with less cuts. It is anticipated that either a compromise will be reached by the conferees by the end of the year or continuing resolution will be adopted similar to last year that resulted in SNAP cuts to address increases in dairy costs.

The Congressional Budget Office (CBO) estimates it would deny SNAP to approximately 3.8 million low-income people in 2014 and to an average of nearly 3 million people each year over the coming decade. Those who would be dropped from the program include some of the nation’s most destitute adults, as well as many low-income children, seniors, and families that work for low wages. The people the bill would cut off SNAP include but are not limited to:

- 1.7 million unemployed, childless adults in 2014 who live in areas of high unemployment — a group that has average income of only 22 percent of the poverty line (about $2,500 a year for a single individual) and for whom SNAP is, in most cases, the only government assistance they receive (this number will average 1 million a year over the coming decade);
- 2.1 million people in 2014, mostly low-income working families and low-income seniors, who have gross incomes or assets modestly above the federal SNAP limits but disposable income — the income that a family actually has available to spend on food and other needs — below the poverty line in most cases often because of high rent or child care costs. (This number will average 1.8 million a year over the coming decade.) In addition, 210,000 children in these families would also lose free school meals;
- Other poor, unemployed parents who want to work but cannot find a job or an opening in a training program — along with their children, other than infants.

Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates. On a federal level the policy will be utilized to support legislation to maintain and increase funding for federal programs whose purpose is to ensure all Americans have access to adequate food and nutrition including reauthorization of the food stamps (SNAP) program, school-based food programs and other similar programs that are currently under attack.
8. **Cost to the Association.** (Both direct and indirect costs)

None. Existing Commission and Governmental Affairs staff will undertake the Association’s advocacy on behalf of these recommendations, as is the case with other Association policies.

9. **Disclosure of Interest.** (If applicable)

There are no known conflicts of interest with this resolution.

10. **Referrals.**

   Administrative Law
   Business Law
   Criminal Law
   Government and Public Sector Lawyers
   Individual Rights and Responsibilities
   International Law
   Law Student Division
   Litigation
   Real Property
   Senior Lawyers
   Solo, Small Firm and General Practice
   State and Local Government
   Young Lawyers Division
   Forum on Affordable Housing and Community Development
   Delivery of Legal Services
   Disaster Response and Preparedness
   Legal Aid and Indigent Defendants
   Pro Bono and Public Service
   Center for Human Rights
   Commission on Disability Rights
   Commission on Domestic Violence
   Commission on Immigration
   Commission on Law and Aging
   Commission on Sexual Orientation and Gender Identity
   Commission on Youth at Risk

11. **Contact Name and Address Information.** (Prior to the meeting. Please include name, address, telephone number and e-mail address)

    Antonia Fasanelli, Chair
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    201 N Charles St., Ste. 1104
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Amy.Hortonnewell@americanbar.org

12. **Contact Name and Address Information.** (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

Antonia Fasanelli, Chair
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EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution calls upon local, state, tribal, territorial and federal government to promote the human right to adequate food and nutrition for all through policies to increase funding, and development and implementation of strategies to prevent infringement of that right. The resolution also urges the United States government to make the realization of a human right to adequate food a principal objective of U.S. domestic and foreign policy.

In August 1986, the ABA House of Delegates approved a resolution recognizing a fundamental right to food (focusing on U.S. foreign policy). This resolution reaffirmed prior action by the ABA House of Delegates in 1980 whereby the ABA declared that “the existence of hunger and malnutrition is avoidable in light of the economic and physical resources of the United States, and the continued existence of hunger and malnutrition is therefore inexcusable, humanly unconscionable, economically and socially shortsighted and unwise.” Adoption of this policy would build on the ABA’s 33 year history of advocacy in the human rights arena.

2. Summary of the Issue that the Resolution Addresses

Despite the nation’s commitment to human rights ideals, its practices have often fallen short. Food insecurity in the United States remains at record levels for the 5th year in a row, with 17.6 million households having difficulty feeding their families, and 7 million of these families suffering from "very low food security" that forced them to go hungry in 2012. A shocking 14.5 percent of all U.S. households—amounting to 49 million people—suffered food insecurity in 2012, with poor households, households with children headed by single women or single men, and African American and Hispanic households hardest hit. These findings, based on survey data from the Census Bureau, come as members of Congress are pushing for a $40 billion slash to the federal Supplemental Nutrition Assistance Program (SNAP), the largest program in the domestic hunger safety net.

3. Please Explain How the Proposed Policy Position will address the issue

This resolution calls on the U.S. government at all levels to more fully implement the right to adequate food and nutrition as a legal commitment. Asserting food security as a human right will create a common goal and a clear framework to:

a. Help government agencies set priorities to implement the right to adequate food and nutrition;
b. Provide support for advocacy groups;
c. Create pressure to end policies which fail to guarantee human rights; and
d. Allow us to focus on how to solve the problem rather than worrying about whether the U.S. government has a duty to solve the problem.

4. **Summary of Minority Views**

None to date.