

118TH CONGRESS
1ST SESSION

H. R. 4705

To amend chapter 1511 of title 36, United States Code, to impose certain requirements on the National Education Association, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2023

Mr. FITZGERALD (for himself, Mr. TIFFANY, Mrs. MILLER of Illinois, Mr. STEUBE, and Mr. GROTHMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 1511 of title 36, United States Code, to impose certain requirements on the National Education Association, 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 “Stopping Teachers
5 Unions from Damaging Education Needs Today Act” or
6 the “STUDENT Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The National Education Association (re-
2 ferred to in this section as the NEA) was chartered
3 in 1906 by an Act of Congress “to elevate the char-
4 acter and advance the interests of the profession of
5 teaching; and to promote the cause of education in
6 the United States” and remains the only labor union
7 that has a Federal charter.

8 (2) By continuing to hold its Federal charter,
9 the NEA’s actions and advocacy effectively receive
10 Congress’ seal of approval.

11 (3) The NEA can no longer be considered a pa-
12 triotic or national organization worthy of its Federal
13 charter as it has drifted substantially from its core
14 mission and become a massive political operation
15 dedicated to electing Democrats and imposing a rad-
16 ical progressive agenda on America’s schools.

17 (4) In July 2019, NEA members held a con-
18 ference and voted against adding a business item to
19 the organization that stated: “The National Edu-
20 cation Association will rededicate itself to the pur-
21 suit of increased student learning in every public
22 school in America by putting a renewed emphasis on
23 quality education. NEA will make student learning
24 the priority of the association”.

1 (5) In the same conference, members voted in
2 support of the right to an abortion, supporting ille-
3 gal immigration, and expanding professional develop-
4 ment for educators to help create student Gender
5 Sexuality Alliance clubs.

6 (6) According to disclosures made to the Office
7 of Labor-Management Standards, from September
8 2019 to August 2021, the NEA spent over
9 \$116,700,000 on political activities and lobbying,
10 and in the 2020 election cycle, 95.7 percent of can-
11 didate campaign contributions by the NEA went to
12 Democrat candidates.

13 (7) The NEA adopted measures in July 2021
14 to support critical race theory, calling it “reasonable
15 and appropriate”, and to spend \$56,500 on re-
16 searching and shaming organizations fighting the in-
17 clusion of critical race theory in schools.

18 (8) The NEA and other teacher unions stood in
19 the way of reopening schools in 2020 and 2021 by
20 threatening strikes, donating to Democrat can-
21 didates that backed school closures, and influencing
22 Centers for Disease Control and Prevention guid-
23 ance to make it harder for schools to reopen.

1 **SEC. 3. MEMBERSHIP CLASSIFICATION.**

2 Section 151103 of title 36, United States Code, is
3 amended to read as follows:

4 **“§ 151103. Membership**

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

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

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

22 “(2) the employee has clearly and affirmatively
23 consented to membership and payment of associated
24 dues or fees; and

25 “(3) the employee has authorized the trans-
26 mittal of their membership dues or fees to the cor-

1 poration or its applicable State or local affiliate
2 without the use, directly or indirectly, of payroll de-
3 duction.

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

8 **SEC. 4. REQUIREMENTS.**

9 Section 151105 of title 36, United States Code, is
10 amended—

11 (1) in the matter before paragraph (1), by
12 striking “The” and inserting “(a) POWERS.—The”;
13 and

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

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

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

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

23 “(A) discriminate against individuals on
24 the basis of race, color, religion, sex, disability,
25 age, or national origin; or

1 “(B) establish or observe any quota based
2 on race, color, religion, sex, disability, age, or
3 national origin in matters concerning member-
4 ship, corporate governance, or personnel.

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

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

10 “(5) The form of government of the corporation
11 must be representative of the membership at-large
12 and may not permit concentration of control in a
13 limited number of members or in a self-perpetuating
14 group not representative of the membership at large.

15 “(6) The corporation is liable for any act of any
16 officer or agent of the corporation acting within the
17 scope of the authority of the corporation.

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

20 “(A) the District of Columbia;

21 “(B) each State in which it is incor-
22 porated; and

23 “(C) each State in which it carries out ac-
24 tivities.

25 “(8) The corporation shall keep—

1 “(A) correct and complete records of ac-
2 count;

3 “(B) minutes of the proceedings of mem-
4 bers, board of directors, and committees of the
5 corporation having any of the authority of the
6 board of directors of the corporation; and

7 “(C) at the principal office of the corpora-
8 tion established under section 151107 of this
9 title, a record of the names and addresses of
10 the members of the corporation entitled to vote
11 on matters relating to the corporation.

12 “(9) A member entitled to vote on any matter
13 relating to the corporation, or an agent or attorney
14 of the member, may inspect the records of the cor-
15 poration for any proper purpose at any time.

16 “(10) The corporation shall submit to Congress
17 an annual report on the activities of the corporation
18 during the preceding fiscal year.

19 “(11) The Attorney General of the United
20 States may bring a civil action in the United States
21 District Court for the District of Columbia for ap-
22 propriate equitable relief if the corporation—

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

1 “(B) refuses, fails, or neglects to carry out
2 its obligations under this chapter or threatens
3 to do so.

4 “(12) On dissolution or final liquidation of the
5 corporation, any assets remaining after the dis-
6 charge or satisfactory provision for the discharge of
7 all liabilities shall be either deposited in the Treas-
8 ury of the United States as a miscellaneous receipt
9 or divided equally among employed individuals who
10 are, at the time of dissolution or final liquidation,
11 members of the corporation or any of its State or
12 local affiliates.

13 “(13) No part of the compensation received for
14 work performed on behalf of the corporation, or any
15 of its State or local affiliates, by any officer or rep-
16 resentative of the corporation, or any of its State or
17 local affiliates, who is an employee of a State or
18 local government (as such terms are defined in sec-
19 tion 3371 of title 5, United States Code), may be
20 derived from payments made by the State or local
21 government to the corporation or its officers or rep-
22 resentatives.

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

1 “(A) require or encourage staff, officers,
2 affiliates, or members to affirm, adopt, or ad-
3 here to any belief of concept that—

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

6 “(ii) an individual, by virtue of sex,
7 race, ethnicity, religion, color, or national
8 origin—

9 “(I) is inherently racist, sexist, or
10 oppressive, whether consciously or un-
11 consciously; or

12 “(II) should be blamed for ac-
13 tions committed in the past by other
14 members of the same sex, race, eth-
15 nicity, religion, color, or national ori-
16 gin; or

17 “(iii) an individual’s moral character
18 is necessarily determined, in whole or in
19 part, by his or her sex, race, ethnicity, reli-
20 gion, color, or national origin; or

21 “(B) advocate for or encourage any local
22 educational agency, public school (including a
23 public charter school), or governmental entity
24 responsible for the oversight of public secondary
25 or elementary schools to require students to af-

1 firm, adopt or adhere to any of the beliefs or
 2 concepts described in subparagraph (A).

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

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

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

12 “(16) The corporation and its State and local
 13 affiliates shall be deemed to be ‘labor organizations’
 14 as such term is defined in section 3 of the Labor-
 15 management Reporting and Disclosure Act of 1959
 16 (29 U.S.C. 402) and shall abide by all provisions of
 17 that chapter applicable to labor organizations.”.

18 **SEC. 5. REPEAL OF DISTRICT OF COLUMBIA PROPERTY TAX**

19 **EXEMPTION.**

20 (a) **IN GENERAL.**—Section 151106 of title 36, United
 21 States Code, is repealed.

22 (b) **CONFORMING AMENDMENT.**—The analysis for
 23 chapter 1511 of title 36, United States Code, is amended
 24 by repealing the item relating to section 151106.

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