

AMENDMENT TO
RULES COMMITTEE PRINT 118-36
OFFERED BY MR. FITZGERALD OF WISCONSIN

At the end of subtitle C of title XVII, insert the following new section:

1 **SECTION 17__.** **REQUIREMENTS FOR NATIONAL EDU-**
2 **CATION ASSOCIATION.**

3 (a) **MEMBERSHIP CLASSIFICATION.**—Section 151103
4 of title 36, United States Code, is amended to read as
5 follows:

6 **“§ 151103. Membership**

7 “(a) **IN GENERAL.**—Except as otherwise provided in
8 this section, eligibility for membership in the corporation
9 and the rights, obligations, and designation of classes of
10 members are as provided in the bylaws.

11 “(b) **COLLECTION OF DUES FROM STATE OR LOCAL**
12 **GOVERNMENT EMPLOYEES.**—The corporation and its
13 State and local affiliates may only accept payment of
14 membership dues or fees from an employee of a State or
15 local government (as such terms are defined in section
16 3371 of title 5, United States Code) either directly from
17 the employee or indirectly via per capita taxes or other
18 fees paid by an affiliate, if—

1 “(1) the employee has been notified by the cor-
2 poration or its applicable State or local affiliate of
3 their right under the First Amendment to the Con-
4 stitution to refrain from membership and payment
5 of associated dues or fees;

6 “(2) the employee has clearly and affirmatively
7 consented to membership and payment of associated
8 dues or fees; and

9 “(3) the employee has authorized the trans-
10 mittal of their membership dues or fees to the cor-
11 poration or its applicable State or local affiliate
12 without the use, directly or indirectly, of payroll de-
13 duction.

14 “(c) MEMBERSHIP CANCELLATION.—The corpora-
15 tion and its State or local affiliates shall process and honor
16 membership and dues payment cancellation requests as
17 soon as practicable following receipt.”.

18 (b) REQUIREMENTS.—Section 151105 of title 36,
19 United States Code, is amended—

20 (1) in the matter before paragraph (1), by
21 striking “The” and inserting “(a) POWERS.—The”;
22 and

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

24 “(b) REQUIREMENTS.—The corporation shall comply
25 with the following requirements:

1 “(1) The corporation, or a director or officer of
2 the corporation as such, may not contribute to, sup-
3 port, or participate in any political activity or in any
4 manner attempt to influence legislation.

5 “(2) The corporation and its State or local af-
6 filiates shall not—

7 “(A) discriminate against individuals on
8 the basis of race, color, religion, sex, disability,
9 age, or national origin; or

10 “(B) establish or observe any quota based
11 on race, color, religion, sex, disability, age, or
12 national origin in matters concerning member-
13 ship, corporate governance, or personnel.

14 “(3) Each officer of the corporation shall be a
15 United States citizen.

16 “(4) The corporation shall maintain its status
17 as an organization exempt from taxation under the
18 Internal Revenue Code of 1986.

19 “(5) The form of government of the corporation
20 must be representative of the membership at-large
21 and may not permit concentration of control in a
22 limited number of members or in a self-perpetuating
23 group not representative of the membership at large.

1 “(6) The corporation is liable for any act of any
2 officer or agent of the corporation acting within the
3 scope of the authority of the corporation.

4 “(7) The corporation shall comply with the law
5 governing service of process in—

6 “(A) the District of Columbia;

7 “(B) each State in which it is incor-
8 porated; and

9 “(C) each State in which it carries out ac-
10 tivities.

11 “(8) The corporation shall keep—

12 “(A) correct and complete records of ac-
13 count;

14 “(B) minutes of the proceedings of mem-
15 bers, board of directors, and committees of the
16 corporation having any of the authority of the
17 board of directors of the corporation; and

18 “(C) at the principal office of the corpora-
19 tion established under section 151107 of this
20 title, a record of the names and addresses of
21 the members of the corporation entitled to vote
22 on matters relating to the corporation.

23 “(9) A member entitled to vote on any matter
24 relating to the corporation, or an agent or attorney

1 of the member, may inspect the records of the cor-
2 poration for any proper purpose at any time.

3 “(10) The corporation shall submit to Congress
4 an annual report on the activities of the corporation
5 during the preceding fiscal year.

6 “(11) The Attorney General of the United
7 States may bring a civil action in the United States
8 District Court for the District of Columbia for ap-
9 propriate equitable relief if the corporation—

10 “(A) engages or threatens to engage in any
11 act, practice, or policy that is inconsistent with
12 the purposes described in section 151102; or

13 “(B) refuses, fails, or neglects to carry out
14 its obligations under this chapter or threatens
15 to do so.

16 “(12) On dissolution or final liquidation of the
17 corporation, any assets remaining after the dis-
18 charge or satisfactory provision for the discharge of
19 all liabilities shall be either deposited in the Treas-
20 ury of the United States as a miscellaneous receipt
21 or divided equally among employed individuals who
22 are, at the time of dissolution or final liquidation,
23 members of the corporation or any of its State or
24 local affiliates.

1 “(13) No part of the compensation received for
2 work performed on behalf of the corporation, or any
3 of its State or local affiliates, by any officer or rep-
4 resentative of the corporation, or any of its State or
5 local affiliates, who is an employee of a State or
6 local government (as such terms are defined in sec-
7 tion 3371 of title 5, United States Code), may be
8 derived from payments made by the State or local
9 government to the corporation or its officers or rep-
10 representatives.

11 “(14) The corporation and its State or local af-
12 filiates shall not—

13 “(A) require or encourage staff, officers,
14 affiliates, or members to affirm, adopt, or ad-
15 here to any belief or concept that—

16 “(i) the United States is fundamen-
17 tally or irredeemably racist or sexist;

18 “(ii) an individual, by virtue of sex,
19 race, ethnicity, religion, color, or national
20 origin—

21 “(I) is inherently racist, sexist, or
22 oppressive, whether consciously or un-
23 consciously; or

24 “(II) should be blamed for ac-
25 tions committed in the past by other

1 members of the same sex, race, eth-
2 nicity, religion, color, or national ori-
3 gin; or

4 “(iii) an individual’s moral character
5 is necessarily determined, in whole or in
6 part, by his or her sex, race, ethnicity, reli-
7 gion, color, or national origin; or

8 “(B) advocate for or encourage any local
9 educational agency, public school (including a
10 public charter school), or governmental entity
11 responsible for the oversight of public secondary
12 or elementary schools to require students to af-
13 firm, adopt or adhere to any of the beliefs or
14 concepts described in subparagraph (A).

15 “(15) The corporation and its State or local af-
16 filiates shall not—

17 “(A) call, or participate in, a strike, work
18 stoppage, or slowdown affecting a State or local
19 government (as such terms are defined in sec-
20 tion 3371 of title 5, United States Code); or

21 “(B) condone any activity described in sub-
22 paragraph (A) of this paragraph by failing to
23 take action to prevent or stop such activity.

24 “(16) The corporation and its State and local
25 affiliates shall be deemed to be ‘labor organizations’

1 as such term is defined in section 3 of the Labor-
2 management Reporting and Disclosure Act of 1959
3 (29 U.S.C. 402) and shall abide by all provisions of
4 that chapter applicable to labor organizations.”.

