

vidual covered by paragraph (1) who is described by subsection (a)(1)(E), the number of months of entitlement to basic educational assistance remaining to the individual for purposes of paragraph (1)(B)(i)(II) shall be 36 months.

(3) **TIMING OF PAYMENT.**—The amount payable with respect to an individual under paragraph (1) shall be paid to the individual together with the last payment of the monthly stipend payable to the individual under paragraph (1)(B) of section 3313(c) of this title, or under paragraphs (2) through (7) of that section (as applicable), before the exhaustion of the individual's entitlement to educational assistance under this chapter.

(g) **CONTINUING ENTITLEMENT TO ADDITIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALTY AND ADDITIONAL SERVICE.**—An individual making an election under subsection (a)(1) who, at the time of the election, is entitled to increased educational assistance under section 3015(d) of this title, or section 16131(i) of title 10, or supplemental educational assistance under subchapter III of chapter 30 of this title, shall remain entitled to such increased educational assistance or supplemental educational assistance in the utilization of entitlement to educational assistance under this chapter, in an amount equal to the quarter, semester, or term, as applicable, equivalent of the monthly amount of such increased educational assistance or supplemental educational assistance payable with respect to the individual at the time of the election.

(h) **ALTERNATIVE ELECTION BY SECRETARY.**—

(1) **IN GENERAL.**—In the case of an individual who, on or after January 1, 2017, submits to the Secretary an election under this section that the Secretary determines is clearly against the interests of the individual, or who fails to make an election under this section, the Secretary may make an alternative election on behalf of the individual that the Secretary determines is in the best interests of the individual.

(2) **NOTICE.**—If the Secretary makes an election on behalf of an individual under this subsection, the Secretary shall notify the individual by not later than seven days after making such election and shall provide the individual with a 30-day period, beginning on the date of the individual's receipt of such notice, during which the individual may modify or revoke the election made by the Secretary on the individual's behalf. The Secretary shall include, as part of such notice, a clear statement of why the alternative election made by the Secretary is in the best interests of the individual as compared to the election submitted by the individual. The Secretary shall provide the notice required under this paragraph by electronic means whenever possible.

(i) **IRREVOCABILITY OF ELECTIONS.**—An election under subsection (a) or (c)(1) is irrevocable.

(Added Pub. L. 114-315, title IV, § 405(a), Dec. 16, 2016, 130 Stat. 1555.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 110-252, title V, § 5003(c), June

30, 2008, 122 Stat. 2375, which was formerly set out as a note under section 3301 of this title prior to repeal by Pub. L. 114-315, title IV, § 405(c), Dec. 16, 2016, 130 Stat. 1558.

CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

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AMENDMENTS

1992—Pub. L. 102-568, title III, § 313(a)(3)(B), Oct. 29, 1992, 106 Stat. 4332, struck out item 3473 "Disapproval of enrollment in certain courses".

1991—Pub. L. 102-83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1651 to 1693 as 3451 to 3493, respectively.

Pub. L. 102-16, § 2(b)(1)(B), Mar. 22, 1991, 105 Stat. 49, struck out item 1663 "Educational and vocational counseling".

1989—Pub. L. 101-237, title IV, § 405(d)(4)(B), Dec. 18, 1989, 103 Stat. 2082, substituted "Work-study allowance" for "Veteran-student services" in item 1685.

1988—Pub. L. 100-689, title I, §§ 107(c)(2)(B), 124(c)(1), Nov. 18, 1988, 102 Stat. 4169, 4175, substituted "Tutorial assistance" for "Special supplementary assistance" in item 1692 and struck out items 1682A "Accelerated payment of educational assistance allowances" and 1686 "Education loans".

1981—Pub. L. 97-35, title XX, § 2003(b)(3)(B), Aug. 13, 1981, 95 Stat. 782, struck out item 1677 "Flight training".

1980—Pub. L. 96-466, title VI, § 601(a)(2), Oct. 17, 1980, 94 Stat. 2208, struck out "SUBCHAPTER VI—PRE-DISCHARGE EDUCATION PROGRAM" heading and items 1695 "Purpose; definition", 1696 "Payment of educational assistance allowance", 1697 "Educational and vocational guidance", and 1698 "Coordination with and participation by Department of Defense".

1977—Pub. L. 95-202, title II, § 201(c)(1), Nov. 23, 1977, 91 Stat. 1438, added item 1682A.

1976—Pub. L. 94-502, title II, § 210(4), Oct. 15, 1976, 90 Stat. 2388, renumbered item 1697A as 1698.

1974—Pub. L. 93-508, title III, § 302(b), Dec. 3, 1974, 88 Stat. 1591, added item 1686.

1972—Pub. L. 92-540, title IV, §404(a), Oct. 24, 1972, 86 Stat. 1090, inserted in Subchapter IV heading “VETERAN-STUDENT SERVICES”, and substituted in item 1683 “Approval of courses” for “Apprenticeship or other on-job training”; in item 1684 “Apprenticeship or other on-job training; correspondence courses” for “Measurement of courses”, and in item 1685 “Veteran-student services” for “Overcharges by educational institutions”, struck out item 1672 “Change of program”, item 1675 “Period of operation for approval”, item 1686 “Approval of courses”, and item 1687 “Discontinuance of allowances”, and added item 1697A.

1970—Pub. L. 91-219, title II, §204(b), Mar. 26, 1970, 84 Stat. 81, struck out item 1678 “Special training for the educationally disadvantaged” and added subchapters V and VI.

1967—Pub. L. 90-77, title III, §§302(c), 304(b), 306(b)(1), Aug. 31, 1967, 81 Stat. 185, 186, 188, added items 1677, 1678, and 1683, and renumbered former items 1683 to 1686 as 1684 to 1687, respectively.

1966—Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 12, added “CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE”.

SUBCHAPTER I—PURPOSE—DEFINITIONS

§ 3451. Purpose

The Congress of the United States hereby declares that the education program created by this chapter is for the purpose of (1) enhancing and making more attractive service in the Armed Forces of the United States, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty after January 31, 1955, and (4) aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country.

(Added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 12, §1651; renumbered §3451, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Provisions similar to those comprising clauses (3) and (4) of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1175, which was classified to former section 1601(c) of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1651 of this title as this section.

EFFECTIVE DATE

Pub. L. 89-358, §12(a), Mar. 3, 1966, 80 Stat. 28, provided that: “Except as otherwise specifically provided, the provisions of this Act [see Tables for classification] shall take effect on the date of its enactment [Mar. 3, 1966], but no educational assistance allowance shall be payable under chapter 34 of title 38, United States Code, as added by section 2 of this Act, for any period before June 1, 1966, nor for the month of June 1966, unless (1) the eligible veteran commenced the pursuit of the course of education on or after June 1, 1966, or (2) the pursuit of such course continued through June 30, 1966.”

SAVINGS PROVISION

Pub. L. 89-358, §4(b), Mar. 3, 1966, 80 Stat. 23, provided that: “Nothing in this Act or any amendment or repeal

made by it [see Tables for classification], shall affect any right or liability (civil or criminal) which matured under chapter 33 of this title 38 before the date of enactment of this Act [Mar. 3, 1966]: and all offenses committed, and all penalties and forfeitures incurred, under any provision of law amended or repealed by this Act, may be punished or recovered, as the case may be, in the same manner and with the same effect as if such amendments or repeals had not been made.”

§ 3452. Definitions

For the purposes of this chapter and chapter 36 of this title—

(a)(1) The term “eligible veteran” means any veteran who—

(A) served on active duty for a period of more than 180 days, any part of which occurred after January 31, 1955, and before January 1, 1977, and was discharged or released therefrom under conditions other than dishonorable;

(B) contracted with the Armed Forces and was enlisted in or assigned to a reserve component prior to January 1, 1977, and as a result of such enlistment or assignment served on active duty for a period of more than 180 days, any part of which commenced within 12 months after January 1, 1977, and was discharged or released from such active duty under conditions other than dishonorable; or

(C) was discharged or released from active duty, any part of which was performed after January 31, 1955, and before January 1, 1977, or following entrance into active service from an enlistment provided for under subparagraph (B), because of a service-connected disability.

(2) The requirement of discharge or release, prescribed in subparagraph (A) or (B) of paragraph (1), shall be waived in the case of any individual who served more than 180 days in an active-duty status for so long as such individual continues on active duty without a break therein.

(3) For purposes of paragraph (1)(A) and section 3461(a), the term “active duty” does not include any period during which an individual (A) 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, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 12103(d) 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 unless at some time subsequent to the completion of such period of active duty for training such individual served on active duty for a consecutive period of one year or more (not including any service as a cadet or midshipman at one of the service academies).

(b) The term “program of education” means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. Such term also means any curriculum of unit courses or