

Pub. L. 102-16, §5(b), Mar. 22, 1991, 105 Stat. 50, struck out item 1642 "Reporting requirements".

1988—Pub. L. 100-689, title I, §107(b)(2), Nov. 18, 1988, 102 Stat. 4169, added item 1634.

1986—Pub. L. 99-576, title III, §310(b)(3), Oct. 28, 1986, 100 Stat. 3272, added item 1633.

1982—Pub. L. 97-295, §4(36), Oct. 12, 1982, 96 Stat. 1307, inserted "the" after "bar" in item 1625.

#### SUBCHAPTER I—PURPOSE; DEFINITIONS

##### § 3201. Purpose

It is the purpose of this chapter (1) to provide educational assistance to those men and women who enter the Armed Forces after December 31, 1976, and before July 1, 1985, (2) to assist young men and women in obtaining an education they might not otherwise be able to afford, and (3) to promote and assist the all volunteer military program of the United States by attracting qualified men and women to serve in the Armed Forces.

(Added Pub. L. 94-502, title IV, §404, Oct. 15, 1976, 90 Stat. 2393, §1601; amended Pub. L. 99-576, title III, §309(a)(1), Oct. 28, 1986, 100 Stat. 3270; renumbered §3201, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

##### PRIOR PROVISIONS

Prior section 3201 was renumbered section 5501 of this title.

##### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1601 of this title as this section.

1986—Pub. L. 99-576 inserted "and before July 1, 1985,".

##### EFFECTIVE DATE

Section 406 of title IV of Pub. L. 94-502 provided that: "The provisions of this title [enacting this chapter, amending sections 1652, 1661, and 1662 [now 3452, 3461, and 3462] of this title and section 725s of former Title 31, Money and Finance, and enacting provisions set out as a note under section 3221 of this title] shall become effective on January 1, 1977."

##### SHORT TITLE

For short titles of Pub. L. 94-502, and title IV of Pub. L. 94-502, which enacted this chapter, see Short Title of 1976 Amendments note set out under section 101 of this title.

##### ENROLLMENT IN PROGRAM BEFORE APRIL 1, 1987

Pub. L. 99-576, title III, §309(c), (d), Oct. 28, 1986, 100 Stat. 3270, provided that:

"(c) EXCEPTION.—Notwithstanding the amendments made by subsection (a) [amending this section and sections 1602 and 1621 [now 3202 and 3221] of this title], any individual on active duty in the Armed Forces who was eligible on June 30, 1985, to enroll in the program established by chapter 32 of title 38, United States Code, may enroll, before April 1, 1987, in such program.

"(d) NOTICE REQUIREMENT.—The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall carry out activities for the purpose of notifying, to the maximum extent feasible, individuals described in subsection (c) of the opportunity provided by such subsection."

##### § 3202. Definitions

For the purposes of this chapter—

(1)(A) The term "eligible veteran" means any veteran who is not eligible for educational as-

sistance under chapter 34 of this title and who (i) entered military service on or after January 1, 1977, and before July 1, 1985, served on active duty for a period of more than 180 days commencing on or after January 1, 1977, and was discharged or released therefrom under conditions other than dishonorable, or (ii) entered military service on or after January 1, 1977, and before July 1, 1985, and was discharged or released from active duty after January 1, 1977, for a service-connected disability.

(B) The requirement of discharge or release, prescribed in subparagraph (A), shall be waived in the case of any participant who has completed his or her first obligated period of active duty (which began after December 31, 1976) or 6 years of active duty (which began after December 31, 1976), whichever period is less.

(C) For the purposes of subparagraphs (A) and (B), the term "active duty" does not include any period during which an individual (i) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (ii) served as a cadet or midshipman at one of the service academies, or (iii) served under the provisions of section 511(d)<sup>1</sup> of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve.

(D)(i) The requirement of ineligibility for educational assistance under chapter 34 of this title, prescribed in subparagraph (A), shall be waived in the case of a veteran described in division (ii) of this subparagraph who elects to receive benefits under this chapter instead of assistance under such chapter 34. A veteran who makes such an election shall be ineligible for assistance under such chapter. Such an election is irrevocable.

(ii) A veteran referred to in division (i) of this subparagraph is a veteran who before January 1, 1977, performed military service described in subparagraph (C)(iii), is entitled under section 3452(a)(3)(C) of this title to have such service considered to be "active duty" for the purposes of chapter 34 of this title, and is eligible for assistance under such chapter only by reason of having such service considered to be active duty.

(2) The term "program of education"—

(A) has the meaning given such term in section 3452(b) of this title, and

(B) includes (i) a full-time program of apprenticeship or other on-job training approved as provided in clause (1) or (2), as appropriate, of section 3687(a) of this title, and (ii) in the case of an individual who is not serving on active duty, a cooperative program (as defined in section 3482(a)(2) of this title).

(3) The term "participant" is a person who is participating in the educational benefits program established under this chapter.

(4) The term "educational institution" has the meaning given such term in section 3452(c) of this title.

<sup>1</sup> See References in Text note below.