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January 30, 2018

The Honorable Kirstjen M. Nielsen  
Secretary of Homeland Security  
Washington, D.C. 20528

Madam Secretary,

I am not a politician or a wealthy business owner and have no influence on the decisions made by our legislature or executive branch regarding immigration or hiring practices. I am simply the General Manager of a very popular but extremely understaffed hotel located just outside of Yellowstone National Park's west Entrance. My wife and I actually have to live in the hotel we manage because there is very little available or affordable housing in our small town of West Yellowstone, Montana. You may be aware that Yellowstone now draws over 4 million visitors every year, mostly between Memorial Day and Labor Day, because the remote location and extreme weather make travel and living conditions here very difficult outside of that peak season. Those millions of annual visitors take quite a toll on the local resources including power, internet, water, sewage and supplies of food and fuel that must be brought in from very far away. However, the most difficult resource to supply in our remote wilderness location is labor.

Affordable and reasonable living conditions are simply not available near most of the types of resort and vacation destinations that most families choose to visit. The lack of family housing and high cost of living make such locations undesirable for most American families to prosper in despite the much higher than average wages usually offered. The majority of employment opportunities in such locations are simply not the types of jobs that most Americans seek as long-term careers because most revolve around manual labor, unfavorable working conditions or inconvenient hours. Seasonal jobs are obviously the most difficult jobs to fill with reliable workers simply because they are temporary. Americans of high school or college age can help supply employment needs near their home or school communities but seasonal jobs located in popular destination locations are nearly impossible to fill with American workers. Obviously, any business would prefer to hire workers from their own country rather than hire someone whose background is unknown and doesn't speak their language or understand their customs or products. Unfortunately, the fact is that there are simply not enough American workers who are available or willing to accept employment opportunities in some locations and professions in our country. Our own attitudes and regulations against foreign workers are now harming American small businesses who are the backbone of our country's economy and hire more Americans than anyone.

Those of us in the tourist and lodging industry are supporting our National Parks and many American popular travel destinations that bring in revenue from all over the world. We help boost the entire American economy and create a huge amount of tax dollars to help cover many of our necessary future infrastructure improvements as well as improvements to border security. When we write to our Representatives and Senators asking for support to increase the H2B caps we either hear nothing back or simply the same old slogan "I prefer that we hire Americans."

For Reservations Call 1-800-635-3559



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Unemployment is no longer the biggest problem for American workers. It is time to graduate from over used slogans of "Hire Americans First" to "Support American Small Businesses". If not for the migrant agriculture programs and the H1B and H2B programs allowing foreign workers to legally fulfill temporary employment needs, many of our most important small business could not survive and the higher costs of many of our products and services would make them unaffordable. Many small businesses simply can not survive without utilizing temporary foreign workers. The only question is whether we want to make it possible and easier for small businesses to choose the legal path or make them desperate enough to choose another path that could make criminals out of honest American business people. When the only choice is to turn away business and close up shop or hire an undocumented worker, then we have created a much bigger problem than we have solved. When we don't offer reasonable solutions people will create their own solutions and turn their backs on any government effort to curtail or control illegal immigration. The intelligent goal should be to gain support for a legal path not to chase lawbreakers.

It is not the American's who can't find or keep a job that will ultimately help defend or diminish our future border security- it is the American's who are in desperate need of help and can't find American's willing to fulfill that need. There are currently tens of thousands more requests for legal temporary foreign workers than there will be visas granted under the H2B program in 2018. It will become a lottery this year. Even our own President's companies have applied for many of the available visas under the H2B program for his hotels' employees. I'm sure the scrutiny for who received visas and who didn't will be the next big political press release because the cap on these programs simply isn't nearly high enough to meet the overwhelming demands. This issue needs the support of our President and of the Secretary of Homeland Security to lead the discussion with Congress and pave the way for issuing more of the H21 and H2B visas requested each year until we catch up to the demand. Such an effort will go a long way to gaining the support of all small businesses in investing in more border security as well as a commitment to follow the legal foreign worker employment path and help monitor those who don't.

We all desperately need your help.

Don Hill  
GM Kelly Inn

THANK YOU FOR LISTENING.  
SINCE WE HAVE FOUGHT THE LACK OF HELP FOR THE LAST  
8 YEARS WITH NO RELIEF IN SITE, WE ARE FINALLY GIVING UP  
AND RETIRING THIS SPRING BUT OUR COMPANY AND  
OUR INDUSTRY NEEDS SUPPORT TO CONTINUE OPERATING.  
I HOPE YOU WILL BE THE PERSON WHO CAN MAKE A  
DIFFERENCE FOR THOSE THAT FOLLOW US.





**U.S. Citizenship  
and Immigration  
Services**

August 27, 2018

Mr. Don Hill  
General Manager  
Kelly Inn  
P.O. Box 1482  
West Yellowstone, Montana 59758

Dear Mr. Hill:

Thank you for your January 30, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

Your letter urges Secretary Nielsen to approve additional H-2B petitions pursuant to the H-2B visa provisions contained in the Consolidated Appropriations Act, 2018 (Public Law 115-141), which was signed by the President on March 23, 2018.

This provision authorized Secretary Nielsen, in consultation with Secretary Acosta, to determine whether to increase, and if so, by how many (within specified parameters), the number of available H-2B visas for fiscal year (FY) 2018. In making her decision to increase the number of H-2B visas, the Secretary carefully weighed several factors, including whether U.S. workers may be harmed by any such increase.

On May 31, 2018, the U.S. Department of Homeland Security (DHS) and U.S. Department of Labor published a temporary final rule increasing the cap on H-2B nonimmigrant visas by up to 15,000 additional visas through the end of FY 2018. The Secretary does not intend to reopen the supplemental cap for FY 2018.

As with the essentially identical provision in the FY 2017 Omnibus, DHS did not ask for, and does not believe it is appropriate to have, the discretion to authorize the issuance of additional H-2B visas, in general, and specifically under a supplemental cap. I share Secretary Nielsen's opinion that Members of Congress have the best information to know the correct number of H-2B visas needed to support American businesses without harming American workers because congressional representatives have the best understanding of their constituencies and the needs of their local employers.

Further, I share the Secretary's desire to work together with Congress to find solutions to most effectively allocate available H-2B visas throughout the year, while also protecting U.S. workers in the process. DHS will be submitting a congressionally mandated report that details options for addressing the issue of late-season filers in the H-2B program, resulting in their inability to obtain H-2B workers. This report will include suggestions on how the program

Mr. Don Hill

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can better serve our national interest. In the meantime, DHS continues to take steps of its own in this regard, including advising members of the public who may have information about a participating employer who is abusing the H-2B program on how to file a report through [ReportH2BAbuse@uscis.dhs.gov](mailto:ReportH2BAbuse@uscis.dhs.gov).

Thank you again for your letter and interest in this important issue. Should you wish to discuss these matters further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Francis Cissna". The signature is stylized with a large "L" and a cursive "Cissna".

L. Francis Cissna  
Director