

United States Senate

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April 17, 2018

The Honorable Kirstjen Nielsen
Secretary
Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, D.C. 20528

Dear Secretary Nielsen,

I write today to follow up on our phone conversation regarding the H-2B visa program and its importance to the economy of my home state of South Dakota. As you will see in the examples from more than two dozen South Dakota employers, the H-2B visa program is an essential tool for businesses seeking to supplement full-time domestic laborers with temporary workers.

These positions are often difficult, if not impossible, to fill with domestic workers because of the seasonal nature of the work. The full-time jobs these temporary positions support span several industries. These include hospitality, forestry, tourism, construction, landscaping and other seasonal industries.

In South Dakota, we are fortunate to have one of the lowest levels of unemployment in the nation. According to the U.S. Department of Labor's Bureau of Labor Statistics, unemployment was 3.4 percent in February 2018, well below the national average. However, this presents a problem for South Dakota's seasonal industries. Because the available worker pool is so small, many are simply unwilling to accept seasonal jobs, preferring to continue the job search for a permanent position. Failing to fill these positions can mean canceled contracts, shortened seasons and even closed businesses. All of these negative consequences would come at the expense of domestic workers also employed by these businesses.

On March 23, 2018, President Trump signed into law the Consolidated Appropriations Act of 2018. This law allows the Secretary of Homeland Security, after consultation with the Secretary of Labor, to increase the total number of H-2B visas available if it is determined "...that the needs of American businesses cannot be satisfied in fiscal year 2018 with United States workers who are willing, qualified, and able..."