

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

# H. R. 3323

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2009

Ms. NORTON introduced the following bill; which was referred to the  
Committee on Armed Services

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## A BILL

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. SHORT TITLE.**

2 This Act may be cited as the “Major General David  
3 F. Wherley, Jr. District of Columbia National Guard Re-  
4 tention and College Access Act of 2009”.

5 **SEC. 2. DISTRICT OF COLUMBIA NATIONAL GUARD EDU-  
6 CATIONAL ASSISTANCE PROGRAM.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

9 (1) The District of Columbia National Guard is  
10 under the exclusive jurisdiction of the President of  
11 the United States as Commander-in-Chief and, un-  
12 like other National Guards, is permanently federal-  
13 ized.

14 (2) The District of Columbia National Guard is  
15 unique and differs from the National Guards of the  
16 several States in that the District of Columbia Na-  
17 tional Guard is responsible, not only for residents of  
18 the District of Columbia, but also for a special and  
19 unique mission and obligation as a result of the ex-  
20 tensive presence of the Federal Government in the  
21 District of Columbia.

22 (3) Consequently, the President of the United  
23 States, rather than the chief executive of the Dis-  
24 trict of Columbia, is in command of the District of  
25 Columbia National Guard, and only the President

1 can call up the District of Columbia National Guard  
2 even for local emergencies.

3 (4) The District of Columbia National Guard  
4 has been specifically trained to address the unique  
5 emergencies that may occur regarding the presence  
6 of the Federal Government in the District of Colum-  
7 bia.

8 (5) The great majority of the members of the  
9 District of Columbia National Guard actually live in  
10 Maryland or Virginia, rather than in the District of  
11 Columbia.

12 (6) The District of Columbia National Guard  
13 has been experiencing a disproportionate decline in  
14 force in comparison to the National Guards of Mary-  
15 land and Virginia.

16 (7) The States of Maryland and Virginia pro-  
17 vide additional recruiting and retention incentives,  
18 such as educational benefits, in order to maintain  
19 their force, and their National Guards have drawn  
20 recruits from the District of Columbia at a rate that  
21 puts at risk the maintenance of the necessary force  
22 levels for the District of Columbia National Guard.

23 (8) Funds for an educational benefit for mem-  
24 bers of the District of Columbia National Guard  
25 would provide an incentive to help reverse the loss

1 of members to nearby National Guards and allow for  
2 maintenance and increase of necessary District of  
3 Columbia National Guard personnel.

4 (9) The loss of members of the District of Co-  
5 lumbia National Guard could adversely affect the  
6 readiness of the District of Columbia National  
7 Guard to respond in the event of a terrorist attack  
8 on the capital of the United States.

9 (b) EDUCATIONAL ASSISTANCE PROGRAM AUTHOR-  
10 IZED.—The commanding general of the District of Colum-  
11 bia National Guard (in this section referred to as the  
12 “commanding general”) may provide financial assistance  
13 under this section to a member of the District of Columbia  
14 National Guard who has satisfactorily completed required  
15 initial active duty service and executes a written agree-  
16 ment to serve in the District of Columbia National Guard  
17 for a period of not less than six years, to assist the mem-  
18 ber in covering expenses incurred by the member while en-  
19 rolled in an approved institution of higher education to  
20 pursue the member’s first undergraduate, masters, voca-  
21 tional, or technical degree or certification.

22 (c) MAINTENANCE OF ELIGIBILITY.—To continue to  
23 be eligible for financial assistance under this section, a  
24 member of the District of Columbia National Guard  
25 must—

1           (1) be satisfactorily performing duty in the Dis-  
2           trict of Columbia National Guard in accordance with  
3           regulations of the National Guard;

4           (2) be enrolled on a full-time or part-time basis  
5           (at least three, but less than twelve credit hours per  
6           semester) in an approved institution of higher edu-  
7           cation; and

8           (3) maintain satisfactory progress in the course  
9           of study the member is pursuing, determined in ac-  
10          cordance with section 484(e) of the Higher Edu-  
11          cation Act of 1965 (20 U.S.C. 1091(e)).

12          (d) COVERED EXPENSES.—Financial assistance re-  
13          ceived by a member of the District of Columbia National  
14          Guard under this section may be used to cover—

15                (1) tuition and fees charged by an approved in-  
16                stitution of higher education involved;

17                (2) the cost of books; and

18                (3) laboratory expenses.

19          (e) AMOUNT OF ASSISTANCE.—The amount of finan-  
20          cial assistance provided to a member of the District of Co-  
21          lumbia National Guard under this section may be up to  
22          \$400 per credit hour, but not to exceed \$5,500 per year.  
23          If the commanding general determines that the amount  
24          available to provide assistance under this section in any  
25          year will be insufficient, the commanding general may re-

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

4 (f) RELATION TO OTHER ASSISTANCE.—A member  
5 of the District of Columbia National Guard may receive  
6 financial assistance under this section in addition to as-  
7 sistance provided under any other provision of law, except  
8 that the member may not receive financial assistance  
9 under this section if the member receives a Reserve Officer  
10 Training Corps scholarship.

11 (g) ADMINISTRATION.—The commanding general, in  
12 consultation with approved institutions of higher edu-  
13 cation, shall develop policies and procedures for the ad-  
14 ministration of this section. Nothing in this section shall  
15 be construed to require an institution of higher education  
16 to alter the institution's admissions policies or standards  
17 in any manner to enable a member of the District of Co-  
18 lumbia National Guard to enroll in the institution.

19 (h) REPAYMENT.—A member of the District of Co-  
20 lumbia National Guard who receives assistance under this  
21 section and who, voluntarily or because of misconduct,  
22 fails to serve for the period covered by the agreement re-  
23 quired by subsection (b) or fails to comply with the eligi-  
24 bility conditions specified in subsection (c) shall be subject

1 to the repayment provisions of section 373 of title 37,  
2 United States Code.

3 (i) FUNDING SOURCES AND GIFTS.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

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

11 (2) TRANSFER OF FUNDS.—The commanding

12 general may accept the transfer of funds from Fed-  
13 eral agencies and use any funds so transferred for  
14 purposes of providing assistance under this section.

15 There is authorized to be appropriated to the head  
16 of any executive branch agency such sums as may  
17 be necessary to permit the transfer of funds to the  
18 commanding general to provide financial assistance  
19 under this section.

20 (3) DONATIONS.—The commanding general

21 concerned may accept, use, and dispose of donations  
22 of services or property for purposes of providing as-  
23 sistance under this section.

24 (j) DEFINITION.—In this section, the term “approved  
25 institution of higher education” means an institution of

1 higher education (as defined in section 102 of the Higher  
2 Education Act of 1965 (20 U.S.C. 1002)) that—

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

7           (2) has entered into an agreement with the  
8 commanding general containing an assurance that  
9 funds made available under this section are used to  
10 supplement and not supplant other assistance that  
11 may be available for members of the District of Co-  
12 lumbia National Guard.

13       (k) IMPLEMENTATION OF PROGRAM.—Financial as-  
14 sistance may be provided under this section to eligible  
15 members of the District of Columbia National Guard for  
16 periods of instruction that begin on or after January 1,  
17 2010.

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