

111TH CONGRESS
2^D SESSION

H. R. 3913

AN ACT

To direct the Mayor of the District of Columbia to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses.

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. DISTRICT OF COLUMBIA NATIONAL GUARD**
4 **EDUCATIONAL ASSISTANCE PROGRAM.**

5 The Act entitled “An Act to provide for the organiza-
6 tion of the militia of the District of Columbia”, approved
7 March 1, 1889 (sec. 49–101 et seq., D.C. Official Code)
8 is amended by adding at the end the following new title:

9 **“TITLE II—EDUCATIONAL**
10 **ASSISTANCE PROGRAM**

11 **“SEC. 201. SHORT TITLE; FINDINGS.**

12 “(a) SHORT TITLE.—This title may be cited as the
13 ‘Major General David F. Wherley, Jr. District of Colum-
14 bia National Guard Retention and College Access Act’.

15 “(b) FINDINGS.—Congress makes the following find-
16 ings:

17 “(1) The District of Columbia National Guard
18 is under the exclusive jurisdiction of the President of
19 the United States as Commander-in-Chief and, un-
20 like other National Guards, is permanently federal-
21 ized.

22 “(2) The District of Columbia National Guard
23 is unique and differs from the National Guards of
24 the several States in that the District of Columbia
25 National Guard is responsible, not only for residents

1 of the District of Columbia, but also for a special
2 and unique mission and obligation as a result of the
3 extensive presence of the Federal Government in the
4 District of Columbia.

5 “(3) Consequently, the President of the United
6 States, rather than the chief executive of the Dis-
7 trict of Columbia, is in command of the District of
8 Columbia National Guard, and only the President
9 can call up the District of Columbia National Guard
10 even for local emergencies.

11 “(4) The District of Columbia National Guard
12 has been specifically trained to address the unique
13 emergencies that may occur regarding the presence
14 of the Federal Government in the District of Colum-
15 bia.

16 “(5) The great majority of the members of the
17 District of Columbia National Guard actually live in
18 Maryland or Virginia, rather than in the District of
19 Columbia.

20 “(6) The District of Columbia National Guard
21 has been experiencing a disproportionate decline in
22 force in comparison to the National Guards of Mary-
23 land and Virginia.

24 “(7) The States of Maryland and Virginia pro-
25 vide additional recruiting and retention incentives,

1 such as educational benefits, in order to maintain
2 their force, and their National Guards have drawn
3 recruits from the District of Columbia at a rate that
4 puts at risk the maintenance of the necessary force
5 levels for the District of Columbia National Guard.

6 “(8) Funds for an educational benefit for mem-
7 bers of the District of Columbia National Guard
8 would provide an incentive to help reverse the loss
9 of members to nearby National Guards and allow for
10 maintenance and increase of necessary District of
11 Columbia National Guard personnel.

12 “(9) The loss of members of the District of Co-
13 lumbia National Guard could adversely affect the
14 readiness of the District of Columbia National
15 Guard to respond in the event of a terrorist attack
16 on the capital of the United States.

17 **“SEC. 202. DISTRICT OF COLUMBIA NATIONAL GUARD EDU-**
18 **CATIONAL ASSISTANCE PROGRAM.**

19 “(a) EDUCATIONAL ASSISTANCE PROGRAM AUTHOR-
20 IZED.—The Mayor of the District of Columbia, in coordi-
21 nation with the commanding general of the District of Co-
22 lumbia National Guard, shall establish a program under
23 which the Mayor may provide financial assistance to an
24 eligible member of the District of Columbia National
25 Guard to assist the member in covering expenses incurred

1 by the member while enrolled in an approved institution
2 of higher education to pursue the member's first under-
3 graduate, masters, vocational, or technical degree or cer-
4 tification.

5 “(b) ELIGIBILITY.—

6 “(1) CRITERIA.—A member of the District of
7 Columbia National Guard is eligible to receive assist-
8 ance under the program established under this title
9 if the commanding general of the District of Colum-
10 bia National Guard certifies to the Mayor the fol-
11 lowing:

12 “(A) The member has satisfactorily com-
13 pleted required initial active duty service.

14 “(B) The member has executed a written
15 agreement to serve in the District of Columbia
16 National Guard for a period of not less than 6
17 years.

18 “(C) The member is not receiving a Re-
19 serve Officer Training Corps scholarship.

20 “(2) MAINTENANCE OF ELIGIBILITY.—To con-
21 tinue to be eligible for financial assistance under the
22 program, a member of the District of Columbia Na-
23 tional Guard must—

24 “(A) be satisfactorily performing duty in
25 the District of Columbia National Guard in ac-

cordance with regulations of the National Guard (as certified to the Mayor by the commanding general of the District of Columbia National Guard);

“(B) be enrolled on a full-time or part-time basis in an approved institution of higher education; and

“(C) maintain satisfactory progress in the course of study the member is pursuing, determined in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

“SEC. 203. TREATMENT OF ASSISTANCE PROVIDED.

“(a) PERMITTED USE OF FUNDS.—Financial assistance received by a member of the District of Columbia National Guard under the program under this title may be used to cover—

“(1) tuition and fees charged by an approved institution of higher education involved;

“(2) the cost of books; and

“(3) laboratory expenses.

“(b) AMOUNT OF ASSISTANCE.—The amount of financial assistance provided to a member of the District of Columbia National Guard under the program may be up to \$400 per credit hour, but not to exceed \$6,000 per

1 year. If the Mayor determines that the amount available
2 to provide assistance under this title in any year will be
3 insufficient, the Mayor may reduce the maximum amount
4 of the assistance authorized, or set a limit on the number
5 of participants, to ensure that amounts expended do not
6 exceed available amounts.

7 “(c) RELATION TO OTHER ASSISTANCE.—Except as
8 provided in section 202(b)(1)(C), a member of the District
9 of Columbia National Guard may receive financial assist-
10 ance under the program in addition to educational assist-
11 ance provided under any other provision of law.

12 “(d) REPAYMENT.—A member of the District of Co-
13 lumbia National Guard who receives assistance under the
14 program and who, voluntarily or because of misconduct,
15 fails to serve for the period covered by the agreement re-
16 quired by section 202(b)(1) or fails to comply with the
17 eligibility conditions specified in section 202(b)(2) shall be
18 subject to the repayment provisions of section 373 of title
19 37, United States Code.

20 **“SEC. 204. ADMINISTRATION AND FUNDING OF PROGRAM.**

21 “(a) ADMINISTRATION.—The Mayor, in coordination
22 with the commanding general of the District of Columbia
23 National Guard and in consultation with approved institu-
24 tions of higher education, shall develop policies and proce-
25 dures for the administration of the program under this

1 title. Nothing in this title shall be construed to require
2 an institution of higher education to alter the institution's
3 admissions policies or standards in any manner to enable
4 a member of the District of Columbia National Guard to
5 enroll in the institution.

6 “(b) FUNDING.—

7 “(1) AUTHORIZATION OF APPROPRIATIONS.—

8 There are authorized to be appropriated to the Dis-
9 trict of Columbia such sums as may be necessary to
10 enable the Mayor to provide financial assistance
11 under the program. Funds appropriated pursuant to
12 this authorization of appropriations shall remain
13 available until expended.

14 “(2) TRANSFER OF FUNDS.—The Mayor may
15 accept the transfer of funds from Federal agencies
16 and use any funds so transferred for purposes of
17 providing assistance under the program. There is
18 authorized to be appropriated to the head of any ex-
19 ecutive branch agency such sums as may be nec-
20 essary to permit the transfer of funds to the Mayor
21 to provide financial assistance under this section.

22 “(3) LIMIT.—The aggregate amount authorized
23 to be appropriated under paragraphs (1) and (2) for
24 a fiscal year may not exceed—

25 “(A) for fiscal year 2011, \$370,000; and

1 “(B) for each succeeding fiscal year, the
2 limit applicable under this paragraph for the
3 previous fiscal year, adjusted by the tuition in-
4 flation index used for the year by the Secretary
5 of Veterans Affairs for education benefits under
6 section 3015(h)(1) of title 38, United States
7 Code.

8 “(c) ACCEPTANCE OF DONATIONS.—The Mayor may
9 accept, use, and dispose of donations of services or prop-
10 erty for purposes of providing assistance under the pro-
11 gram.

12 **“SEC. 205. DEFINITION.**

13 “‘In this title, the term ‘approved institution of higher
14 education’ means an institution of higher education (as
15 defined in section 102 of the Higher Education Act of
16 1965 (20 U.S.C. 1002)) that—

17 “(1) is eligible to participate in the student fi-
18 nancial assistance programs under title IV of the
19 Higher Education Act of 1965 (20 U.S.C. 1070 et
20 seq.); and

21 “(2) has entered into an agreement with the
22 Mayor containing an assurance that funds made
23 available under this title are used to supplement and
24 not supplant other assistance that may be available

1 for members of the District of Columbia National
2 Guard.

3 **“SEC. 206. EFFECTIVE DATE.**

4 “Financial assistance may be provided under the pro-
5 gram under this title to eligible members of the District
6 of Columbia National Guard for periods of instruction
7 that begin on or after January 1, 2010.”.

8 **SEC. 2. PAYGO COMPLIANCE.**

9 The budgetary effects of this Act, for the purpose of
10 complying with the Statutory Pay-As-You-Go Act of 2010,
11 shall be determined by reference to the latest statement
12 titled “Budgetary Effects of PAYGO Legislation” for this
13 Act, submitted for printing in the Congressional Record
14 by the Chairman of the House Budget Committee, pro-
15 vided that such statement has been submitted prior to the
16 vote on passage.

Passed the House of Representatives June 28, 2010.

Attest:

Clerk.

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