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On Behalf Of:
Committee: Senate Committee On Human Services
Measure, Appointment or Topic: SB611

SB611 Supplemental Nutrition Assistance Program (SNAP), represents a well-intentioned but fundamentally flawed initiative. While proponents argue it addresses hunger among vulnerable populations, this bill oversteps state authority, conflicts with federal immigration law, and effectively aids and abets illegal migration in violation of established statutes, notably Title 8 U.S.C. § 1324. Oregonians should reject this measure not only for its legal infirmity but also for its broader implications on state resources and national sovereignty.

Under federal law, specifically 8 U.S.C. § 1324(a)(1)(A)(iv), it is a felony to "encourage or induce an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law." This statute extends to actions that facilitate or incentivize illegal presence, including harboring or shielding undocumented immigrants from detection (8 U.S.C. § 1324(a)(1)(A)(iii)). By offering state-funded food benefits to individuals—such as undocumented immigrants, DACA recipients, or legal permanent residents with less than five years of U.S. residency—who are explicitly excluded from federal SNAP due to their immigration status, SB 611 creates a tangible incentive for illegal migrants to remain in Oregon. This undermines federal authority over immigration, a domain constitutionally reserved to the national government under the Supremacy Clause (Article VI, Clause 2).

The intent behind SB 611 may be humanitarian, but intent does not negate legal consequences. Federal courts have consistently interpreted "encouraging or inducing" broadly, encompassing actions that materially support illegal residency. Providing food assistance—a basic necessity—could reasonably be seen as encouraging undocumented individuals to stay in Oregon rather than return to their countries of origin or seek lawful status elsewhere. This places Oregon at risk of legal challenges from the federal government, which could argue that the state is aiding and abetting violations of immigration law, potentially exposing state officials to liability under federal statutes that carry penalties of up to five or ten years imprisonment per violation (8 U.S.C. § 1324(a)(1)(B)).

Historical precedent reinforces this concern. In *Arizona v. United States* (2012), the Supreme Court struck down portions of Arizona's SB 1070, affirming that immigration enforcement is a federal prerogative. While SB 611 does not directly enforce immigration law, it indirectly subverts federal policy by rewarding presence that contravenes it. Oregon's sanctuary state status, bolstered by laws like HB 3265 (2021), already limits cooperation with federal immigration authorities.

SB 611 doubles down on this stance. This is a step beyond non-cooperation into active facilitation—a line that federal law does not permit states to cross without consequence.

Practically, SB 611 strains Oregon's already burdened resources. With one in six children facing hunger and food banks distributing over 109 million pounds of food in 2024, the state's capacity to support its legal residents is stretched thin. Oregon's refusal to align with federal deterrence measures could inadvertently compromise community safety. SB 611, cloaked in compassion, stands in direct opposition to federal law by incentivizing and sustaining illegal residency. It risks legal repercussions, misallocates finite resources, and undermines the integrity of national immigration policy. Oregon should focus on supporting its lawful residents rather than extending benefits that conflict with federal authority and encourage defiance of U.S. law. Lawmakers must reject this bill to uphold the rule of law and prioritize the state's citizens. Compassion is noble, but it cannot come at the expense of legality and sovereignty.