

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3913

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.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2009

Ms. NORTON introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## A BILL

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,*

1 **SECTION 1. DISTRICT OF COLUMBIA NATIONAL GUARD**  
2 **EDUCATIONAL ASSISTANCE PROGRAM.**

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

7 **“TITLE II—EDUCATIONAL**  
8 **ASSISTANCE PROGRAM**

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

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

13 “(b) **FINDINGS.**—Congress makes the following find-  
14 ings:

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

20 “(2) The District of Columbia National Guard  
21 is unique and differs from the National Guards of  
22 the several States in that the District of Columbia  
23 National Guard is responsible, not only for residents  
24 of the District of Columbia, but also for a special  
25 and unique mission and obligation as a result of the

1 extensive presence of the Federal Government in the  
2 District of Columbia.

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

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

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

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

22 “(7) The States of Maryland and Virginia pro-  
23 vide additional recruiting and retention incentives,  
24 such as educational benefits, in order to maintain  
25 their force, and their National Guards have drawn

1 recruits from the District of Columbia at a rate that  
2 puts at risk the maintenance of the necessary force  
3 levels for the District of Columbia National Guard.

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

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

15 **“SEC. 202. DISTRICT OF COLUMBIA NATIONAL GUARD EDU-  
16 CATIONAL ASSISTANCE PROGRAM.**

17 “(a) EDUCATIONAL ASSISTANCE PROGRAM AUTHOR-  
18 IZED.—The Mayor of the District of Columbia shall estab-  
19 lish a program under which the Mayor may provide finan-  
20 cial assistance to an eligible member of the District of Co-  
21 lumbia National Guard to assist the member in covering  
22 expenses incurred by the member while enrolled in an ap-  
23 proved institution of higher education to pursue the mem-  
24 ber’s first undergraduate, masters, vocational, or technical  
25 degree or certification.

1 “(b) ELIGIBILITY.—

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

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

10 “(B) The member has executed a written  
11 agreement to serve in the District of Columbia  
12 National Guard for a period of not less than 6  
13 years.

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

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

20 “(A) be satisfactorily performing duty in  
21 the District of Columbia National Guard in ac-  
22 cordance with regulations of the National  
23 Guard (as certified to the Mayor by the com-  
24 manding general of the District of Columbia  
25 National Guard);

1           “(B) be enrolled on a full-time or part-time  
2           basis (seeking to earn at least 3, but less than  
3           12 credit hours per semester) in an approved  
4           institution of higher education; and

5           “(C) maintain satisfactory progress in the  
6           course of study the member is pursuing, deter-  
7           mined in accordance with section 484(c) of the  
8           Higher Education Act of 1965 (20 U.S.C.  
9           1091(c)).

10 **“SEC. 203. TREATMENT OF ASSISTANCE PROVIDED.**

11           “(a) PERMITTED USE OF FUNDS.—Financial assist-  
12           ance received by a member of the District of Columbia  
13           National Guard under the program under this title may  
14           be used to cover—

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

17           “(2) the cost of books; and

18           “(3) laboratory expenses.

19           “(b) AMOUNT OF ASSISTANCE.—The amount of fi-  
20           nancial assistance provided to a member of the District  
21           of Columbia National Guard under the program may be  
22           up to \$400 per credit hour, but not to exceed \$5,500 per  
23           year. If the Mayor determines that the amount available  
24           to provide assistance under this title in any year will be  
25           insufficient, the Mayor may reduce the maximum amount

1 of the assistance authorized, or set a limit on the number  
2 of participants, to ensure that amounts expended do not  
3 exceed available amounts.

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

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

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

18 “(a) ADMINISTRATION.—The Mayor, in consultation  
19 with approved institutions of higher education, shall de-  
20 velop policies and procedures for the administration of the  
21 program under this title. Nothing in this title shall be con-  
22 strued to require an institution of higher education to alter  
23 the institution’s admissions policies or standards in any  
24 manner to enable a member of the District of Columbia  
25 National Guard to enroll in the institution.

1 “(b) FUNDING SOURCES AND GIFTS.—

2 “(1) AUTHORIZATION OF APPROPRIATIONS.—

3 There are authorized to be appropriated to the Dis-  
4 trict of Columbia such sums as may be necessary to  
5 enable the Mayor to provide financial assistance  
6 under the program. Funds appropriated pursuant to  
7 this authorization of appropriations shall remain  
8 available until expended.

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

17 “(3) DONATIONS.—The Mayor may accept, use,  
18 and dispose of donations of services or property for  
19 purposes of providing assistance under the program.

20 **“SEC. 205. DEFINITION.**

21 “In this title, the term ‘approved institution of higher  
22 education’ means an institution of higher education (as  
23 defined in section 102 of the Higher Education Act of  
24 1965 (20 U.S.C. 1002)) that—



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

5           “(2) has entered into an agreement with the  
6           Mayor containing an assurance that funds made  
7           available under this title are used to supplement and  
8           not supplant other assistance that may be available  
9           for members of the District of Columbia National  
10          Guard.

11 **“SEC. 206. EFFECTIVE DATE.**

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

○