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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1194 Session of  
2022

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

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AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED,  
SEPTEMBER 14, 2022

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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.

1 3226. Limitations.

2 3227. Recoupment of benefit payments.

3 3228. Administration.

4 § 3221. Definitions.

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

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

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

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

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

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

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

27 "Full-time student." An eligible member enrolled in an  
28 approved institution of higher learning pursuing an approved  
29 degree-producing program of education equal to or greater than  
30 12 credit hours per semester or its equivalent that is

1 recognized by the agency as a full-time course of study.

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

4 "Military college tuition." The cost of attendance  
5 established annually by the college administration, including  
6 tuition and uniforms. The term does not include room and board, <--  
7 books or technical fees, BOARD OR BOOKS. <--

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

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

20 § 3222. Military College Educational Assistance Program.

21 (a) Establishment.--The Military College Educational  
22 Assistance Program is established. The purpose of the program is  
23 to provide benefits to eligible members. The program shall begin  
24 no later than the 2023-2024 2024-2025 academic year. <--

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

29 § 3223. Eligibility.

30 An eligible member may apply for participation in the program

1 if the eligible member does or meets all of the following:

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

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

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

20 (4) Provides proof of United States citizenship.

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

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

28 (7) Provides a letter of intent.

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

1 § 3224. Program participation.

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

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

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

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

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

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

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

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

18 § 3225. Benefit.

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

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

1 ~~(c) Amount. Benefits awarded under this subchapter shall be~~ <--  
2 ~~determined by the agency without regard to financial need and~~  
3 ~~may not exceed for each academic year the lesser of:~~

4 ~~(1) the rate of military college tuition for the~~  
5 ~~approved degree producing program in which the eligible~~  
6 ~~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 (C) AMOUNT.--BENEFITS AWARDED UNDER THIS SUBCHAPTER SHALL <--  
10 BE:

11 (1) IN YEAR ONE AND TWO, THE RATE OF MILITARY COLLEGE  
12 TUITION FOR THE APPROVED ASSOCIATE'S DEGREE-PRODUCING  
13 PROGRAM; AND

14 (2) THEREAFTER, THE ANNUAL TUITION RATE CHARGED BY A  
15 STATE SYSTEM OF HIGHER EDUCATION INSTITUTION FOR THE  
16 COMPLETION OF THE ELIGIBLE MEMBER'S FIRST BACHELOR'S DEGREE.

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

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

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

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

1 attendance.

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

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

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

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

20 § 3226. Limitations.

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

23 § 3227. Recoupment of benefit payments.

24 (a) Liability.--An eligible member who fails to meet the  
25 eight-year service obligation of this subchapter or other  
26 requirements established by the Adjutant General or the agency  
27 shall be liable to the Commonwealth for repayment of all or part  
28 of benefit payments made. The Adjutant General shall notify the  
29 agency if an eligible member fails to complete the service  
30 obligation and the promissory note under section 3225(b)

1 (relating to benefit) shall be repaid by the eligible member  
2 upon demand of the agency on a schedule as the agency may  
3 determine.

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

10 (1) The eligible member's death.

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

13 (3) The eligible member's discharge because of a medical  
14 determination that the eligible member is medically unfit for  
15 duty if the medical condition is outside the eligible  
16 member's control and is not due to the eligible member's  
17 misconduct.

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

20 § 3228. Administration.

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

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

25 SUBCHAPTER [C] D

26 MISCELLANEOUS PROVISIONS

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

29 § [3221] 3231. Regulations.

30 The Adjutant General shall promulgate regulations to carry

1 out the provisions of this chapter.

2 § [3222] 3232. Administration.

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

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