
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 589 Session of
2019

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 AND
YUDICHAK, APRIL 26, 2019

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
APRIL 26, 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) 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
18 context clearly indicates otherwise:

19 "Agency." The Pennsylvania Higher Education Assistance

1 Agency.

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

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

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

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

20 "Certificate of eligibility." A certificate from the
21 department that certifies a member's eligibility for an
22 educational assistance grant.

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

27 "Educational assistance." A benefit earned which shall be
28 given to an eligible member who has complied with all of the
29 requirements provided for under this subchapter.

30 "Eligible member." A member of the Pennsylvania National

1 Guard who meets the criteria specified in section 3202 (relating
2 to eligibility) and who has been awarded a certificate of
3 eligibility under section 3203 (relating to certification of
4 eligibility).

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

11 "Fund." The Educational Assistance Program Fund.

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

18 "Program." The Educational Assistance Program [established
19 in this subchapter].

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

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

28 § 3202. Eligibility.

29 (a) General rule.--A member of the Pennsylvania National
30 Guard [member] is eligible to receive [a public service

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

4 [(1) The member is a qualified resident of this
5 Commonwealth.]

6 * * *

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

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

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

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

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

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

1 * * *

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

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

10 * * *

11 § 3204. Grants.

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

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

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

28 § 3205. Amount of grants.

29 (a) Full-time [student assistance] educational assistance
30 grants.--Grants awarded under this subchapter to full-time

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

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

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

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

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

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

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

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

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

1 Higher Education institution for the number of credit hours
2 per semester or its equivalent in which the eligible member
3 is enrolled for the same academic year or period.

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

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

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

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

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

20 (2) Prior to making a grant under this [chapter]
21 subchapter, the approved institution of higher learning shall
22 first consider any Federal tuition assistance received by the
23 eligible member and then shall award a grant under this
24 [chapter] subchapter if the eligible member requires
25 additional financial aid to cover the costs of attendance for
26 an approved program of higher education. A grant under this
27 [chapter] subchapter shall be paid or refunded to the
28 eligible member for approved costs of attendance. Grants
29 authorized under this [section] subchapter shall be reduced
30 so that the total of all Federal and State military education

1 benefits, as administered by the Pennsylvania National Guard,
2 do not exceed 100% of the costs of attendance.

3 * * *

4 (e) Limit on charges.--Students awarded a grant under this
5 subchapter and attending a State System of Higher Education
6 institution may not be charged additional fees above the annual
7 tuition rate.

8 § 3206. Limitations.

9 (a) Time.--

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

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

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

30 (b) Active duty.--

1 * * *

2 (2) For eligible members who were called or ordered to
3 active Federal service or active State duty under section 508
4 (relating to active State duty for emergency) after September
5 11, 2001, the deadline for making grant payments shall be
6 extended for one additional month for each month or part of
7 month of such service after the eligible member is discharged
8 or released under [honorable] other than dishonorable
9 conditions from the Pennsylvania National Guard.

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

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

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

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

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

28 § 3207. Recoupment of grant payments.

29 (a) General rule.--An eligible member who fails to meet the
30 [requirements of this subchapter as a result of participation in

1 this program] six-year service obligation of this subchapter or
2 to meet other requirements established by the Adjutant General
3 or the agency is liable to the Commonwealth for repayment of all
4 or part of any grant payments made. The Adjutant General shall
5 notify the agency if an eligible member fails to complete the
6 service obligation, and the promissory note under section
7 3204(b) (relating to grants) shall be [payment in full] repaid
8 by the eligible member upon demand by the agency on a schedule
9 as the agency may determine.

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

22 (1) Death.

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

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

30 (4) The existence of other compelling circumstances that

1 warrant forgiveness.

2 § 3208. [Regulations.

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

5 (Reserved).

6 § 3209. Administration.

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

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

17 § 3210. Educational Assistance Program Fund.

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

26 (a) Establishment.--The Educational Assistance Program Fund
27 is established as a special nonlapsing fund in the State
28 Treasury.

29 (b) Appropriation.--All money deposited into the fund and
30 the interest the fund accrues are appropriated to the department

1 on a continuing basis to be used for the purposes provided for
2 under this subchapter and Subchapter B (relating to Medical
3 Officer or Health Officer Incentive Program).

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

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

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

13 SUBCHAPTER A.1

14 MILITARY FAMILY EDUCATION PROGRAM

15 Sec.

16 3210.1. Definitions.

17 3210.2. Eligibility.

18 3210.3. Certification of eligibility.

19 3210.4. Military Family Education Program grants.

20 3210.5. Amount of Military Family Education Program grants.

21 3210.6. Limitations.

22 3210.7. Recoupment of Military Family Education Program grant
23 payments.

24 3210.8. Regulations.

25 3210.9. Administration.

26 3210.10. Military Family Education Program Fund.

27 § 3210.1. Definitions.

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

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

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

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

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

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

18 "Certificate of eligibility." A certificate from the
19 department that certifies a family member's eligibility for a
20 Military Family Education Program grant.

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

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

30 "Family member." A dependent of an eligible member who is

1 enrolled in the United States Department of Defense's Defense
2 Enrollment Eligibility Reporting System.

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

8 "Fund." The Military Family Education Program Fund
9 established under section 3210.10 (relating to Military Family
10 Education Program Fund).

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

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

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

22 § 3210.2. Eligibility.

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

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

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

3 (3) The eligible member has assigned the benefit to one
4 or more family members.

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

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

16 (6) When an eligible member is ordered to serve on
17 active duty for more than 30 consecutive days, including
18 active duty for training, a family member who is the spouse
19 may withdraw from a program of education and shall be granted
20 an educational leave of absence as provided for under section
21 7313 (relating to educational leave of absence).

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

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

30 (2) The medical condition giving rise to the discharge

1 did not exist prior to the eligible member entering service
2 in the Pennsylvania National Guard.

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

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

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

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

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

20 (2) The deceased eligible member was eligible for an
21 other than dishonorable discharge.

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

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

9 § 3210.4. Military Family Education Program grants.

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

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

26 § 3210.5. Amount of Military Family Education Program grants.

27 (a) Full-time Military Family Education Program grant.--
28 Military Family Education Program grants awarded under this
29 subchapter to full-time students shall be determined by the
30 agency without regard to financial need and shall not exceed for

1 each academic year the lesser of:

2 (1) the tuition rate of the approved institution of
3 higher learning for the number of credit hours per semester
4 or its equivalent for the approved program of education in
5 which the family 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 (b) Part-time Military Family Education Program grants.--
9 Military Family Education Program grants awarded under this
10 subchapter to part-time students who may or may not possess a
11 baccalaureate degree shall be determined by the agency without
12 regard to financial need and shall not exceed for each academic
13 year or period the lesser of:

14 (1) the tuition charged by the approved institution of
15 higher learning for the number of credit hours per semester
16 or its equivalent in which the family member is enrolled; or

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

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

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

27 (2) Prior to making a Military Family Education Program
28 grant under this subchapter, the approved institution of
29 higher learning shall first consider any Federal tuition
30 assistance received by the family member and then shall award

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

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

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

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

27 § 3210.6. Limitations.

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

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

6 § 3210.7. Recoupment of Military Family Education Program grant
7 payments.

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

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

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

30 (2) The eligible member's discharge because of

1 disability incurred in the line of duty.

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

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

9 § 3210.8. Regulations.

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

12 § 3210.9. Administration.

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

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

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

26 § 3210.10. Military Family Education Program Fund.

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

30 (b) Appropriation.--All money deposited into the fund and

1 the interest the fund accrues are appropriated to the department
2 on a continuing basis to be used for the purposes provided for
3 under this subchapter.

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

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

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

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

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

16 (3) The remainder of this act shall take effect
17 immediately.