

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1324 Session of  
2019

INTRODUCED BY BARRAR, SAINATO, BERNSTINE, BURNS, COMITTA,  
SCHLEGEL CULVER, DAY, DRISCOLL, EVERETT, FRANKEL, FREEMAN,  
FRITZ, GABLER, GALLOWAY, HEFFLEY, HELM, HILL-EVANS, KORTZ,  
KULIK, LEWIS, LONGIETTI, MARKOSEK, McNEILL, MIHALEK, MILLARD,  
D. MILLER, MULLINS, MURT, NEILSON, NELSON, O'MARA, O'NEAL,  
POLINCHOCK, PYLE, READSHAW, RIGBY, ROTHMAN, RYAN, SAPPEY,  
SAYLOR, SCHMITT, SNYDER, STRUZZI, ULLMAN AND WHITE,  
APRIL 25, 2019

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, APRIL 25, 2019

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania  
2 Consolidated Statutes, in military educational programs,  
3 further providing for definitions, for eligibility, for  
4 grants, for amount of grants, for limitations, for recoupment  
5 of grant payments, for regulations, for administration and  
6 for Educational Assistance Program Fund and providing for a  
7 military family education program; and making editorial  
8 changes.

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

11 Section 1. Sections 3201, 3202(a) introductory paragraph and  
12 (1), (b) and (c) introductory paragraph, (4) and (5), 3204 and  
13 3205(a), (b), (b.1) and (c) of Title 51 of the Pennsylvania  
14 Consolidated Statutes are amended to read:

15 § 3201. Definitions.

16 The following words and phrases when used in this subchapter  
17 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Agency." The Pennsylvania Higher Education Assistance  
3 Agency.

4 "Annual tuition rate." The in-State tuition rate established  
5 or approved by May 1 of each year by the Board of Governors of  
6 the State System of Higher Education.

7 "Approved institution of higher learning." An educational  
8 institution offering a post-secondary program of education  
9 located in this Commonwealth and approved by the [Pennsylvania  
10 Higher Education Assistance Agency] agency.

11 "Approved program of education." A [~~degree-~~ degree-granting  
12 or certificate-granting curriculum [or course of study], course  
13 of study or training required for entrance into a specific  
14 career to be pursued on a full-time or part-time basis or its  
15 equivalent as determined by the [Pennsylvania Higher Education  
16 Assistance Agency] agency, at an approved institution of higher  
17 learning.

18 ["Combat zone." An area designated by Presidential executive  
19 order as a combat zone as described in section 7508 of the  
20 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
21 7508).]

22 "Certificate of eligibility." A certificate from the  
23 department that certifies an eligible member's eligibility for  
24 an educational assistance grant.

25 "Costs of attendance." Allowable educational expenses, as  
26 determined by the agency, that are consistent with the  
27 administration of the act of January 25, 1966 (1965 P.L.1546,  
28 No.541), referred to as the Higher Education Scholarship Law.

29 "Educational assistance." A benefit earned which shall be  
30 given to an eligible member who has complied with all of the

1 requirements provided for under this subchapter.

2 "Eligible member." A member of the Pennsylvania National  
3 Guard who meets the criteria specified in section 3202 (relating  
4 to eligibility) and who has been awarded a certificate of  
5 eligibility under section 3203 (relating to certification of  
6 eligibility).

7 "Full-time student." [A student] An eligible member enrolled  
8 in an approved institution of higher learning pursuing an  
9 approved program of education equal to or greater than [15] 12  
10 credit hours per semester or its equivalent that is recognized  
11 by the [Pennsylvania Higher Education Assistance Agency] agency  
12 as a full-time course of study.

13 "Fund." The Educational Assistance Program Fund.

14 "Part-time student." [A student] An eligible member enrolled  
15 in an approved institution of higher education pursuing an  
16 approved program of education of less than [15] 12 credit hours  
17 per semester or its equivalent that is recognized by the  
18 [Pennsylvania Higher Education Assistance Agency] agency as a  
19 part-time course of study.

20 "Program." The Educational Assistance Program [established  
21 in this subchapter].

22 ["Qualified resident." An individual who has been a bona  
23 fide resident of this Commonwealth prior to the time an  
24 application for a grant is made. The Pennsylvania Higher  
25 Education Assistance Agency shall make the final decision on  
26 whether an applicant is a qualified resident.]

27 "Promissory note." A written contract signed by a member of  
28 the Pennsylvania National Guard in which the member promises to  
29 repay the awarded grant amount.

30 § 3202. Eligibility.

1 (a) General rule.--A member of the Pennsylvania National  
2 Guard [member] is eligible to receive [a public service  
3 educational] an educational assistance grant under this  
4 subchapter if the member meets all of the following eligibility  
5 criteria:

6 [(1) The member is a qualified resident of this  
7 Commonwealth.]

8 \* \* \*

9 (b) Additional eligibility criteria for full-time [student  
10 assistance] educational assistance grants.--In addition to the  
11 eligibility criteria specified in subsection (a), [a student] an  
12 eligible member must meet the following eligibility criteria to  
13 qualify for a full-time [student assistance] educational  
14 assistance grant:

15 (1) The member does not possess a baccalaureate degree.

16 (2) The member accepts an obligation to serve in the  
17 Pennsylvania National Guard for a period of six years from  
18 the date [of entry into the program by enlistment,  
19 reenlistment, extension of enlistment or execution of a  
20 service commitment] the member signs a promissory note.

21 (3) The member has enrolled as a full-time student in an  
22 approved program of education at an approved institution of  
23 higher learning.

24 (4) The member is not receiving a Reserve Officer  
25 Training Corps (ROTC) Scholarship, excluding a Guaranteed  
26 Reserve Forces Duty Scholarship.

27 (c) Discharge for disability incurred in the line of duty.--  
28 A [Pennsylvania National Guard] member who is discharged for  
29 medical disability after September 11, 2001, shall remain  
30 eligible to receive [a public service educational] an

1 educational assistance grant under this subchapter if the member  
2 meets all of the following eligibility criteria:

3 \* \* \*

4 (4) The former member received an [honorable] other than  
5 dishonorable discharge for medical reasons.

6 (5) The former member [had] accepted an obligation to  
7 serve in the Pennsylvania National Guard [for a minimum  
8 period of service established by the Adjutant General] by  
9 signing a promissory note and was qualified to [have  
10 fulfilled such] fulfill the service obligation but for the  
11 medical disability that resulted in discharge.

12 \* \* \*

13 § 3204. Grants.

14 (a) General rule.--From the funds appropriated for the  
15 purposes of this subchapter, grants shall be provided to  
16 eligible members for the purpose of pursuing approved programs  
17 of education. An educational assistance grant shall be treated  
18 as a benefit earned by an eligible member for honorable service  
19 to the country and this Commonwealth.

20 (b) Promissory notes.--[At] Upon the receipt of the grant,  
21 an eligible member shall sign a promissory note obligating the  
22 eligible member to repay the full amount of the grant[. The  
23 promissory note shall be conditional upon noncompletion of] if  
24 the eligible member fails to fulfill the service obligation  
25 under section 3207(a) (relating to recoupment of grant  
26 payments).

27 § 3205. Amount of grants.

28 (a) Full-time [student assistance] educational assistance  
29 grants.--Grants awarded under this subchapter to full-time  
30 students shall be determined by the agency without regard to

1 financial need and shall not exceed for each academic year the  
2 lesser of:

3 (1) the tuition rate of the approved institution of  
4 higher learning for the approved program of education in  
5 which the eligible member is enrolled; or

6 (2) the annual tuition rate charged [to a resident of  
7 this Commonwealth at a member institution of the] by a State  
8 System of Higher Education institution for the [same]  
9 academic year.

10 (b) Part-time student assistance grants.--[Grants awarded  
11 under this subchapter to part-time students who do not possess a  
12 baccalaureate degree shall be determined by the agency without  
13 regard to financial need and shall not exceed for each academic  
14 year or period the lesser of:

15 (1) the tuition for the part-time course of study in  
16 which the member is enrolled; or

17 (2) two-thirds of the tuition charged to a resident of  
18 the Commonwealth at a member institution of the State System  
19 of Higher Education for the same academic year or period.]

20 Grants awarded under this subchapter to part-time students who  
21 may or may not possess a baccalaureate degree shall be  
22 determined by the agency without regard to financial need and  
23 shall not exceed for each academic year or period the lesser of:

24 (1) the tuition charged by the approved institution of  
25 higher learning for the number of credit hours per semester  
26 or its equivalent in which the eligible member is enrolled;  
27 or

28 (2) the annual tuition rate charged by a State System of  
29 Higher Education institution for the number of credit hours  
30 per semester or its equivalent in which the eligible member

1 is enrolled for the same academic year or period.

2 [(b.1) Part-time student assistance grants for students  
3 possessing baccalaureate degrees.--Grants awarded under this  
4 subchapter to part-time students who possess a baccalaureate  
5 degree shall be determined by the agency without regard to  
6 financial need and shall not exceed for each academic year or  
7 period the lesser of:

8 (1) one-half of the tuition for the part-time course of  
9 study in which the member is enrolled; or

10 (2) one-third of the tuition charged to a resident of  
11 this Commonwealth at a member institution of the State System  
12 of Higher Education for the same academic year or period.]

13 (c) Other grants and financial aid.--

14 (1) The agency shall not reduce the amount of other  
15 agency grants or aid for which the eligible member qualifies  
16 on account of the eligible member's eligibility for or  
17 receipt of grants under this subchapter.

18 (2) Prior to making a grant under this [chapter]  
19 subchapter, the approved institution of higher learning shall  
20 first consider any Federal tuition assistance received by the  
21 eligible member and then shall award a grant under this  
22 [chapter] subchapter if the eligible member requires  
23 additional financial aid to cover the costs of attendance for  
24 an approved program of higher education. A grant under this  
25 [chapter] subchapter shall be paid or refunded to the  
26 eligible member for approved costs of attendance. Grants  
27 authorized under this [section] subchapter shall be reduced  
28 so that the total of all Federal and State military education  
29 benefits, as administered by the Pennsylvania National Guard,  
30 do not exceed 100% of the costs of attendance.

1 \* \* \*

2 Section 2. Section 3206(a) and (b) (2) and (3) of Title 51  
3 are amended and the section is amended by adding a subsection to  
4 read:

5 § 3206. Limitations.

6 (a) Time.--

7 (1) Except as otherwise provided in paragraph (2), no  
8 eligible member shall be eligible for full-time or part-time  
9 [student] educational assistance grants or a combination  
10 thereof under this subchapter for a total of more than five  
11 academic years or their equivalent as determined by the  
12 agency.

13 (2) [For any member who served on active duty in a  
14 combat zone, eligibility for such grants shall be extended  
15 for a period of one year or for one additional month for each  
16 month or part of month of such service, whichever is longer.]  
17 An eligible member who withdraws from a program of education  
18 due to being ordered to serve on active duty for more than 30  
19 consecutive days, including active duty for training, shall  
20 be granted an additional period of eligibility equal to the  
21 lost semester or its equivalent, whichever is longer.

22 (3) When an eligible member withdraws from a program of  
23 education as provided for under paragraph (2), the eligible  
24 member shall be granted an educational leave of absence as  
25 provided for under section 7313 (relating to educational  
26 leave of absence).

27 (b) Active duty.--

28 \* \* \*

29 (2) For eligible members who were called or ordered to  
30 active Federal service or active State duty under section 508



1 (relating to active State duty for emergency) after September  
2 11, 2001, the deadline for making grant payments shall be  
3 extended for one additional month for each month or part of  
4 month of such service after the eligible member is discharged  
5 or released under [honorable] other than dishonorable  
6 conditions from the Pennsylvania National Guard.

7 (3) For eligible members discharged because of a  
8 disability incurred in the line of duty who are eligible  
9 under section 3202(c) (relating to eligibility), the deadline  
10 for making grant payments shall be:

11 (i) Six years after the eligible member's medical  
12 discharge for members discharged for a medical disability  
13 on or after the effective date of this paragraph unless  
14 extended under section 3202 (c) (6).

15 (ii) Six years following the effective date of this  
16 paragraph for eligible members discharged for a medical  
17 disability after September 11, 2001, and before the  
18 effective date of this paragraph unless extended under  
19 section 3202 (c) (6).

20 (c) Limit on tuition.--At no time may a State System of  
21 Higher Education institution charge an eligible member more than  
22 the in-State rate.

23 Section 3. Sections 3207, 3208, 3209 and 3210 of Title 51  
24 are amended to read:

25 § 3207. Recoupment of grant payments.

26 (a) General rule.--An eligible member who fails to meet the  
27 [requirements of this subchapter as a result of participation in  
28 this program] six-year service obligation of this subchapter or  
29 to meet other requirements established by the Adjutant General  
30 or the agency is liable to the Commonwealth for repayment of all

1 or part of any grant payments made. The Adjutant General shall  
2 notify the agency if an eligible member fails to complete the  
3 service obligation, and the promissory note under section  
4 3204(b) (relating to grants) shall be [payment in full] repaid  
5 by the eligible member upon demand by the agency on a schedule  
6 as the agency may determine.

7 (b) Forgiveness of recoupment.--The Adjutant General [may  
8 advise] shall notify the agency [to] and the agency shall  
9 forgive recoupment of all or part of an eligible member's grant  
10 payments if the Adjutant General determines that the eligible  
11 member's failure to fulfill the six-year service obligation was  
12 the result of [the eligible member's death, discharge because of  
13 disability incurred in line of duty, discharge because of a  
14 medical determination that the eligible member is medically  
15 unfit for duty when the medical condition is outside the  
16 eligible member's control and is not due to his misconduct or  
17 discharge or release because of other compelling circumstances  
18 outside the eligible member's control.] one of the following:

19 (1) Death.

20 (2) Discharge because of disability incurred in line of  
21 duty.

22 (3) Discharge because of a medical determination that  
23 the eligible member is medically unfit for duty when the  
24 medical condition is outside the eligible member's control  
25 and is not due to the eligible member's misconduct or  
26 discharge.

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

29 § 3208. [Regulations.]

30 The Adjutant General and the agency may promulgate

1 regulations to carry out the provisions of this chapter.]

2 (Reserved).

3 § 3209. Administration.

4 (a) Appropriation and administrative costs.--The General  
5 Assembly shall appropriate funds to pay full-time and part-time  
6 [student] educational assistance grants under this [chapter]  
7 subchapter. A portion of the funds appropriated may be used to  
8 pay the costs of the administration of [this chapter.] this  
9 subchapter and Subchapter B (relating to Medical Officer or  
10 Health Officer Incentive Program).

11 (b) Limitation.--Administrative costs for the fiscal year  
12 beginning July 1, 2014, and each fiscal year thereafter, shall  
13 not exceed 3.5% of the total amount of funds appropriated.

14 § 3210. Educational Assistance Program Fund.

15 [All moneys appropriated for the purposes of this chapter  
16 and all investment income earned on those moneys shall be  
17 deposited in the Educational Assistance Program Fund, which is  
18 hereby established as a special nonlapsing fund in the State  
19 Treasury. All moneys placed in the fund and the investment  
20 income it accrues are hereby appropriated on a continuing basis  
21 to the Department of Military and Veterans Affairs and shall be  
22 used solely for the purposes of the program.]

23 (a) Establishment.--The Educational Assistance Program Fund  
24 is established as a special nonlapsing fund in the State  
25 Treasury.

26 (b) Appropriation.--All money deposited into the fund and  
27 the interest the fund accrues are appropriated to the department  
28 on a continuing basis to be used for the purposes provided for  
29 under this subchapter and Subchapter B (relating to Medical  
30 Officer or Health Officer Incentive Program).

1 (c) Administrative action prohibited.--No administrative  
2 action shall prevent the deposit of money into the fund in the  
3 fiscal year in which the money is received.

4 (d) Use.--The fund may only be used for the purposes  
5 provided for under this subchapter and no money in the fund may  
6 be transferred or diverted to any other purpose by  
7 administrative action.

8 Section 4. Chapter 32 of Title 51 is amended by adding a  
9 subchapter to read:

10 SUBCHAPTER A.1

11 MILITARY FAMILY EDUCATION PROGRAM

12 Sec.

13 3210.1. Definitions.

14 3210.2. Eligibility.

15 3210.3. Certification of eligibility.

16 3210.4. Military Family Education Program grants.

17 3210.5. Amount of Military Family Education Program grants.

18 3210.6. Limitations.

19 3210.7. Recoupment of Military Family Education Program grant  
20 payments.

21 3210.8. Regulations.

22 3210.9. Administration.

23 3210.10. Military Family Education Program Fund.

24 § 3210.1. Definitions.

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

28 "Agency." The Pennsylvania Higher Education Assistance  
29 Agency.

30 "Annual tuition rate." The in-State tuition rate established

1 or approved by May 1 of each year by the Board of Governors of  
2 the State System of Higher Education.

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

6 "Approved program of education." A degree-granting or  
7 certificate-granting curriculum, course of study or training  
8 required for entrance into a specific career to be pursued on a  
9 full-time or part-time basis or its equivalent as determined by  
10 the agency, at an approved institution of higher learning.

11 "Benefit." The Military Family Education Program grant which  
12 shall be given to an eligible member's assigned family member  
13 who has complied with all of the requirements provided for under  
14 this subchapter.

15 "Certificate of eligibility." A certificate from the  
16 department that certifies a family member's eligibility for a  
17 Military Family Education Program grant.

18 "Costs of attendance." Allowable educational expenses, as  
19 determined by the agency, that are consistent with the  
20 administration of the act of January 25, 1966 (1965 P.L.1546,  
21 No.541), referred to as the Higher Education Scholarship Law.

22 "Eligible member." A member of the Pennsylvania National  
23 Guard who meets the criteria specified in section 3210.2  
24 (relating to eligibility) and who has been awarded a certificate  
25 of eligibility under section 3210.3 (relating to certification  
26 of eligibility).

27 "Family member." A dependent of an eligible member who is  
28 enrolled in the United States Department of Defense's Defense  
29 Enrollment Eligibility Reporting System.

30 "Full-time student." A family member enrolled in an approved

1 institution of higher learning pursuing an approved program of  
2 education equal to or greater than 12 credit hours per semester  
3 or its equivalent that is recognized by the agency as a full-  
4 time course of study.

5 "Fund." The Military Family Education Program Fund  
6 established under section 3210.10 (relating to Military Family  
7 Education Program Fund).

8 "Next of kin." The person or persons in the nearest degree  
9 of relationship to the eligible member.

10 "Part-time student." A family member enrolled in an approved  
11 institution of higher education pursuing an approved program of  
12 education of less than 12 credit hours per semester or its  
13 equivalent that is recognized by the agency as a part-time  
14 course of study.

15 "Promissory note." A written contract signed by a member of  
16 the Pennsylvania National Guard in which the member promises to  
17 repay the awarded Military Family Education Program grant  
18 amount.

19 § 3210.2. Eligibility.

20 (a) General rule.--A family member is eligible to receive a  
21 Military Family Education Program grant under this subchapter if  
22 all of the following eligibility criteria are met:

23 (1) The eligible member is in good standing with the  
24 Pennsylvania National Guard, has received an other than  
25 dishonorable discharge and has been a satisfactory  
26 participant in the Pennsylvania National Guard activities for  
27 a minimum service period established by the Adjutant General.

28 (2) The eligible member accepts an obligation to serve  
29 in the Pennsylvania National Guard for a period of six years.

30 (3) The eligible member has assigned the benefit to one

1 or more family members.

2 (4) The family member has enrolled as a student in an  
3 approved program of education at an approved institution of  
4 higher learning.

5 (5) If the family member is a spouse of an eligible  
6 member or former eligible member, the spouse has enrolled in  
7 an approved program of education not more than six years  
8 after the former eligible member's date of separation,  
9 medical discharge or death and the obligation stated under  
10 paragraph (2) has been fulfilled. The Adjutant General may  
11 for good cause extend the six-year deadline in cases of  
12 extenuating circumstances.

13 (6) When an eligible member is ordered to serve on  
14 active duty for more than 30 consecutive days, including  
15 active duty for training, a family member who is the spouse  
16 may withdraw from a program of education and shall be granted  
17 an educational leave of absence as provided for under section  
18 7313 (relating to educational leave of absence).

19 (b) Discharge for disability incurred in the line of duty.--  
20 A family member of an eligible member who is discharged for  
21 medical disability shall remain eligible to receive a Military  
22 Family Education Program grant under this subchapter if the  
23 eligible member's medical disability meets the following  
24 criteria:

25 (1) The medical disability was incurred in the line of  
26 duty and was not the result of misconduct.

27 (2) The medical condition giving rise to the discharge  
28 did not exist prior to the eligible member entering service  
29 in the Pennsylvania National Guard.

30 (3) The medical disability was incurred while performing

1 authorized military duty other than basic training, advanced  
2 individual training or other equivalent initial training.

3 (4) The former eligible member received an other than  
4 dishonorable discharge for medical reasons.

5 (5) The former eligible member had accepted an  
6 obligation to serve in the Pennsylvania National Guard and  
7 was qualified to fulfill the service obligation but for the  
8 medical disability that resulted in discharge.

9 (c) Death of an eligible member.--A family member of an  
10 eligible member who died while serving the obligation required  
11 in subsection (a) (2) shall remain eligible to receive a Military  
12 Family Education Program grant under this subchapter if the  
13 eligible member met the following eligibility criteria at the  
14 time of death:

15 (1) The deceased eligible member was in good standing  
16 with the Pennsylvania National Guard.

17 (2) The deceased eligible member was eligible for an  
18 other than dishonorable discharge.

19 (3) The deceased eligible member had accepted an  
20 obligation to serve in the Pennsylvania National Guard by  
21 signing a promissory note and was qualified to fulfill the  
22 service obligation but for the eligible member's death.

23 (4) Upon an eligible member's death, if the eligible  
24 member has not assigned the family member or family members  
25 to receive the Military Family Education Program grant as  
26 provided for under this subchapter, the next of kin shall  
27 designate the family member or family members to receive the  
28 Military Family Education Program grant.

29 § 3210.3. Certification of eligibility.

30 The department shall certify members of the Pennsylvania



1 National Guard who meet the eligibility criteria set forth in  
2 section 3210.2 (relating to eligibility) as eligible to  
3 participate in the Military Family Education Program and shall  
4 provide the agency with a certificate of eligibility for each  
5 eligible family member.

6 § 3210.4. Military Family Education Program grants.

7 (a) General rule.--From the funds appropriated for the  
8 purposes of this subchapter, Military Family Education Program  
9 grants shall be provided to eligible family members for the  
10 purpose of pursuing an approved program of education. A Military  
11 Family Education Program grant shall be treated as a benefit  
12 earned by an eligible member for honorable service to the  
13 country and this Commonwealth.

14 (b) Promissory note.--Prior to entry into the Military  
15 Family Education Program the eligible member shall sign a  
16 promissory note obligating the eligible member to repay the full  
17 amount of the family member's Military Family Education Program  
18 grant if the eligible member fails to satisfactorily fulfill the  
19 eligible member's obligation. The promissory note shall become  
20 payable upon noncompletion of the service obligation under  
21 section 3210.7(a) (relating to recoupment of Military Family  
22 Education Program grant payments).

23 § 3210.5. Amount of Military Family Education Program grants.

24 (a) Full-time Military Family Education Program grant.--  
25 Military Family Education Program grants awarded under this  
26 subchapter to full-time students shall be determined by the  
27 agency without regard to financial need and shall not exceed for  
28 each academic year the lesser of:

29 (1) the tuition rate of the approved institution of  
30 higher learning for the number of credit hours per semester

1 or its equivalent for the approved program of education in  
2 which the family member is enrolled; or

3 (2) the annual tuition rate charged by a State System of  
4 Higher Education institution for the academic year.

5 (b) Part-time Military Family Education Program grants.--

6 Military Family Education Program grants awarded under this

7 subchapter to part-time students who may or may not possess a

8 baccalaureate degree shall be determined by the agency without

9 regard to financial need and shall not exceed for each academic

10 year or period the lesser of:

11 (1) the tuition charged by the approved institution of

12 higher learning for the number of credit hours per semester

13 or its equivalent in which the family member is enrolled; or

14 (2) the annual tuition rate charged by a State System of

15 Higher Education institution for the number of credit hours

16 per semester or its equivalent in which the family member is

17 enrolled for the same academic year or period.

18 (c) Other grants and financial aid.--

19 (1) The agency shall not reduce the amount of other

20 agency grants or aid for which the family member qualifies on

21 account of the family member's eligibility for or receipt of

22 a Military Family Education Program grant under this

23 subchapter.

24 (2) Prior to making a Military Family Education Program

25 grant under this subchapter, the approved institution of

26 higher learning shall first consider any Federal tuition

27 assistance received by the family member and then shall award

28 a Military Family Education Program grant under this

29 subchapter if the family member requires additional financial

30 aid to cover the costs of attendance for an approved program

1 of higher education. A Military Family Education Program  
2 grant under this subchapter shall be paid or refunded to the  
3 family member for approved costs of attendance. Military  
4 Family Education Program grants authorized under this section  
5 shall be reduced so that the total of all Federal and State  
6 military education benefits, as administered by the  
7 Pennsylvania National Guard, does not exceed 100% of the  
8 costs of attendance.

9 (d) Adjustments.--If the agency and the Adjutant General  
10 determine that the amount appropriated for the Military Family  
11 Education Program in any year will be insufficient to provide  
12 Military Family Education Program grants in the amounts set  
13 forth in this section to all family members, the agency and the  
14 department may reduce the maximum amount of the Military Family  
15 Education Program grants proportionately or set a limit on the  
16 number of participants to ensure that sums expended do not  
17 exceed appropriations.

18 (e) Limit on charges.--Family members attending a State  
19 System of Higher Education institution shall not be charged  
20 additional fees above the annual tuition rate.

21 (f) Limit on tuition.--At no time may a State System of  
22 Higher Education institution charge a family member more than  
23 the in-State rate.

24 § 3210.6. Limitations.

25 (a) General rule.--No eligible member shall be permitted to  
26 assign more than five academic years or their equivalent, as  
27 determined by the agency.

28 (b) Assignment of benefit.--An eligible member may assign a  
29 portion of the entire benefit or the entire benefit by the  
30 number of credit hours per semester or its equivalent, as

1 determined by the agency, to one or more family members, as the  
2 case may be.

3 § 3210.7. Recoupment of Military Family Education Program grant  
4 payments.

5 (a) General rule.--An eligible member who fails to meet the  
6 six-year service obligation of this subchapter or to meet other  
7 requirements established by the Adjutant General or the agency  
8 is liable to the Commonwealth for repayment of all or part of  
9 Military Family Education Program grant payments made. The  
10 Adjutant General shall notify the agency if an eligible member  
11 fails to complete the service obligation and the promissory note  
12 under section 3210.4(b) (relating to Military Family Education  
13 Program grants) shall be repaid by the eligible member upon  
14 demand of the agency on a schedule as the agency may determine.

15 (b) Forgiveness of recoupment.--Upon notification by the  
16 Adjutant General, the agency shall forgive recoupment of all or  
17 part of a family member's Military Family Education Program  
18 grant payments if the Adjutant General determines that the  
19 eligible member's failure to fulfill the six-year service  
20 obligation is the result of one of the following:

21 (1) The eligible member's death. If all provisions in  
22 section 3210.2(c) (relating to eligibility) are not met, the  
23 Military Family Education Program grant shall be repaid by  
24 the family member or family members who used the benefit upon  
25 demand of the agency on a schedule as the agency may  
26 determine.

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

29 (3) The eligible member's discharge because of a medical  
30 determination that the eligible member is medically unfit for

1 duty when the medical condition is outside the eligible  
2 member's control and is not due to the eligible member's  
3 misconduct or discharge.

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

6 § 3210.8. Regulations.

7 The Adjutant General and the agency may promulgate  
8 regulations to carry out the provisions of this chapter.

9 § 3210.9. Administration.

10 (a) Appropriation and administrative costs.--The General  
11 Assembly shall appropriate funds to pay full-time and part-time  
12 Military Family Education Program grants under this subchapter.  
13 A portion of the funds appropriated may be used to pay the costs  
14 of the administration of this subchapter.

15 (b) Limitation.--Administrative costs for the fiscal year in  
16 which the Military Family Education Program is enacted, and each  
17 fiscal year thereafter, shall not exceed 3.5% of the total  
18 amount of funds appropriated.

19 (c) Initial use of funds.--Initial funding for the first 12-  
20 month period from the effective date of this subchapter may be  
21 used for administration and development of technological support  
22 applications.

23 § 3210.10. Military Family Education Program Fund.

24 (a) Establishment.--The Military Family Education Program  
25 Fund is established as a special nonlapsing fund in the State  
26 Treasury.

27 (b) Appropriation.--All money deposited into the fund and  
28 the interest the fund accrues are appropriated to the department  
29 on a continuing basis to be used for the purposes provided for  
30 under this subchapter.

1     (c) Administrative action prohibited.--No administrative  
2 action shall prevent the deposit of money into the fund in the  
3 fiscal year in which the money is received.

4     (d) Use.--The fund may only be used for the purposes  
5 provided for under this subchapter and no money in the fund may  
6 be transferred or diverted to any other purpose by  
7 administrative action.

8     Section 5. This act shall take effect as follows:

9           (1) The addition of 51 Pa.C.S. § 3210.2(a)(1) and (2)  
10 shall take effect July 1, 2019.

11           (2) The addition of 51 Pa.C.S. § 3210.2(a)(3), (4) and  
12 (5) shall take effect August 1, 2020.

13           (3) The remainder of this act shall take effect  
14 immediately.