

**Congress of the United States**  
**Washington, DC 20515**

August 23, 2007

The Honorable Michael Chertoff  
Secretary of Homeland Security  
Department of Homeland Security  
Washington, DC 20528

Dear Secretary Chertoff,

We are writing to express serious concerns over the implementation of new regulations addressing Social Security “No Match” letters. While we recognize the need to ensure a legal workforce, the new “enforcement only” regulations establish additional penalties for employers without making the necessary changes to current law needed to protect the rights of legal workers as well as prevent undue burden on the employer.

Agriculture is a \$200 billion industry, employing over three million farm laborers annually. In States like California that grow labor-intensive specialty crops, the industry is reliant upon a consistent farm workforce. Because the agricultural industry employs a largely immigrant workforce, new guidelines recently published by the Department of Homeland Security (DHS) will create disruption in the workplace that will undoubtedly have catastrophic economic consequences.

With as many as nine million “mismatches” reported by the Social Security Administration each year, the new DHS regulations will have a significant impact on all employers who receive “no match” letters. Although the guidelines for “safe harbor” are intended to protect employers from constructive knowledge charges, DHS does not guarantee that the employers will not be subject to raids or further enforcement actions, nor do they offer any legal protections from anti-discrimination litigation.

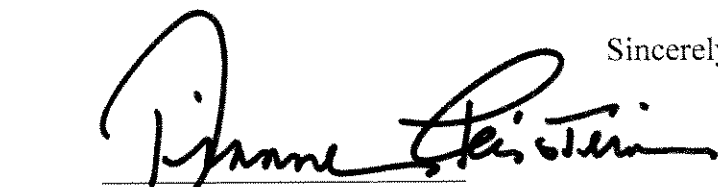
The anti-discrimination provisions of both the Civil Rights Act of 1964 and the Immigration Reform and Control Act of 1986 (IRCA) are designed to prohibit unfair immigration related employment practices based on citizenship or national origin. Under the new regulations, even well-intended employers may be forced into costly legal proceedings to defend their actions after receiving “no match” letters. Still, many employers, fearing harsh penalties and criminal charges, may risk legal challenge and fire workers en masse, regardless of the fact that some may in fact be legal to work. Many other workers that do not have the proper documentation to verify work eligibility may choose not to return to work at all, knowing that they can reuse the inaccurate identification with a new employer until a new “no match” letter is issued.

With harvest season upon us, many employers would be forced to choose between hiring new employees who may or may not generate another "no match" letter or face a devastating worker shortage that may result in the inability to harvest the season's crops. This no-win scenario causes hardship for employers by making labor unreliable, but does not achieve the purported goal of ensuring that all individuals employed are legal.

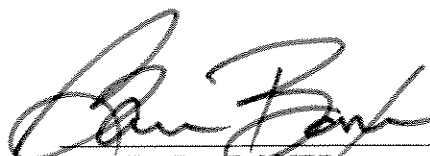
While we understand the intention of these new regulations, we urge you to consider the potential impact of these changes on the business community. We acknowledge that current policy must be changed to resolve the problem of illegal immigration in our country, but we believe a comprehensive approach is essential to address both economic and security issues.

Thank you for your attention to our concerns. We look forward to your timely response.


Sincerely,




DIANE FEINSTEIN  
U.S. Senator




BARBARA BOXER  
U.S. Senator



JIM COSTA  
Member of Congress



DENNIS CARDOZA  
Member of Congress



GEORGE RADANOVICH  
Member of Congress