

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3913

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IN THE SENATE OF THE UNITED STATES

JUNE 29, 2010

Received; read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

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## 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 AUTHORIZ-  
20 ED.—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-

1 cordance with regulations of the National  
2 Guard (as certified to the Mayor by the com-  
3 manding general of the District of Columbia  
4 National Guard);

5 “(B) be enrolled on a full-time or part-time  
6 basis in an approved institution of higher edu-  
7 cation; and

8 “(C) maintain satisfactory progress in the  
9 course of study the member is pursuing, deter-  
10 mined in accordance with section 484(c) of the  
11 Higher Education Act of 1965 (20 U.S.C.  
12 1091(c)).

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

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

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

20 “(2) the cost of books; and

21 “(3) laboratory expenses.

22 “(b) AMOUNT OF ASSISTANCE.—The amount of fi-  
23 nancial assistance provided to a member of the District  
24 of Columbia National Guard under the program may be  
25 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: LORRAINE C. MILLER,  
*Clerk.*