
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1194 Session of
2022

INTRODUCED BY MENSCH, ROBINSON, MASTRIANO, J. WARD AND COSTA,
APRIL 11, 2022

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
APRIL 11, 2022

AN ACT

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

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

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

9 SUBCHAPTER C

10 MILITARY COLLEGE

11 EDUCATIONAL ASSISTANCE PROGRAM

12 Sec.

13 3221. Definitions.

14 3222. Military College Educational Assistance Program.

15 3223. Eligibility.

16 3224. Program participation.

17 3225. Benefit.

18 3226. Limitations.

1 3227. Recoupment of benefit payments.

2 3228. Administration.

3 § 3221. Definitions.

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

7 "Agency." The Pennsylvania Higher Education Assistance
8 Agency.

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

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

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

17 "Early Commissioning Program." The United States Army ROTC
18 program that allows a graduate of a military junior college to
19 become a commissioned officer in the reserve components.

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

25 "Full-time student." An eligible member enrolled in an
26 approved institution of higher learning pursuing an approved
27 degree-producing program of education equal to or greater than
28 12 credit hours per semester or its equivalent that is
29 recognized by the agency as a full-time course of study.

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

1 Pennsylvania.

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

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

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

18 § 3222. Military College Educational Assistance Program.

19 (a) Establishment.--The Military College Educational
20 Assistance Program is established. The purpose of the program is
21 to provide benefits to eligible members. The program shall begin
22 no later than the 2023-2024 academic year.

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

27 § 3223. Eligibility.

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

30 (1) Has been a satisfactory participant in Pennsylvania

1 National Guard activities for a minimum service period
2 established by the Adjutant General or is a former eligible
3 member and has received a discharge other than a dishonorable
4 discharge.

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

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

17 (4) Provides proof of United States citizenship.

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

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

25 (7) Provides a letter of intent.

26 (8) Provides a military college Professor of Military
27 Science letter of recommendation.

28 (9) Provides a letter of acceptance into the Early
29 Commissioning Program.

30 § 3224. Program participation.

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

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

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

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

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

27 (2) An eligible member who voluntarily or involuntarily
28 becomes disenrolled from ROTC and is eligible to continue
29 military service shall remain in the Pennsylvania National
30 Guard as an enlisted soldier. An eligible member who becomes

1 qualified as an enlisted soldier as provided under National
2 Guard Regulation 600-100 (relating to commissioned officers -
3 Federal recognition and related personnel actions) in effect
4 on the effective date of this section shall retain the
5 benefit previously awarded during Simultaneous Membership
6 Program status.

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

17 § 3225. Benefit.

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

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

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

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

3 (1) the rate of military college tuition for the
4 approved degree-producing program in which the eligible
5 member is enrolled; or

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

8 (d) Other grants and financial aid.--

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

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

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

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

28 (e) Adjustments.--If the agency and the Adjutant General
29 determine that the amount appropriated for the program in any
30 year will be insufficient to provide benefits in the amounts

1 specified in this section to each eligible member, the agency
2 and the department may reduce the maximum amount of the benefits
3 proportionately or set a limit on the number of participants to
4 ensure that sums expended do not exceed appropriations.

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

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

11 § 3226. Limitations.

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

14 § 3227. Recoupment of benefit payments.

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

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

