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. 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. 102–568, title III, § 313(a)(7), Oct. 29, 1992, 106 Stat. 4333; Pub. L. 104–275, title I, § 104(b), Oct. 9, 1996, 110 Stat. 3327.)

AMENDMENTS

1996—Subsec. (a)(4). Pub. L. 104–275, § 104(b)(1), inserted ''(including open circuit television)'' after ''accredited independent study program''.

Subsec. (c). Pub. L. 104–275, § 104(b)(2), substituted ''radio.'' for ''radio or by open circuit television, except that the Secretary may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television.''

1992—Subsec. (a)(4). Pub. L. 102–568 substituted ''an accredited independent study program'' for ''one''.

1991—Pub. L. 102–83, § 5(a), renumbered section 1723 of this title as this section.

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''3533'' for ''1733''.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing in subsecs. (a) to (e) and substituted ''Secretary's'' for ''Administrator's'' in subsec. (e).

1982—Subsec. (a). Pub. L. 97–306, § 202(b), struck out designation ''(1)'' before ''The Administrator'', redesignated cls. (A) to (D) as (1) to (4), respectively, in cl. (2) as so redesignated, substituted ''any sales or sales management course which does not provide specialized training within a specific vocational field;'' for ''any course with a vocational objective, unless the eligible person or the institution offering such course presents evidence satisfactory to the Administrator showing that at least one-half of the persons who completed such course over such period, and who are not unavailable for employment, attained employment for an average of ten hours a week in an occupational category for which the course was designed to provide training;'', and struck out par. (2) which had provided exceptions to the provisions of par. (1)(B) for persons pursuing the course while serving on active duty, institutions with an enrollment not exceeding 35 percent of eligible veterans and eligible persons, and instances of administrative hardship to the institution.

1980—Subsec. (a). Pub. L. 96–466, § 325, designated existing provisions as par. (1), redesignated cls. (1), (2), (3), and (4) as (A), (B), (C), and (D), respectively, and in cl. (B) as so redesignated, struck out reference to any sales or management course which does not provide specialized training within a specific vocational field and substituted reference to presenting evidence showing that at least one-half of the persons who completed such course over such period attained employment for an average of ten hours a week in an occupational category for which the course was designed to provide training for reference to submitting justification showing that at least one-half of the persons who completed such course over the preceding two-year period (but excluding persons who completed such course with assistance under this title while serving on active duty) have been employed in the occupational category for which the course was designed to provide training, and added par. (2).

Subsec. (c). Pub. L. 96–466, § 326, struck out provisions relating to the approval of the enrollment of an eligible person in any course to be pursued by correspondence or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines, substituted reference to subjects offered through open circuit television for reference to subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance, and struck out provisions permitting the Administrator to deny or discontinue the educational assistance of any eligible person in a foreign educational institution upon a finding that such enrollment is not in the best interest of the eligible person or the Government.

Subsec. (e). Pub. L. 96–466, § 327(b), added subsec. (e).

1976—Subsec. (a). Pub. L. 94–502, §§ 306, 310(12), substituted ''the Administrator finds contains'' for ''he finds contains'' and added cl. (4).

Subsec. (c). Pub. L. 94–502, § 310(13), substituted ''the Administrator's'' for ''his'' and ''if the Administrator finds'' for ''if he finds''.

Subsec. (d). Pub. L. 94–502, § 310(14), substituted ''such person's'' for ''his'' in two places.

1974—Subsec. (a)(2). Pub. L. 93–508, § 207(1), substituted ''or in any other course with a vocational objective, unless the'' for ''unless the'', ''who completed'' for ''completing'', and '', and who are not unavailable for employment, have been employed in the occupational category for which the course was designed to provide training'' for ''have been employed in the sales or sales management field'', and inserted parenthetical provisions relating to the exclusion of persons who completed the course with assistance under this title in the computation of the number of people who completed the course.

Subsec. (a)(3). Pub. L. 93–508, § 207(2), substituted ''in character (or the advertising for which he finds contains significant avocational or recreational themes) unless the'' for ''in character unless the''.

Subsec. (c). Pub. L. 93–508, § 207(3), substituted ''an eligible person in any course to be'' for ''an eligible person in any course of institutional on-farm training, any course to be''.

Subsec. (d). Pub. L. 93–508, § 207(4), substituted ''course not leading to a standard college degree if the'' for ''course to be pursued below the college level if the''.

1972—Subsec. (c). Pub. L. 92–540, § 311(1), struck out prohibition on approval by the Administrator of the enrollment of an eligible person in any course of apprentice or other training on the job, inserted provision authorizing approval of correspondence courses as provided in section 1786 of this title, and substituted provision relating to approval by the Administrator of enrollment at an educational institution not located in a State or the Republic of the Philippines and provision authorizing the Administrator to deny or discontinue assistance, for provisions setting forth the criteria for approval by the Administrator of enrollment in a foreign educational institution in the case of any eligible person.

Subsec. (d). Pub. L. 92–540, § 311(2), inserted ''(except as provided in section 1733 of this title)'' after ''regular secondary school education''.

1970—Subsec. (a). Pub. L. 91–219 struck out ''dancing course'' from the enumeration of non-approved courses, inserted provisions directing the Administrator not to approve any enrollment in any sales or sales management course with some exceptions, and struck out reference to photography, entertainment, music, and enumerated sports or athletic course.

1962—Subsec. (c). Pub. L. 87–546 authorized the Administrator to approve enrollment in foreign educational institutions if the subjects to be taken are part of and creditable towards completion of an approved course in a ''principal institution'', the tuition and fees of the foreign institution are paid by the ''principal institution'', and such institution agrees to submit enrollment certificates and monthly certifications as to attendance, conduct, and progress to the Veterans' Administration.

1960—Subsec. (c). Pub. L. 86–785 substituted ''open circuit television (except as herein provided)'' for ''television'', and authorized the Administrator to approve enrollment in a course pursued in residence, leading to a standard college degree, which utilizes open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 202(c) of Pub. L. 97–306 provided that: ''The amendments made by this section [amending this section and section 1673 [renumbered 3473] of this title] shall take effect on October 1, 1982.''

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 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 3452 of this title.

§ 3524. Discontinuance for unsatisfactory progress

The Secretary shall discontinue the educational assistance allowance on behalf of an eligible person if, at any time, the Secretary finds that according to the regularly prescribed standards and practices of the educational institution such person is attending, the person's attendance, conduct, or progress is unsatisfactory. The Secretary may renew the payment of the educational assistance allowance only if the Secretary finds that—

(1) the eligible person will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such eligible person's reenrollment and certified it to the Department of Veterans Affairs; or

(2) in the case of a proposed change of either educational institution or program of education by the eligible person—

(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

(B) the program proposed to be pursued is suitable to the eligible person's aptitudes, interests, and abilities; and

(C) if a proposed change of program is involved, the change meets the requirements for approval under section 3691 of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1197, § 1724; Pub. L. 94–502, title III, §§ 307, 310(15), Oct. 15, 1976, 90 Stat. 2390, 2392; Pub. L. 95–202, title III, § 305(b)(1), Nov. 23, 1977, 91 Stat. 1443; Pub. L. 96–466, title III, § 328, Oct. 17, 1980, 94 Stat. 2197; Pub. L. 101–237, title IV, §§ 411(b), 412(b), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2084, 2085, 2092; renumbered § 3524 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 1724 of this title as this section.

Par. (2)(C). Pub. L. 102–83, § 5(c)(1), substituted ''3691'' for ''1791''.

1989—Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Pub. L. 101–237, § 412(b), substituted ''attendance, conduct,'' for ''conduct''.

Pars. (1), (2). Pub. L. 101–237, § 411(b), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

''(1) the cause of the unsatisfactory conduct or progress of the eligible person has been removed; and

''(2) the program which the eligible person now proposes to pursue (whether the same or revised) is suitable to the person's aptitudes, interests, and abilities.''

1980—Pub. L. 96–466 struck out provisions relating to the conditions upon which an eligible person's progress would be considered unsatisfactory.

1977—Pub. L. 95–202 inserted provisions authorizing the Administrator to determine the veteran's progress to be satisfactory even though the veteran will graduate within a length of time exceeding the approved length if the additional length of time is reasonable in accordance with regulations.

1976—Pub. L. 94–502, § 310(15), substituted ''such person is attending'' for ''he is attending'', ''the Administrator finds that'' for ''he finds that'', and ''the person's'' for ''his'' in two places.

Pub. L. 94–502, § 307, inserted provision specifying progress as unsatisfactory when the veteran will not be able to graduate within the approved length of the course.

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 1977 AMENDMENT

Amendment by Pub. L. 95–202 effective first day of first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95–202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 307 and 310(15) of Pub. L. 94–502 effective Dec. 1, 1976, and Oct. 15, 1976, respectively, see section 703(b), (c) of Pub. L. 94–502, set out as an Effective Date note under section 3693 of this title.

SUSPENSION OF IMPLEMENTATION OF 1976 AMENDMENT

For provisions directing the Administrator to suspend the implementation of the amendment to this section by section 307 of Pub. L. 94–502 in the case of any accredited educational institution which submits to the Administrator its course catalog or bulletin and a certification that the policies and regulations described in cls. (6) and (7) of section 1776(b) [now 3676(b)(6) and (7)] of this title are being enforced by such institution, unless the Administrator finds that the catalog or bulletin fails to state fully and clearly the policies and regulations, and for that suspension to continue until the Administrator submits the report required under section 305(b)(2) of Pub. L. 95–202, see section 305(b)(4)(A) of Pub. L. 95–202, set out as a note under section 3474 of this title.

[§§ 3525, 3526. 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, sections 1725 and 1726 of this chapter were repealed.

Section 1725, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1197, which related to period of operation for approval by Administrator, was repealed by Pub. L. 92–540, title IV, § 402(2), Oct. 24, 1972, 86 Stat. 1090.

Section 1726, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1197, which provided for control by agencies of United States, was repealed by Pub. L. 89–358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20.

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE PERSONS

§ 3531. Educational assistance allowance

(a) The Secretary shall, in accordance with the provisions of chapter 36 of this title, pay to