

119TH CONGRESS
1ST SESSION

S. 2821

To amend the Immigration and Nationality Act to reform the H–1B
nonimmigrant visa program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2025

Mr. BANKS 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 reform
the H–1B nonimmigrant visa program, and for other
purposes.

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 “American Tech Work-
5 force Act of 2025”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The H–1B nonimmigrant visa is a program
9 that is being used to supplant United States workers
10 with inexpensive foreign labor.

1 (2) Sixty percent of H–1B nonimmigrant visas
2 are assigned wage levels that are substantially below
3 the local median wages for their relevant occupa-
4 tions.

5 (3) The ability to hire non-United States work-
6 ers at wages substantially below median wage levels,
7 adjusted for locality and occupation, clearly
8 disincentivizes the hiring of United States workers.

9 (4) In 2024, the 8 companies receiving the
10 most initial approvals for H–1B nonimmigrant visas
11 were Big Tech companies, including Amazon, Meta,
12 Google, Microsoft, and Apple, which continues a 10-
13 year trend.

14 (5) The Optional Practical Training Program,
15 which was established without explicit congressional
16 authorization—

17 (A) was expanded by the Obama Adminis-
18 tration for student visa holders who have com-
19 pleted their studies and earned a degree in a
20 science, technology, engineering, or math field
21 to provide greater benefits to Big Tech compa-
22 nies;

23 (B) allows such student visa holders to
24 work in the United States for up to 3 years,
25 while waiving their employer’s payroll tax with-

1 holding obligations with respect to such work-
 2 ers; and

3 (C) functions as a tax break and signifi-
 4 cant incentive for employers not to employ
 5 United States workers.

6 **SEC. 3. TERMINATION OF OPTIONAL PRACTICAL TRAINING**
 7 **PROGRAM; EMPLOYMENT AUTHORIZATION**
 8 **TO TERMINATE AFTER COMPLETION OF**
 9 **COURSE OF STUDIES.**

10 (a) IN GENERAL.—Section 274A(h) of the Immigra-
 11 tion and Nationality Act (8 U.S.C. 1324a) is amended by
 12 adding at the end the following:

13 “(4) PROHIBITION OF EMPLOYMENT AUTHOR-
 14 IZATION FOR CERTAIN ALIENS WHO ARE NO LONGER
 15 ENGAGED IN FULL-TIME STUDY IN THE UNITED
 16 STATES.—

17 “(A) TERMINATION OF OPTIONAL PRAC-
 18 TICAL TRAINING.—The Optional Practical
 19 Training Program authorized under section
 20 214.2(f)(10)(ii) of title 8, Code of Federal Reg-
 21 ulations, is terminated.

22 “(B) IN GENERAL.—Notwithstanding any
 23 other provision of law, an alien who is present
 24 in the United States as a nonimmigrant de-
 25 scribed in section 101(a)(15)(F)(i) may not be

provided employment authorization in the United States through the Optional Practical Training Program, or any successor program. Any employment authorization for a non-immigrant described in section 101(a)(15)(F)(i) shall terminate upon the completion of the non-immigrant's course of studies and may not be extended beyond such date of completion.”.

(b) **TRANSITION RULE.**—Every application for Optional Practical Training by a nonimmigrant described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) that is pending on the date of the enactment of this Act shall be denied and any fees paid in conjunction with any such application shall be refunded.

SEC. 4. OTHER PROVISIONS REGARDING H-1B NON-IMMIGRANT APPLICATIONS.

Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(1) in paragraph (1), by amending subparagraph (A) to read as follows:

“(A) The employer is offering, and will offer during the period of authorized employment, an annual wage to the H-1B non-immigrant that is not less than the greater of—

1 “(i) the annual wage that was paid to
2 the United States citizen or lawful perma-
3 nent resident employee who performed
4 identical or similar work to the work to be
5 performed by the H–1B nonimmigrant
6 during the 2-year period immediately pre-
7 ceding the date on which the employer filed
8 such application; or

9 “(ii)(I) \$150,000, if offered during
10 the 1-year period beginning on the date of
11 the enactment of the American Tech
12 Workforce Act of 2025; or

13 “(II) for any 1-year period beginning
14 on July 1 after the period described in
15 subclause (I), the sum of—

16 “(aa) the amount specified in
17 subclause (I); and

18 “(bb) such amount multiplied by
19 the cumulative percentage change in
20 the Consumer Price Index since such
21 date of enactment.”; and

22 (2) by adding at the end the following:

23 “(6) A visa issued to an H–1B nonimmigrant pursu-
24 ant to a petition filed by an employer pursuant to para-
25 graph (1) shall be valid for a period not to exceed 1 year

1 if any part of the work assigned to such H-1B non-
 2 immigrant will be performed at a third-party worksite.

3 “(7) An H-1B nonimmigrant visa may not be issued
 4 if any part of the work assigned to the H-1B non-
 5 immigrant for the beneficiary of the applicant will be per-
 6 formed at a third-party worksite unless such assignment—

7 “(A) is specific and nonspeculative; and

8 “(B) continues for the entire work period re-
 9 quested in the petition.

10 “(8) In issuing an H-1B nonimmigrant visa or grant-
 11 ing such status to an alien during a fiscal year, petitions
 12 from employers shall be approved by prioritizing petitions
 13 that offer higher compensation rates above petitions that
 14 offer lower compensation rates, regardless of the order in
 15 which such petitions were filed.”.

16 **SEC. 5. RULE OF CONSTRUCTION.**

17 Nothing in this Act, or in the amendments made by
 18 this Act, may be construed to authorize any Federal agen-
 19 cy to grant work authorization to any alien through any
 20 program that has not been authorized by an Act of Con-
 21 gress.

