

## Update from ACEC National

### H-1B Visas:

The Administration has proposed a new \$100,000 H-1B visa application fee, for more information please see official [proclamation](#) from the White House and [USCIS Guidance document](#). The fee will only apply to new applications in the next round of the H-1B visa lottery or allocation. ACEC is coordinating with the U.S. Chamber of Commerce and other stakeholders on a response to the fee. At this time, they may seek an exemption for the industry to this proclamation.

In addition, the Administration also plans to issue a proposal that would replace the H-1B visa lottery with a system to allocate the visas based on highest compensation. ACEC met with the Administration to express our concerns and will comment as soon as the proposed rule is publicly released. We are also hearing that they will reissue another one of their proposed rules from 2020 (none of which took effect at that time) that would increase prevailing wages for H-1B visa holders.

Questions, feel free to contact Katharine Mottley at [kmottley@acec.org](mailto:kmottley@acec.org)

### Potential for a Government Shutdown:

As the ACEC advocacy team reported in the email update we sent out on Friday afternoon, the Senate failed to advance a House-passed "continuing resolution" to extend federal funding past September 30, the end of the current fiscal year.

Democrats in both chambers opposed the bill and have asked for a number of health care provisions to be included in the package, which Republican leaders have rejected. The current impasse raises the prospects for a government shutdown on October 1.

Both House and Senate are in recess this week in recognition of Rosh Hashanah. No additional votes are expected until early next week, just days before the deadline

We will keep you updated on the status of any negotiations or potential deal to avert a lapse. In the meantime, it is advisable to begin preparing for a potential shutdown.

Typically under a shutdown, "nonessential" government and congressional staff who are paid by federal appropriations are sent home without pay. This includes agency contracting officers, grant evaluators, program directors, and almost all staff. Contracts and programs are delayed or halted, and for new contracts and grants, even if an award was announced or expected, the staff are not allowed to work until a bill is enacted. Government employees who are essential to life and safety, such as military members, air traffic controllers, Transportation Security Administration officers, and law enforcement officers, must work without pay.

The Trump Administration will have broad latitude to determine which personnel are deemed essential and must work without pay. It is not clear at this time how they might approach the optics of a shutdown and how to manage the federal workforce and other administrative decisions.

The most recent shutdown plan from the U.S. Department of Transportation is here: [www.transportation.gov/lapse](http://www.transportation.gov/lapse). This was last updated back in March, the last time there was a threat of a lapse.

Transportation programs are treated differently during a shutdown because many accounts receive funding outside of the annual appropriations process. For example, employees at the Federal Highway Administration and the Federal Transit Administration will continue to work as normal because these programs are funded through the Highway Trust Fund, so a lapse in regular appropriations does not affect them.. Some airport and rail programs and personnel also received advanced appropriations under the IIJA and/or would be considered essential to public safety. However, many DOT grant programs may be paused during the shutdown.

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