

119TH CONGRESS
1ST SESSION

S. 3215

To amend the National Labor Relations Act to make it an unfair labor practice to employ or represent an unauthorized alien, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2025

Mr. BANKS (for himself, Mr. CASSIDY, Mr. TUBERVILLE, Mr. BUDD, and Mr. MORENO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the National Labor Relations Act to make it an unfair labor practice to employ or represent an unauthorized alien, 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 “Putting American
5 Workers First Act”.

6 **SEC. 2. UNFAIR LABOR PRACTICE TO EMPLOY OR REP-**
7 **RESENT AN UNAUTHORIZED ALIEN.**

8 Section 8 of the National Labor Relations Act (29
9 U.S.C. 158) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (5), by striking the pe-
3 riod and inserting “; and”; and

4 (B) by adding at the end the following:

5 “(6) except as provided in subsection (h)(1), to
6 employ (including to recruit or hire) as an employee
7 any individual who is an unauthorized alien (as de-
8 fined in section 274A(h)(3) of the Immigration and
9 Nationality Act (8 U.S.C. 1324a(h)(3))).”;

10 (2) in subsection (b)—

11 (A) in paragraph (6), by striking “; and”
12 and inserting a semicolon;

13 (B) in paragraph (7), in the flush text
14 after subparagraph (C), by striking the period
15 and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(8) except as provided in subsection (h)(2), to
18 represent for purposes of collective bargaining any
19 individual who is an unauthorized alien (as defined
20 in section 274A(h)(3) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1324a(h)(3))).”; and

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

23 “(h)(1) It shall not be an unfair labor practice under
24 subsection (a)(6) for an employer to employ (including to
25 recruit or hire) as an employee any individual who is an

1 unauthorized alien (as defined in section 274A(h)(3) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1324a(h)(3))) if the employer has made a good-faith effort
4 to verify that the individual is not an unauthorized alien
5 (as so defined). An employer makes such a good-faith ef-
6 fort when it uses an employment verification system de-
7 scribed in section 274A of the Immigration and Nation-
8 ality Act (8 U.S.C. 1324a) to verify that an alien is not
9 an unauthorized alien (as so defined).

10 “(2) It shall not be an unfair labor practice under
11 subsection (b)(8) for a labor organization or its agents to
12 represent for purposes of collective bargaining any indi-
13 vidual who is an unauthorized alien (as defined in section
14 274A(h)(3) of the Immigration and Nationality Act (8
15 U.S.C. 1324a(h)(3))) if the labor organization has made
16 a good-faith effort to verify that the individual is not an
17 unauthorized alien (as so defined). A labor organization
18 makes such a good-faith effort when it uses an employ-
19 ment verification system described in section 274A of the
20 Immigration and Nationality Act (8 U.S.C. 1324a) to
21 verify that an alien is not an unauthorized alien (as so
22 defined).

23 “(i) With respect to a claim of an unfair labor prac-
24 tice under paragraph (1) or (3) of subsection (a), the dis-
25 charge of an employee who is an unauthorized alien (as

1 defined in section 274A(h)(3) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1324a(h)(3))) by an employer shall
3 not be evidence of animus of the employer with respect
4 to any right of the employee under section 7 or with re-
5 spect to any labor organization.”.

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