

Eric Whytsell Discusses Executive Order Affecting Contractors with Foreign Workers on Federal News Network

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A Trump administration executive order issued in August 2020 directed federal agencies to assess whether government contractors use foreign workers, and whether they displace American workers or are a cause for national security concern. Partner [Eric Whytsell](#) discussed the executive order recently on Federal News Network's [Federal Drive with Tom Temin](#).

"This appears to be connected to a bit of a scandal within the administration involving the Tennessee Valley Authority, where the TVA had to backtrack on the use of what was really a very small number of IT services folks on H1Bs. They basically hired one of the large consulting firms and those firms had the H1B visa, they had their workers, they were assigned, and TVA at the same time was laying off U.S. employees. And I think that that's really the primary thrust. But as written, the executive order would cover even more," Eric said.

Eric went on to discuss the use of H1B visas by federal contractors, and further restrictions contractors could see in the use of those visas. He highlighted the short amount of time agencies have been given to review their contracts and to what extent contractors are using foreign workers, potentially leading to challenges for government contractors.

"I would say contractors for whom H1B visa employees are particularly integral or vital to their ability to perform their contracts, they really need to be more proactive. Contractors would be well advised, if H1B temporary foreign workers are important to what they're doing, to be working to address those issues and to preserve and establish the importance of the program with the government, regardless of this executive order and what's going on," Eric said.

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An experienced government contracts attorney, Eric represents clients on federal, state and local procurement matters and other complex compliance issues. Clients rely on his counsel from pre-proposal opportunity and risk assessment, through compliance with solicitation requirements, award capture and contract performance, to termination and close-out.

Pursuing, winning and successfully performing government contracts, grants or agreements requires a thorough understanding of the complexities of the government contracting process and applicable law. Stinson's Government Contracts and Investigations practice helps fill this need for large and small businesses, nonprofit entities, academic institutions and organizations, guiding them through the thicket of procedures and requirements they face when doing business with the government.

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