

117TH CONGRESS
2^D SESSION

H. R. 9479

To amend title 10, United States Code, to establish an educational assistance program to encourage the enlistment of persons in, and retention of members of, the District of Columbia National Guard by providing to certain such members financial assistance to attend undergraduate, vocational, or technical courses.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2022

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

A BILL

To amend title 10, United States Code, to establish an educational assistance program to encourage the enlistment of persons in, and retention of members of, the District of Columbia National Guard by providing to certain such members financial assistance 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. SHORT TITLE.**

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

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

3 (a) IN GENERAL.—Chapter 1611 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 16402. District of Columbia National Guard edu-**
7 **cational assistance program**

8 “(a) ESTABLISHMENT.—The commanding general of
9 the District of Columbia National Guard shall provide fi-
10 nancial assistance to an eligible member of the District
11 of Columbia National Guard for expenses incurred by the
12 member—

13 “(1) while enrolled in an approved institution of
14 higher education; and

15 “(2) to pursue the member’s first under-
16 graduate, masters, doctoral, vocational, or technical
17 degree or certification.

18 “(b) ELIGIBILITY.—(1) A member of the District of
19 Columbia National Guard is eligible to receive assistance
20 under this section if the commanding general of the Dis-
21 trict of Columbia National Guard determines the fol-
22 lowing:

23 “(A) The member has satisfactorily completed
24 required initial active duty service.

25 “(B) The member is not receiving a Reserve
26 Officer Training Corps scholarship.

1 “(C) The member has entered into a written
2 agreement to serve as a member of the District of
3 Columbia National Guard for a period determined
4 by the commanding general.

5 “(2) To maintain eligibility for assistance under this
6 section, a member of the District of Columbia National
7 Guard shall—

8 “(A) satisfactorily perform duty in the District
9 of Columbia National Guard;

10 “(B) be enrolled on a full-time or part-time
11 basis (seeking to earn at least three, but fewer than
12 12 credit hours per semester) in an approved institu-
13 tion of higher education; and

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

18 “(c) ASSISTANCE: AMOUNTS; TREATMENT.—(1) As-
19 sistance received by a member of the District of Columbia
20 National Guard under this section may be used for—

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

23 “(B) the cost of books; and

24 “(C) laboratory expenses.

1 “(2) The amount of assistance provided to a member
2 of the District of Columbia National Guard under this sec-
3 tion may not exceed the following:

4 “(A) For tuition, \$10,000 per year.

5 “(B) For books, \$500 per year.

6 “(C) For fees and laboratory expenses, \$500
7 per year.

8 “(3) If the commanding general of the District of Co-
9 lumbia National Guard determines that the amounts avail-
10 able to provide assistance under this section in any year
11 will be insufficient, the commanding general may reduce
12 any maximum amount of the assistance authorized, or set
13 a limit on the number of participants, to ensure that
14 amounts expended do not exceed available amounts.

15 “(4) Except as provided in subsection (b)(1)(B), a
16 member of the District of Columbia National Guard may
17 receive assistance under this section in addition to edu-
18 cational assistance provided under any other provision of
19 law.

20 “(5) A member of the District of Columbia National
21 Guard who receives assistance under this section and who
22 fails to serve for the period specified in an agreement de-
23 scribed in subsection (b)(1) or fails to comply with the
24 eligibility conditions specified in subsection (b)(2) shall be

1 subject to the repayment provisions of section 373 of title
2 37.

3 “(d) ADMINISTRATION; FUNDING.—(1) The com-
4 manding general of the District of Columbia National
5 Guard, in consultation with approved institutions of high-
6 er education, shall develop policies and procedures for the
7 administration of this section. Nothing in this section shall
8 be construed to require an institution of higher education
9 to alter any admission policy or standard to enable a mem-
10 ber of the District of Columbia National Guard to enroll
11 in such institution.

12 “(2)(A) There are authorized to be appropriated such
13 sums as may be necessary to carry out this section. Funds
14 so appropriated shall remain available until expended.

15 “(B) The commanding general may accept the trans-
16 fer of funds from a Federal agency and use any funds
17 so transferred for purposes of providing assistance under
18 this section. There is authorized to be appropriated to the
19 head of any executive branch agency such sums as may
20 be necessary to permit the transfer of funds to the com-
21 manding general to provide assistance under this section.

22 “(C) The commanding general may accept, use, and
23 dispose of donations of services or property to provide as-
24 sistance under this section.

25 “(e) DEFINITIONS.—In this section:

1 “(1) The term ‘approved institution of higher
2 education’ means an institution of higher education
3 that—

4 “(A) is eligible to participate in the stu-
5 dent financial assistance programs under title
6 IV of the Higher Education Act of 1965 (20
7 U.S.C. 1070 et seq.); and

8 “(B) has entered into an agreement with
9 the commanding general of the District of Co-
10 lumbia National Guard containing an assurance
11 that funds made available under this section are
12 used to supplement and not supplant other as-
13 sistance that may be available for a member of
14 the District of Columbia National Guard.

15 “(2) The term ‘institution of higher education’
16 has the meaning given such term in section 102 of
17 the Higher Education Act of 1965 (20 U.S.C.
18 1002).”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 16401 the following new
22 item:

“16402. District of Columbia National Guard educational assistance program.”.

23 (c) EFFECTIVE DATE.—Financial assistance may be
24 provided under section 16402 of such title, as added by

1 subsection (a), for a period of instruction that begins on
2 or after January 1, 2023.

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