

MILITARY AND VETERANS CODE (51 PA.C.S.) - ESTABLISHING THE
MILITARY COLLEGE EDUCATIONAL ASSISTANCE PROGRAM AND EDITORIAL
CHANGES

Act of Nov. 3, 2022, P.L. 2164, No. 160

Cl. 51

Session of 2022

No. 2022-160

SB 1194

AN ACT

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in military educational programs, establishing the Military College Educational Assistance Program; and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Chapter 32 of Title 51 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER C
MILITARY COLLEGE
EDUCATIONAL ASSISTANCE PROGRAM

Sec.

3221. Definitions.

3222. Military College Educational Assistance Program.

3223. Eligibility.

3224. Program participation.

3225. Benefit.

3226. Limitations.

3227. Recoupment of benefit payments.

3228. Administration.

§ 3221. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Approved institution of higher learning." An educational institution offering a postsecondary program of education located in this Commonwealth and approved by the agency.

"Benefit." The program grant which shall be given to an eligible member's military college or approved institution of higher learning who meets all of the requirements provided for under this subchapter.

"Cadet." A military trainee enrolled in a military college.

"Early Commissioning Program." The United States Army ROTC program that allows a graduate of a military junior college to become a commissioned officer in two years in the reserve or National Guard components.

"Eligible member." A full-time student who is a member of the Pennsylvania National Guard, is selected as a cadet, serves as a Simultaneous Membership Program cadet in the Pennsylvania National Guard and accepts a Pennsylvania National Guard commission upon graduation from the military college.

"Full-time student." An eligible member enrolled in an approved institution of higher learning pursuing an approved degree-producing program of education equal to or greater than 12 credit hours per semester or its equivalent that is recognized by the agency as a full-time course of study.

"Military college." The Valley Forge Military College of Pennsylvania.

"Military college tuition." The cost of attendance established annually by the college administration, including tuition and uniforms. The term does not include room, board or books.

"Program." The Military College Educational Assistance Program established under section 3222 (relating to Military College Educational Assistance Program).

"Simultaneous Membership Program." The Simultaneous Membership Program in which a reserve officer trainee assigned to a Pennsylvania Army National Guard unit participates simultaneously as a contracted cadet in the ROTC Advanced Course or Military Science I, II, III and IV levels of military instruction taught at a university or college in accordance with Cadet Command Regulation 145-11 (relating to Reserve Officers' Training Corps Simultaneous Membership Program (SMP)) in effect on the effective date of this section.

§ 3222. Military College Educational Assistance Program.

(a) Establishment.--The Military College Educational Assistance Program is established. The purpose of the program is to provide benefits to eligible members. The program shall begin no later than the 2024-2025 academic year.

(b) Funding.-- Money in the Educational Assistance Program Fund shall be used to provide benefits under this subchapter and may not be used for any other purpose or be transferred or diverted to any other purpose by administrative action.

§ 3223. Eligibility.

An eligible member may apply for participation in the program if the eligible member does or meets all of the following:

(1) Has been a satisfactory participant in Pennsylvania National Guard activities for a minimum service period established by the Adjutant General or is a former eligible member and has received a discharge other than a dishonorable discharge.

(2) Has accepted an obligation to serve in the Pennsylvania National Guard for a period of at least eight years and has not accepted an obligation under Subchapter A (relating to Educational Assistance Program) or A.1 (relating to Military Family Education Program) for the same service period. The service obligation to the Pennsylvania National Guard shall be two years as a cadet in the military college and eight years as a commissioned officer.

(3) Serves as a Simultaneous Membership Program cadet in the Pennsylvania National Guard and accepts a Pennsylvania National Guard commission upon graduation from the military college.

(4) Provides proof of United States citizenship.

(5) Provides proof of meeting physical standards, in effect on the effective date of this section, required to be considered to serve in the United States Army.

(6) Provides proof of meeting academic standards, in effect on the effective date of this section, required to be considered to serve in the United States Army as a commissioned officer.

(7) Provides a letter of intent.

(8) Provides a letter of acceptance into the Early Commissioning Program.

§ 3224. Program participation.

(a) Selection.--The department, with the assistance of the military college, shall evaluate the candidates for the program and make recommendations to the Adjutant General for selection.

(b) Discharge for disability incurred in line of duty.--An eligible member who is discharged for medical disability shall be disenrolled from the program if the eligible member is unable to fulfill the service obligation to the Pennsylvania National Guard as required for the benefit under this subchapter.

(c) Academic or military disqualification standards.--An eligible member who fails to meet academic or military qualification standards shall be disenrolled from the program under this subchapter.

(d) Conditional release from Simultaneous Membership Program.--An eligible member may be released from Simultaneous Membership Program status for voluntary or involuntary reasons. The following apply:

(1) An applicant who completes the senior Army ROTC program of instruction shall be released from Simultaneous Membership Program status in order to be accessed into the Pennsylvania National Guard as a commissioned officer. Release from Simultaneous Membership Program status under this subchapter shall terminate the eligible member's enlistment contract in exchange for a new officer contract. The eligible member shall incur an eight-year active drilling contractual obligation to the Pennsylvania National Guard upon appointment as a second lieutenant.

(2) An eligible member who voluntarily or involuntarily becomes disenrolled from ROTC and is eligible to continue military service shall remain in the Pennsylvania National Guard as an enlisted soldier. An eligible member who becomes qualified as an enlisted soldier as provided under National Guard Regulation 600-100 (relating to commissioned officers Federal recognition and related personnel actions) in effect on the effective date of this section shall retain the benefit previously awarded during Simultaneous Membership Program status.

(3) An eligible member who voluntarily or involuntarily becomes disenrolled from ROTC and is ineligible to continue military service for reasons other than medical conditions shall be discharged from the Pennsylvania National Guard as provided under National Guard Regulations 600-100 and 600-200 (relating to enlisted personnel management), in effect on the effective date of this section. An eligible member who is discharged under this subchapter shall be subject to recoupment under section 3227 (relating to recoupment of benefit payments).

§ 3225. Benefit.

(a) Provision.--From the money appropriated for the purposes of this subchapter, benefit payments shall be provided to the military college or approved institution of higher learning on behalf of eligible members for the purpose of pursuing an approved degree-producing program.

(b) Promissory note.--Prior to entry into the program, the eligible member shall sign a promissory note obligating the eligible member to repay the full amount of the benefit if the eligible member fails to satisfactorily fulfill the service obligation. The promissory note shall become payable upon noncompletion of the service obligation under section 3227(a) (relating to recoupment of benefit payments).

(c) Amount.--Benefits awarded under this subchapter shall be:

(1) in year one and two, the rate of military college tuition for the approved associate's degree-producing program; and

(2) thereafter, the annual tuition rate charged by a State System of Higher Education institution for the completion of the eligible member's first bachelor's degree.

(d) Other grants and financial aid.--

(1) The agency may not reduce the amount of other agency grants or aid for which the eligible member qualifies on account of the eligible member's eligibility for or receipt of a benefit under this subchapter.

(2) Prior to making a benefit payment under this subchapter, the approved institution of higher learning shall first consider any Federal tuition assistance received by the eligible member and shall award a benefit under this subchapter if the eligible member requires additional financial aid to cover the costs of attendance for an approved degree-producing program.

(3) A benefit under this subchapter shall be paid or refunded to the eligible member for approved costs of attendance.

(4) Benefits authorized under this section shall be reduced so that the total of Federal and State military education benefits, as administered by the Pennsylvania National Guard, does not exceed 100% of the costs of attendance.

(e) Adjustments.--If the agency and the Adjutant General determine that the amount appropriated for the program in any year will be insufficient to provide benefits in the amounts specified in this section to each eligible member, the agency and the department may reduce the maximum amount of the benefits proportionately or set a limit on the number of participants to ensure that sums expended do not exceed appropriations.

(f) Limit on charges.--Eligible members attending a State System of Higher Education institution may not be charged additional tuition above the annual tuition rate.

(g) Limit on tuition.--A State System of Higher Education institution may not charge an eligible member more than the in-State rate.

§ 3226. Limitations.

An eligible member may not assign more than five academic years or their equivalent, as determined by the agency.

§ 3227. Recoupment of benefit payments.

(a) Liability.--An eligible member who fails to meet the eight-year service obligation of this subchapter or other requirements established by the Adjutant General or the agency shall be liable to the Commonwealth for repayment of all or part of benefit payments made. The Adjutant General shall notify the agency if an eligible member fails to complete the service obligation, and the promissory note under section 3225(b) (relating to benefit) shall be repaid by the eligible member upon demand of the agency on a schedule as the agency may determine.

(b) Forgiveness of recoupment.--Upon notification by the Adjutant General, the agency shall forgive recoupment of all or part of an eligible member's benefit payments if the Adjutant General determines that the eligible member's failure to fulfill the eight-year service obligation is the result of one of the following:

(1) The eligible member's death.

(2) The eligible member's discharge because of disability incurred in the line of duty.

(3) The eligible member's discharge because of a medical determination that the eligible member is medically unfit for duty if the medical condition is outside the eligible

member's control and is not due to the eligible member's misconduct.

(4) The existence of other compelling circumstances that warrant forgiveness.

§ 3228. Administration.

The department shall issue guidelines to implement and administer this subchapter.

Section 2. Subchapter C heading of Chapter 32 of Title 51 is amended to read:

SUBCHAPTER [C] **D**

MISCELLANEOUS PROVISIONS

Section 3. Sections 3221 and 3222 of Title 51 are renumbered to read:

§ [3221] **3231.** Regulations.

The Adjutant General shall promulgate regulations to carry out the provisions of this chapter.

§ [3222] **3232.** Administration.

The General Assembly may appropriate funds to pay for grants under Subchapter B (relating to Medical Officer or Health Officer Incentive Program).

Section 4. This act shall take effect in 60 days.

APPROVED--The 3rd day of November, A.D. 2022.

TOM WOLF