

(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.)

Editorial Notes

REFERENCES IN TEXT

Paragraph (7) of section 313(c) of this title, referred to in subsec. (f)(1), (3), was repealed by Pub. L. 115-48, title I, § 105(b), Aug. 16, 2017, 131 Stat. 975.

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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Editorial Notes

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—PREDISCHARGE 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