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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 589 Session of  
2019

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INTRODUCED BY REGAN, L. WILLIAMS, AUMENT, BAKER, BREWSTER,  
BROOKS, COLLETT, COSTA, FARNESE, FOLMER, FONTANA, GORDNER,  
HUGHES, HUTCHINSON, MENSCH, MUTH, PHILLIPS-HILL, SANTARSIERO,  
STEFANO, STREET, TARTAGLIONE, VOGEL, J. WARD, K. WARD,  
YUDICHAK, MARTIN, KILLION, DINNIMAN, BLAKE, IOVINO AND  
BROWNE, APRIL 26, 2019

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AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,  
JUNE 19, 2019

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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) and 3204 of  
13 Title 51 of the Pennsylvania Consolidated Statutes are amended  
14 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, including  
5 a technology tuition fee, established or approved by May 1 of  
6 each year by the Board of Governors of the State System of  
7 Higher Education.

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

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

19 ["Combat zone." An area designated by Presidential executive  
20 order as a combat zone as described in section 7508 of the  
21 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §  
22 7508).]

23 "Certificate of eligibility." A certificate ~~from~~ ISSUED BY <--  
24 the department that certifies a member's eligibility ~~for~~ TO <--  
25 RECEIVE an educational assistance grant.

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

30 "Educational assistance." A benefit earned which shall be

1 ~~given~~ GRANTED to an eligible member who has complied with all of <--  
2 the requirements provided for under this subchapter.

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

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

14 "Fund." The Educational Assistance Program Fund.

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

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

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

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

1 "Technology tuition fee." A separate tuition fee established  
2 by the Board of Governors of the State System of Higher  
3 Education for rendering technology resources and services to  
4 enhance student learning experiences.

5 § 3202. Eligibility.

6 (a) General rule.--A member of the Pennsylvania National  
7 Guard [member] is eligible to receive [a public service  
8 educational] an educational assistance grant under this  
9 subchapter if the member meets all of the following eligibility  
10 criteria:

11 [(1) The member is a qualified resident of this  
12 Commonwealth.]

13 \* \* \*

14 (b) Additional eligibility criteria for full-time [student  
15 assistance] educational assistance grants.--In addition to the  
16 eligibility criteria specified in subsection (a), [a student] an  
17 eligible member must meet the following eligibility criteria to  
18 qualify for a full-time [student assistance] educational  
19 assistance grant:

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

21 (2) The member accepts an obligation to serve in the  
22 Pennsylvania National Guard for a period of six years [from  
23 the date of entry into the program by enlistment,  
24 reenlistment, extension of enlistment or execution of a  
25 service commitment]. COMMITMENT.] AND HAS NOT ACCEPTED AN <--  
26 OBLIGATION UNDER SUBCHAPTER A.1 (RELATING TO MILITARY FAMILY  
27 EDUCATION PROGRAM).

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

1 (4) The member is not receiving a Reserve Officer  
2 Training Corps (ROTC) Scholarship, excluding a Guaranteed  
3 Reserve Forces Duty Scholarship.

4 (c) Discharge for disability incurred in the line of duty.--  
5 A [Pennsylvania National Guard] member who is discharged for  
6 medical disability after September 11, 2001, shall remain  
7 eligible to receive [a public service educational] an  
8 educational assistance grant under this subchapter if the member  
9 meets all of the following eligibility criteria:

10 \* \* \*

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

13 (5) The former member [had] accepted an obligation to  
14 serve in the Pennsylvania National Guard [for a minimum  
15 period of service established by the Adjutant General] and  
16 was qualified to [have fulfilled such] fulfill the service  
17 obligation but for the medical disability that resulted in  
18 discharge.

19 \* \* \*

20 § 3204. Grants.

21 (a) General rule.--From the funds appropriated for the  
22 purposes of this subchapter, grants shall be provided to  
23 eligible members for the purpose of pursuing approved programs  
24 of education. An educational assistance grant shall be treated  
25 as a benefit earned by an eligible member for honorable service  
26 to the country and this Commonwealth.

27 (b) Promissory notes.--[At] Upon the receipt of the grant,  
28 an eligible member shall sign a promissory note obligating the  
29 eligible member to repay the full amount of the grant[. The  
30 promissory note shall be conditional upon noncompletion of] if

1 the eligible member fails to fulfill the service obligation  
2 under section 3207(a) (relating to recoupment of grant  
3 payments).

4 Section 2. Sections 3205(a), (b), (b.1) and (c) and 3206(a)  
5 and (b)(2) and (3) of Title 51 are amended and the sections are  
6 amended by adding subsections to read:

7 § 3205. Amount of grants.

8 (a) Full-time [student assistance] educational assistance  
9 grants.--Grants awarded under this subchapter to full-time  
10 students shall be determined by the agency without regard to  
11 financial need and shall not exceed for each academic year the  
12 lesser of:

13 (1) the tuition rate of the approved institution of  
14 higher learning for the number of credit hours per semester  
15 or its equivalent for the approved program of education in  
16 which the eligible member is enrolled; or

17 (2) the annual tuition rate charged [to a resident of  
18 this Commonwealth at a member institution of the] by a State  
19 System of Higher Education institution for the [same]  
20 academic year.

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

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

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

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

5 (1) the tuition charged by the approved institution of  
6 higher learning for the number of credit hours per semester  
7 or its equivalent in which the eligible member is enrolled;  
8 or

9 (2) the annual tuition rate charged by a State System of  
10 Higher Education institution for the number of credit hours  
11 per semester or its equivalent in which the eligible member  
12 is enrolled for the same academic year or period.

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

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

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

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

25 (1) The agency shall not reduce the amount of other  
26 agency grants or aid for which the eligible member qualifies  
27 on account of the eligible member's eligibility for or  
28 receipt of grants under this subchapter.

29 (2) Prior to making a grant under this [chapter]  
30 subchapter, the approved institution of higher learning shall

1 first consider any Federal tuition assistance received by the  
2 eligible member and then shall award a grant under this  
3 [chapter] subchapter if the eligible member requires  
4 additional financial aid to cover the costs of attendance for  
5 an approved program of higher education. A grant under this  
6 [chapter] subchapter shall be paid or refunded to the  
7 eligible member for approved costs of attendance. Grants  
8 authorized under this [section] subchapter shall be reduced  
9 so that the total of all Federal and State military education  
10 benefits, as administered by the Pennsylvania National Guard,  
11 do not exceed 100% of the costs of attendance.

12 \* \* \*

13 (e) Limit on charges.--Eligible members attending a State  
14 System of Higher Education institution shall not be charged  
15 additional tuition above the annual tuition rate.

16 § 3206. Limitations.

17 (a) Time.--

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

24 (2) [For any member who served on active duty in a  
25 combat zone, eligibility for such grants shall be extended  
26 for a period of one year or for one additional month for each  
27 month or part of month of such service, whichever is longer.]  
28 An eligible member who withdraws from a program of education  
29 due to being ordered to serve on active duty for more than 30  
30 consecutive days, including active duty for training, shall



1 be granted an additional period of eligibility equal to the  
2 lost semester or its equivalent, whichever is longer.

3 (3) When an eligible member withdraws from a program of  
4 education as provided for under paragraph (2), the eligible  
5 member shall be granted an educational leave of absence as  
6 provided for under section 7313 (relating to educational  
7 leave of absence).

8 (b) Active duty.--

9 \* \* \*

10 (2) For eligible members who were called or ordered to  
11 active Federal service or active State duty under section 508  
12 (relating to active State duty for emergency) after September  
13 11, 2001, the deadline for making grant payments shall be  
14 extended for one additional month for each month or part of  
15 month of such service after the eligible member is discharged  
16 or released under [honorable] other than dishonorable  
17 conditions from the Pennsylvania National Guard.

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

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

26 (ii) Six years following the effective date of this  
27 paragraph for eligible members discharged for a medical  
28 disability after September 11, 2001, and before the  
29 effective date of this paragraph unless extended under  
30 section 3202 (c) (6).

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

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

6 § 3207. Recoupment of grant payments.

7 (a) General rule.--An eligible member who fails to meet the  
8 [requirements of this subchapter as a result of participation in  
9 this program] six-year service obligation of this subchapter or  
10 to meet other requirements established by the Adjutant General  
11 or the agency is liable to the Commonwealth for repayment of all  
12 or part of any grant payments made. The Adjutant General shall  
13 notify the agency if an eligible member fails to complete the  
14 service obligation, and the promissory note under section  
15 3204(b) (relating to grants) shall be [payment in full] repaid  
16 by the eligible member upon demand by the agency on a schedule  
17 as the agency may determine.

18 (b) Forgiveness of recoupment.--The Adjutant General [may  
19 advise] shall notify the agency [to] and the agency shall  
20 forgive recoupment of all or part of an eligible member's grant  
21 payments if the Adjutant General determines that the eligible  
22 member's failure to fulfill the six-year service obligation was  
23 the result of [the eligible member's death, discharge because of  
24 disability incurred in line of duty, discharge because of a  
25 medical determination that the eligible member is medically  
26 unfit for duty when the medical condition is outside the  
27 eligible member's control and is not due to his misconduct or  
28 discharge or release because of other compelling circumstances  
29 outside the eligible member's control.] one of the following:

30 (1) Death.

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

3           (3) Discharge because of a medical determination that  
4           the eligible member is medically unfit for duty when the  
5           medical condition is outside the eligible member's control  
6           and is not due to the eligible member's misconduct or           <--  
7           discharge.

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

10 § 3208. [Regulations.]

11           The Adjutant General and the agency may promulgate  
12 regulations to carry out the provisions of this chapter.]

13 (Reserved).

14 § 3209. Administration.

15           (a) Appropriation and administrative costs.--The General  
16 Assembly shall appropriate funds to pay full-time and part-time  
17 [student] educational assistance grants under this [chapter]  
18 subchapter. A portion of the funds appropriated may be used to  
19 pay the costs of the administration of [this chapter.] this  
20 subchapter and Subchapter B (relating to Medical Officer or  
21 Health Officer Incentive Program).

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

25 § 3210. Educational Assistance Program Fund.

26           [All moneys appropriated for the purposes of this chapter  
27 and all investment income earned on those moneys shall be  
28 deposited in the Educational Assistance Program Fund, which is  
29 hereby established as a special nonlapsing fund in the State  
30 Treasury. All moneys placed in the fund and the investment

1 income it accrues are hereby appropriated on a continuing basis  
2 to the Department of Military and Veterans Affairs and shall be  
3 used solely for the purposes of the program.]

4 (a) Establishment.--The Educational Assistance Program Fund  
5 is established as a special nonlapsing fund in the State  
6 Treasury.

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

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

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

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

21 SUBCHAPTER A.1

22 MILITARY FAMILY EDUCATION PROGRAM

23 Sec.

24 3210.1. Definitions.

25 3210.2. Eligibility.

26 3210.3. Certification of eligibility.

27 3210.4. Military Family Education Program grants.

28 3210.5. Amount of Military Family Education Program grants.

29 3210.6. Limitations.

30 3210.7. Recoupment of Military Family Education Program grant

1 payments.

2 3210.8. Regulations. (RESERVED).

<--

3 3210.9. Administration.

4 3210.10. Military Family Education Program Fund.

5 § 3210.1. Definitions.

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

9 "Agency." The Pennsylvania Higher Education Assistance  
10 Agency.

11 "Annual tuition rate." The in-State tuition rate, including  
12 a technology tuition fee, established or approved by May 1 of  
13 each year by the Board of Governors of the State System of  
14 Higher Education.

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

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

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

27 "Certificate of eligibility." A certificate from the  
28 department that certifies a family member's eligibility for a  
29 Military Family Education Program grant.

30 "Costs of attendance." Allowable educational expenses, as

1 determined by the agency, that are consistent with the  
2 administration of the act of January 25, 1966 (1965 P.L.1546,  
3 No.541), referred to as the Higher Education Scholarship Law.

4 "Eligible member." A member of the Pennsylvania National  
5 Guard who meets the criteria specified in section 3210.2 <--  
6 (relating to eligibility) and who has been awarded a certificate  
7 of eligibility under section 3210.3 (relating to certification  
8 of eligibility). HAS COMPLETED AN INITIAL SERVICE OBLIGATION IN <--  
9 THE PENNSYLVANIA NATIONAL GUARD AND IS ELIGIBLE TO REENLIST IN  
10 THE PENNSYLVANIA NATIONAL GUARD FOR A PERIOD OF SIX YEARS OR, IF  
11 A COMMISSIONED OFFICER, IS ELIGIBLE TO SERVE IN THE PENNSYLVANIA  
12 NATIONAL GUARD FOR AN ADDITIONAL SIX YEARS.

13 "Family member." A dependent of an eligible member who is  
14 enrolled in the United States Department of Defense's Defense  
15 Enrollment Eligibility Reporting System. OR WOULD BE ELIGIBLE TO <--  
16 ENROLL IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM IF  
17 THE ELIGIBLE MEMBER HAD NOT BEEN DISCHARGED FROM THE  
18 PENNSYLVANIA NATIONAL GUARD.

19 "Full-time student." A family member enrolled in an approved  
20 institution of higher learning pursuing an approved program of  
21 education equal to or greater than 12 credit hours per semester  
22 or its equivalent that is recognized by the agency as a full-  
23 time course of study.

24 "Fund." The Military Family Education Program Fund  
25 established under section 3210.10 (relating to Military Family  
26 Education Program Fund).

27 "Next of kin." The person or persons in the nearest degree <--  
28 of relationship to the eligible member.

29 "Part-time student." A family member enrolled in an approved  
30 institution of higher education pursuing an approved program of

1 education of less than 12 credit hours per semester or its  
2 equivalent that is recognized by the agency as a part-time  
3 course of study.

4 "Promissory note." A written contract signed by a member of  
5 the Pennsylvania National Guard in which the member promises to  
6 repay the awarded Military Family Education Program grant  
7 amount.

8 "Technology tuition fee." A separate tuition fee established  
9 by the Board of Governors of the State System of Higher  
10 Education for rendering technology resources and services to  
11 enhance student learning experiences.

12 § 3210.2. Eligibility.

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

16 (1) The eligible member ~~is in good standing with the~~ <--  
17 ~~FROM THE Pennsylvania National Guard or HAS BEEN A~~ <--  
18 ~~SATISFACTORY PARTICIPANT IN THE PENNSYLVANIA NATIONAL GUARD~~  
19 ~~ACTIVITIES FOR A MINIMUM SERVICE PERIOD ESTABLISHED BY THE~~  
20 ~~ADJUTANT GENERAL OR A FORMER ELIGIBLE MEMBER has received an~~  
21 ~~other than dishonorable discharge., has honorably completed~~ <--  
22 ~~the eligible member's initial contractual military service~~  
23 ~~obligation to the Pennsylvania National Guard and has been a~~  
24 ~~satisfactory participant in the Pennsylvania National Guard~~  
25 ~~activities for a minimum service period established by the~~  
26 ~~Adjutant General.~~

27 (2) The eligible member ~~accepts~~ ACCEPTED an obligation <--  
28 to serve in the Pennsylvania National Guard for a period of  
29 ~~six years.~~ AND HAS NOT ACCEPTED AN OBLIGATION UNDER <--  
30 SUBCHAPTER A (RELATING TO EDUCATIONAL ASSISTANCE PROGRAM) FOR

1 THE SAME SIX-YEAR PERIOD.

2 (3) The eligible member has assigned the benefit to ~~one~~ <--  
3 ~~or more family members~~ THE FAMILY MEMBER. <--

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

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

15 (6) When an eligible member is ordered to serve on  
16 active duty for more than 30 consecutive days, including  
17 active duty for training, a family member who is the spouse  
18 may withdraw from a program of education and shall be granted  
19 an educational leave of absence as provided for under section  
20 7313 (relating to educational leave of absence).

21 (b) Discharge for disability incurred in the line of duty.--

22 A family member of an eligible member who is discharged for  
23 medical disability shall remain eligible to receive a Military  
24 Family Education Program grant under this subchapter if the  
25 FORMER eligible member's medical disability meets the following <--  
26 criteria:

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

29 (2) The medical condition giving rise to the discharge  
30 did not exist prior to the eligible member entering service



1 in the Pennsylvania National Guard.

2 (3) The medical disability was incurred while performing  
3 authorized military duty other than basic training, advanced  
4 individual training or other equivalent initial training.

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

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

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

17 ~~(1) The deceased eligible member was in good standing <--~~  
18 ~~with the Pennsylvania National Guard.~~

19 ~~(2) (1) The deceased eligible member was eligible for an <--~~  
20 ~~other than dishonorable discharge.~~

21 ~~(3) (2) The deceased eligible member had accepted an <--~~  
22 ~~obligation to serve in the Pennsylvania National Guard and~~  
23 ~~was qualified to fulfill the service obligation but for the~~  
24 ~~eligible member's death.~~

25 ~~(4) (3) Upon an eligible member's death, if the eligible <--~~  
26 ~~member has not assigned the family member or family members~~  
27 ~~to receive the Military Family Education Program grant as~~  
28 ~~provided for under this subchapter, the next of kin SURVIVING <--~~  
29 ~~SPOUSE OR THE ADMINISTRATOR OR EXECUTOR OF THE ESTATE shall~~  
30 ~~designate the family member or family members to receive the~~

1 Military Family Education Program grant.

2 § 3210.3. Certification of eligibility.

3 The department shall certify members of the Pennsylvania <--  
4 National Guard who meet the eligibility criteria set forth in  
5 section 3210.2 (relating to eligibility) as eligible to  
6 participate in the Military Family Education Program and shall  
7 provide the agency with a certificate of eligibility for each  
8 eligible family member THAT APPLIES FOR A MILITARY FAMILY <--  
9 EDUCATION GRANT.

10 § 3210.4. Military Family Education Program grants.

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

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

27 § 3210.5. Amount of Military Family Education Program grants.

28 (a) Full-time Military Family Education Program grant.--  
29 Military Family Education Program grants awarded under this  
30 subchapter to full-time students shall be determined by the

1 agency without regard to financial need and shall not exceed for  
2 each academic year the lesser of:

3 (1) the tuition rate of the approved institution of  
4 higher learning for the number of credit hours per semester  
5 or its equivalent for the approved program of education in  
6 which the family member is enrolled; or

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

9 (b) Part-time Military Family Education Program grants.--  
10 Military Family Education Program grants awarded under this  
11 subchapter to part-time students who may or may 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 charged by the approved institution of  
16 higher learning for the number of credit hours per semester  
17 or its equivalent in which the family member is enrolled; or

18 (2) the annual tuition rate charged by a State System of  
19 Higher Education institution for the number of credit hours  
20 per semester or its equivalent in which the family member is  
21 enrolled for the same academic year or period.

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

23 (1) The agency shall not reduce the amount of other  
24 agency grants or aid for which the family member qualifies on  
25 account of the family member's eligibility for or receipt of  
26 a Military Family Education Program grant under this  
27 subchapter.

28 (2) Prior to making a Military Family Education Program  
29 grant under this subchapter, the approved institution of  
30 higher learning shall first consider any Federal tuition

1 assistance received by the family member and then shall award  
2 a Military Family Education Program grant under this  
3 subchapter if the family member requires additional financial  
4 aid to cover the costs of attendance for an approved program  
5 of higher education. A Military Family Education Program  
6 grant under this subchapter shall be paid or refunded to the  
7 family member for approved costs of attendance. Military  
8 Family Education Program grants authorized under this section  
9 shall be reduced so that the total of all Federal and State  
10 military education benefits, as administered by the  
11 Pennsylvania National Guard, does not exceed 100% of the  
12 costs of attendance.

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

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

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

28 § 3210.6. Limitations.

29 (a) General rule.--No eligible member shall be permitted to  
30 assign more than five academic years or their equivalent, as

1 determined by the agency.

2 (b) Assignment of benefit.--An eligible member may assign a  
3 portion of the entire benefit or the entire benefit by the  
4 number of credit hours per semester or its equivalent, as  
5 determined by the agency, to one or more family members, as the  
6 case may be.

7 § 3210.7. Recoupment of Military Family Education Program grant  
8 payments.

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

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

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

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

3       (3) The eligible member's discharge because of a medical  
4       determination that the eligible member is medically unfit for  
5       duty when the medical condition is outside the eligible  
6       member's control and is not due to the eligible member's  
7       misconduct or discharge. <--

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

10 § 3210.8. Regulations. <--

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

13 (RESERVED). <--

14 § 3210.9. Administration.

15       (a) Appropriation and administrative costs.--The General  
16 Assembly shall appropriate funds to pay full-time and part-time  
17 Military Family Education Program grants under this subchapter.  
18 A portion of the funds appropriated may be used to pay the costs  
19 of the administration of this subchapter.

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

24       (c) Initial use of funds.--Initial funding for the first 12-  
25 month period from the effective date of this subchapter may be  
26 used for administration and development of technological support  
27 applications.

28 § 3210.10. Military Family Education Program Fund.

29       (a) Establishment.--The Military Family Education Program  
30 Fund is established as a special nonlapsing fund in the State

1 Treasury.

2 (b) Appropriation.--All money deposited into the fund and  
3 the interest the fund accrues are appropriated to the department  
4 on a continuing basis to be used for the purposes provided for  
5 under this subchapter.

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

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

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

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

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

18 (3) The remainder of this act shall take effect  
19 immediately.