

§ 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. L. 96-466, title III, §§325, 326, 327(b), Oct. 17, 1980, 94 Stat. 2196, 2197; Pub. L. 97-306, title II, §202(b), Oct. 14, 1982, 96 Stat. 1433; Pub. L. 101-237, title IV, §423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered §3523 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L.