

119TH CONGRESS
2D SESSION

S. 5097

To amend the Immigration and Nationality Act to provide for a pause on the issuance of H–1B visas until certain limitations on the issuance thereof are implemented.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2026

Mr. SHEEHY (for himself and Mr. MORENO) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for a pause on the issuance of H–1B visas until certain limitations on the issuance thereof are implemented.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End H–1B Visa Abuse
5 Act of 2026”.

6 **SEC. 2. SUSPENDING THE ISSUANCE OF H–1B VISAS.**

7 Notwithstanding any other provision of law, no alien
8 may be issued a nonimmigrant visa described in section
9 101(a)(15)(H)(i)(b) of the Immigration and Nationality

1 Act (8 U.S.C. 1101(a)(15)(H)(i)(B)) until the date that
 2 is 3 years after the date of the enactment of this Act.

3 **SEC. 3. RESTRICTING H NONIMMIGRANT VISAS TO PRI-**
 4 **MARY WORKERS.**

5 Section 101(a)(15)(H) is amended by striking “; and
 6 the alien spouse and minor children of any such alien spec-
 7 ified in this paragraph if accompanying him or following
 8 to join him”.

9 **SEC. 4. NECESSARY REFORMS TO H-1B VISA REQUIRE-**
 10 **MENTS.**

11 (a) WAGE FLOOR AND RECRUITMENT REQUIRE-
 12 MENTS.—Section 212(n) of the Immigration and Nation-
 13 ality Act (8 U.S.C. 1182(n)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (A)—

16 (i) in clause (i)(II), by striking “and”
 17 at the end;

18 (ii) by redesignating clause (ii) as
 19 clause (vi); and

20 (iii) by inserting after clause (i) the
 21 following:

22 “(ii) attests that there are not suffi-
 23 cient workers who are able, willing, quali-
 24 fied, and available at the time of applica-
 25 tion for a nonimmigrant visa and admis-

1 sion to the United States at the place
 2 where an alien is needed to perform such
 3 labor;

4 “(iii) attests that the employment of
 5 such alien will not adversely affect the
 6 wages or working conditions of workers in
 7 the United States who are similarly em-
 8 ployed;

9 “(iv) has not laid off any workers dur-
 10 ing the most recent 12-month period and
 11 will not lay off any workers during the 12-
 12 month period immediately following the
 13 submission of the application;

14 “(v) is offering to pay each alien
 15 granted nonimmigrant status described in
 16 section 101(a)(15)(H)(i)(b) wages at a
 17 rate that is not less than \$200,000 per
 18 year; and”;

19 (B) in subparagraph (E)(ii), by striking

20 “An application is not described in this clause
 21 if the only H-1B nonimmigrants sought in the
 22 application are exempt H-1B nonimmigrants.”;

23 (2) in paragraph (2)(E), by striking “a non-
 24 exempt” and inserting “an”; and

1 (3) by amending paragraph (3) to read as fol-
2 lows:

3 “(3) In this subsection, the term ‘H-1B-dependent
4 employer’ means an employer that—

5 “(A)(i) has 25 or fewer full-time equivalent em-
6 ployees who are employed in the United States; and

7 “(ii) employs more than 7 H-1B non-
8 immigrants;

9 “(B)(i) has at least 26, but not more than 50,
10 full-time equivalent employees who are employed in
11 the United States; and

12 “(ii) employs more than 12 H-1B non-
13 immigrants; or

14 “(C)(i) has at least 51 full-time equivalent em-
15 ployees who are employed in the United States; and

16 “(ii) employs H-1B nonimmigrants in a num-
17 ber that is equal to at least 15 percent of the num-
18 ber of such full-time equivalent employees.”.

19 (b) ENDING DUAL INTENT.—Section 214(b) of the
20 Immigration and Nationality Act (8 U.S.C. 1184(b)) is
21 amended by striking “, and other than a nonimmigrant
22 described in any provision of section 101(a)(15)(H)(i) ex-
23 cept subclause (b1) of such section)”.

1 (c) TARIFF ON THE IMPORTATION OF LABOR.—Sec-
2 tion 214(c) of the Immigration and Nationality Act (8
3 U.S.C. 1184(c)) is amended—

4 (1) by redesignating paragraphs (10), (11),
5 (12), (13), and (14) as paragraphs (11), (12), (13),
6 (14), and (15), respectively;

7 (2) by inserting after paragraph (9) the fol-
8 lowing:

9 “(10) ADDITIONAL H-1B FEE.—

10 “(A) IN GENERAL.—Notwithstanding any
11 other provision of law, during fiscal year 2026
12 and during each fiscal year thereafter, a fee of
13 \$100,000 shall be imposed on each employer fil-
14 ing a petition under paragraph (1)—

15 “(i) to grant an alien nonimmigrant
16 status described in section
17 101(a)(15)(H)(i)(b); or

18 “(ii) to obtain authorization for an
19 alien previously granted such status to
20 change employers.

21 “(B) DEPOSIT OF FEES.—Fees collected
22 under this paragraph shall be deposited in the
23 Treasury in accordance with section 286(s).”;
24 and

1 (3) by moving paragraph (11), as redesignated,
 2 2 ems to the left.

3 (d) NUMERICAL LIMITATIONS AND VISA DURA-
 4 TION.—Section 214(g) of the Immigration and Nationality
 5 Act (8 U.S.C. 1184(g)) is amended—

6 (1) in paragraph (1), by amending subpara-
 7 graph (A) to read as follows:

8 “(A) under section 101(a)(15)(H)(i)(b), may
 9 not exceed 25,000 in any fiscal year; and”;

10 (2) in paragraph (4), by striking “may not ex-
 11 ceed 6 years” and inserting “may not exceed 3
 12 years”;

13 (3) by striking paragraph (5);

14 (4) by redesignating paragraphs (6), (7), and
 15 (8) as paragraphs (5), (6), and (7), respectively; and

16 (5) in paragraph (5), as redesignated, by strik-
 17 ing “other than one described in paragraph (5)”.

18 (e) ELIMINATING THE H-1B LOTTERY.—Section
 19 214(g)(3) of the Immigration and Nationality Act (8
 20 U.S.C. 1184(g)(3)) is amended to read as follows:

21 “(3)(A) Aliens who are subject to the numerical lim-
 22 its under paragraph (1)(A) shall be issued visas in order
 23 of the highest wage levels being offered by the petitioning
 24 employers, following a registration period that U.S. Citi-

1 zenship and Immigration Services shall hold open for not
 2 more than 2 weeks during each fiscal year.

3 “(B) Aliens who are subject to the numerical limita-
 4 tions under paragraph (1)(B) shall be issued visas (or oth-
 5 erwise provided nonimmigrant status) in the order in
 6 which petitions are filed for such visas or status.”.

7 (f) PROHIBITING CONCURRENT AND THIRD-PARTY
 8 EMPLOYMENT.—Section 214(g) of the Immigration and
 9 Nationality Act (8 U.S.C. 1184(g)) is amended by adding
 10 at the end the following:

11 “(12) PROHIBITION ON CONCURRENT EMPLOY-
 12 MENT.—Any alien admitted or otherwise provided
 13 status under section 101(a)(15)(H)(i)(b) may not be
 14 employed by more than 1 employer at any time. The
 15 approval of a subsequent petition for a non-
 16 immigrant described in such section shall automati-
 17 cally terminate the validity of any previously ap-
 18 proved petition for such alien unless the subsequent
 19 petition is specifically designated as a change of em-
 20 ployer and not as additional employment.

21 “(13) PROHIBITION ON THIRD-PARTY EMPLOY-
 22 MENT.—A third-party employment or staffing agen-
 23 cy may not—

1 “(A) file a petition to sponsor a non-
 2 immigrant described in section
 3 101(a)(15)(H)(i)(b); or

4 “(B) facilitate the recruitment or employ-
 5 ment of a nonimmigrant described in section
 6 101(a)(15)(H)(i)(b) on behalf of another em-
 7 ployer.”.

8 **SEC. 5. PROHIBITING FEDERAL EMPLOYMENT OF NON-**
 9 **IMMIGRANT VISA HOLDERS.**

10 (a) BARRING FEDERAL PETITIONS.—Section 214(c)
 11 of the Immigration and Nationality Act, as amended by
 12 section 4(c), is further amended by adding at the end the
 13 following:

14 “(16) No agency, department, or instrumen-
 15 tality of the Federal Government may file a petition
 16 for a nonimmigrant described in section
 17 101(a)(15).”.

18 (b) BARRING FEDERAL EMPLOYMENT.—Section
 19 274A(h) of the Immigration and Nationality Act (8 U.S.C.
 20 1324a(h)) is amended—

21 (1) by redesignating paragraph (3) as para-
 22 graph (4); and

23 (2) by inserting after paragraph (2) the fol-
 24 lowing:

1 “(3) PROHIBITION ON FEDERAL EMPLOYMENT
2 OF NONIMMIGRANTS.—No agency, department, or
3 instrument of the Federal Government may employ,
4 either directly or through a contract, a non-
5 immigrant described in section 101(a)(15).”.

6 **SEC. 6. ELIMINATING THE OPTIONAL PRACTICAL TRAINING**
7 **PROGRAM.**

8 Section 214 of the Immigration and Nationality Act,
9 as amended by sections 4 and 5, is further amended by
10 adding at the end the following:

11 “(s) PROHIBITION ON EMPLOYMENT AUTHORIZA-
12 TION FOR FOREIGN STUDENTS.—Notwithstanding any
13 other provision of law—

14 “(1) no alien present in the United States as a
15 nonimmigrant under subparagraph (F) or (M) of
16 section 101(a)(15) may be provided employment au-
17 thorization in the United States; and

18 “(2) no alien present in the United States
19 under section 101(a)(15)(J), who was admitted for
20 the purpose of attending an educational or training
21 institution, may be provided employment authoriza-
22 tion in the United States.”.

23 **SEC. 7. PROHIBITING ADJUSTMENT OF STATUS.**

24 Section 245 of the Immigration and Nationality Act
25 (8 U.S.C. 1255) is amended to read as follows:

1 **“SEC. 245. LIMITATIONS ON ADJUSTMENT OF STATUS FOR**
2 **NONIMMIGRANTS AND PAROLEES.**

3 “(a) IN GENERAL.—Except as provided in subsection
4 (c), nonimmigrants described in section 101(a)(15), aliens
5 who have been granted temporary parole pursuant to sec-
6 tion 212(d)(5), and any other aliens with temporary au-
7 thorized presence in the United States are ineligible to ad-
8 just their status to that of a person admitted for perma-
9 nent residence while residing in the United States.

10 “(b) EMPLOYMENT AUTHORIZATION.—

11 “(1) IN GENERAL.—Aliens described in sub-
12 section (a) are not authorized to engage in employ-
13 ment in the United States on the basis of submitting
14 an application for adjustment of status.

15 “(2) RESCISSION OF PRIOR EMPLOYMENT AU-
16 THORIZATION.—All employment authorizations
17 granted to aliens pursuant to section 274a.12(c)(9)
18 of title 8, Code of Federal Regulations, shall be im-
19 mediately rescinded and all employment authoriza-
20 tion documents issued to such alien applicants for
21 adjustment of status are invalid beginning on the
22 date of enactment of the End H–1B Visa Abuse Act
23 of 2026.

24 “(3) PENDING APPLICATIONS.—Aliens with
25 pending applications for employment authorization
26 documents under such section 274a.12(c)(9) shall

1 have their applications denied and shall be refunded
2 any fees paid in association with such applications.

3 “(c) ALIENS ELIGIBLE TO ADJUST STATUS.—An
4 alien is eligible for an adjustment of status to that of a
5 person admitted for permanent residence if—

6 “(1) such alien is otherwise eligible to receive
7 an immigrant visa;

8 “(2) an immigrant visa is available for such
9 alien under chapter 1; and

10 “(3) the alien—

11 “(A) filed a petition for adjustment of sta-
12 tus before the date of the enactment of the End
13 H–1B Visa Abuse Act of 2026 and such peti-
14 tion is adjudicated not later than 1 year after
15 such date of enactment;

16 “(B) is a refugee;

17 “(C) applied for asylum before the date of
18 the enactment of the End H–1B Visa Abuse
19 Act of 2026 and such application is adjudicated
20 not later than 1 year after such date of enact-
21 ment; or

22 “(D) has been granted conditional perma-
23 nent resident status pursuant to section 216.”.

1 **SEC. 8. PROHIBITING CHANGE OF STATUS.**

2 Section 248 of the Immigration and Nationality Act
3 (8 U.S.C. 1258) is amended to read as follows:

4 **“SEC. 248. CHANGE OF NONIMMIGRANT CLASSIFICATION.**

5 “The Secretary of Homeland Security may not au-
6 thorize a change from any nonimmigrant classification to
7 any other nonimmigrant classification.”.

8 **SEC. 9. EFFECTIVE DATE.**

9 The amendments made by this Act shall take effect
10 on the date of the enactment of this Act.

