

cation to the Secretary which shall be in such form and contain such information as the Secretary shall prescribe. If the Secretary finds that the person on whose behalf the application is submitted is an eligible person, the Secretary shall approve the application provisionally. The Secretary shall notify the parent or guardian or eligible person (if the person has attained legal majority) of the provisional approval or of the disapproval of the application.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195, §1713; Pub. L. 94-502, title III, §305, Oct. 15, 1976, 90 Stat. 2390; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3513, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

#### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1713 of this title as this section.

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1976—Pub. L. 94-502 inserted reference to eligible person who have attained legal majority and substituted "the Administrator shall approve" for "he shall approve".

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

### § 3514. Processing of applications

(a) Further processing of an application for educational assistance and the award of such assistance shall be pursuant to the requirements of subchapters III and IV of this chapter unless the parent or guardian requests special restorative training for the eligible person, in which case the application will be processed under subchapter V of this chapter.

(b) If the request for special restorative training is approved, educational assistance will be afforded pursuant to the terms of subchapter V of this chapter. If the request for special restorative training is disapproved, or if approved the restorative training is completed or discontinued, any educational assistance subsequently afforded will be in accordance with subchapters III and IV of this chapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195, §1714; renumbered §3514, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

#### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1714 of this title as this section.

#### SUBCHAPTER III—PROGRAM OF EDUCATION

### § 3520. Educational and vocational counseling

The Secretary may, upon request, arrange for educational or vocational counseling for persons eligible for benefits under this chapter to assist such persons in selecting their educational, vocational, or professional objectives and in developing their programs of education.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195, §1720; Pub. L. 90-631, §2(g), Oct. 23, 1968, 82 Stat. 1333; Pub. L. 91-584, §4, Dec. 24, 1970, 84 Stat. 1576; Pub. L. 92-540, title III, §310, Oct. 24, 1972, 86

Stat. 1083; Pub. L. 94-502, title III, §310(10), Oct. 15, 1976, 90 Stat. 2391; Pub. L. 96-466, title III, §323(a), Oct. 17, 1980, 94 Stat. 2196; Pub. L. 97-295, §4(45), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 99-576, title III, §314(a), Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3520, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

#### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1720 of this title as this section.

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator".

1986—Pub. L. 99-576 substituted "Educational and vocational counseling" for "Development of educational plan" in section catchline and amended text generally. Prior to amendment, text read as follows:

"(a) Upon provisional approval of an application for educational assistance for a person eligible within the meaning of section 1701(a)(1)(A) of this title, the Administrator may, upon request, arrange for educational or vocational counseling to assist the parent or guardian and the eligible person in selecting such person's educational, vocational, or professional objective and in developing such person's program of education. During, or after, such counseling, the parent or guardian shall prepare for the eligible person an educational plan which shall set forth the selected objective, the proposed program of education, a list of the educational institutions at which such program would be pursued, an estimate of the sum which would be required for tuition and fees in completion of such program, and such other information as the Administrator shall require. This educational plan shall be signed by the parent or guardian and shall become an integral part of the application for educational assistance under this chapter.

"(b) The Administrator may, on request, arrange for educational counseling for persons eligible for educational assistance under section 1701(a)(1)(B), (C), or (D) of this title."

1982—Subsec. (a). Pub. L. 97-295, §4(45)(A), inserted "of this title" after "section 1701(a)(1)(A)".

Subsec. (b). Pub. L. 97-295, §4(45)(B), substituted "of this title" for "of this chapter".

1980—Subsec. (a). Pub. L. 96-466 substituted "the Administrator may, upon request, arrange for" for "the Administrator shall arrange for, and the eligible person shall take advantage of," and struck out provision that educational or vocational counseling not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution.

1976—Subsec. (a). Pub. L. 94-502 substituted "such person's" for "his" in two places.

1972—Subsec. (a). Pub. L. 92-540 inserted provisions exempting the eligible person from counseling where such person has been accepted for, or is pursuing, courses which lead to a standard college degree at an approved institution.

1970—Subsec. (b). Pub. L. 91-584 substituted "section 1701(a)(1)(B), (C), or (D)" for "section 1701(a)(1) (B) or (C)".

1968—Subsec. (a). Pub. L. 90-631, §2(g)(1), (2), designated existing provisions as subsec. (a) and inserted "for a person eligible within the meaning of section 1701(a)(1)(A)" after "for educational assistance".

Subsec. (b). Pub. L. 90-631, §2(g)(3), added subsec. (b).

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

## EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-631 effective first day of second calendar month which begins after Oct. 23, 1968, see section 6(a) of Pub. L. 90-631, set out as an Effective Date note under section 3500 of this title.

**§ 3521. Approval of application**

The Secretary shall approve an application if the Secretary finds that—

- (1) the proposed program of education constitutes a "program of education" as that term is defined in this chapter;
- (2) the eligible person is not already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered;
- (3) the eligible person's proposed educational institution or training establishment is in compliance with all the requirements of this chapter and chapter 36 of this title; and
- (4) it does not appear that the enrollment in or pursuit of such person's program of education would violate any provisions of this chapter or chapter 36 of this title.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, §1721; Pub. L. 94-502, title III, §310(11), Oct. 15, 1976, 90 Stat. 2391; Pub. L. 96-466, title III, §324, Oct. 17, 1980, 94 Stat. 2196; Pub. L. 99-576, title III, §314(b)(1), (2), Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3521, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

## AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1721 of this title as this section.

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1986—Pub. L. 99-576 substituted "Approval of application" for "Final approval of application" in section catchline, struck out "finally" before "approve an application" in introductory provisions, struck out former cl. (1) which read "section 1720 of this title has been complied with:", and redesignated cls. (2) to (5) as cls. (1) to (4), respectively.

1980—Pub. L. 96-466, among other changes, inserted provision conditioning approval of an application upon the educational institution's or training establishment's compliance with all the requirements of this chapter and chapter 36 of this title and substituted reference to the enrollment in or pursuit of such person's program of education violating any provisions of this chapter or chapter 36 of this title for reference to the pursuit of such program violating any provision of this chapter.

1976—Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds".

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

## EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

**[§ 3522. Vacant]**

## CODIFICATION

Prior to renumbering of sections 1700 to 1766 of this chapter as sections 3500 to 3566 by Pub. L. 102-83, §5(a),

Aug. 6, 1991, 105 Stat. 406, section 1722 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, which related to change of program by eligible person, was repealed by Pub. L. 92-540, title IV, §402(2), Oct. 24, 1972, 86 Stat. 1090.

**§ 3523. Disapproval of enrollment in certain courses**

(a) The Secretary shall not approve the enrollment of an eligible person in—

- (1) any bartending course or personality development course;
- (2) any sales or sales management course which does not provide specialized training within a specific vocational field;
- (3) any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the eligible person submits justification showing that the course will be a bona fide use in the pursuit of the person's present or contemplated business or occupation; or

(4) any independent study program except an accredited independent study program (including open circuit television) leading to a standard college degree.

(b) The Secretary shall not approve the enrollment of an eligible person in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible person is seeking.

(c) The Secretary shall not approve the enrollment of an eligible person in any course to be pursued by radio.

(d) The Secretary shall not approve the enrollment of an eligible person in any course which is to be pursued as a part of such person's regular secondary school education (except as provided in section 3533 of this title), but this subsection shall not prevent the enrollment of an eligible person in a course not leading to a standard college degree if the Secretary finds that such person has ended such person's secondary school education (by completion or otherwise) and that such course is a specialized vocational course pursued for the purpose of qualifying in a bona fide vocational objective.

(e) An eligible person may not enroll in any course at an educational institution which is not located in a State or in the Republic of the Philippines, unless such course is pursued at an approved institution of higher learning and the course is approved by the Secretary. The Secretary, in the Secretary's discretion, may deny or discontinue educational assistance under this chapter in the case of any eligible person in such an institution if the Secretary determines that such enrollment is not in the best interest of the eligible person or the Federal Government.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, §1723; Pub. L. 86-785, §4, Sept. 14, 1960, 74 Stat. 1024; Pub. L. 87-546, July 25, 1962, 76 Stat. 216; Pub. L. 91-219, title II, §209, Mar. 26, 1970, 84 Stat. 83; Pub. L. 92-540, title III, §311, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 93-508, title II, §207, Dec. 3, 1974, 88 Stat. 1583; Pub. L. 94-502, title III, §§306, 310(12)-(14), Oct. 15, 1976, 90 Stat. 2390, 2392; Pub.