TITLE 38 - VETERANS BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

§ 4101. Definitions

For the purposes of this chapter—

(1) The term “special disabled veteran” has the same meaning provided in section 4211 (1) of this title.
(2) The term “veteran of the Vietnam era” has the same meaning provided in section 4211 (2) of this title.
(3) The term “disabled veteran” has the same meaning provided in section 4211 (3) of this title.
(4) The term “eligible veteran” has the same meaning provided in section 4211 (4) of this title.
(5) The term “eligible person” means—
    (A) the spouse of any person who died of a service-connected disability,
    (B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this chapter, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days:
        (i) missing in action,
        (ii) captured in line of duty by a hostile force, or
        (iii) forcibly detained or interned in line of duty by a foreign government or power, or
    (C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.
(6) The term “State” means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas Islands, and the Trust Territory of the Pacific Islands.
(7) The term “employment service delivery system” means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.
(8) The term “Secretary” means the Secretary of Labor.
(9) The term “intensive services” means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998.


References in Text

The Wagner-Peyser Act, referred to in par. (7), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified generally to chapter 4B (§ 49 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.
Section 134(d)(3) of the Workforce Investment Act of 1998, referred to in par. (9), is classified to section 2864 (d)(3) of Title 29, Labor.

Prior Provisions

Amendments
2002—Par. (7). Pub. L. 107–288, § 5(c)(1), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “The term ‘local employment service office’ means a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act.”


1980—Par. (1). Pub. L. 96–466, § 503(1), substituted provisions defining “special disabled veteran” for provisions that term “eligible veteran” meant a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than a dishonorable discharge.

Pars. (2) to (4). Pub. L. 96–466, § 503(2), added pars. (2) to (4). Former pars. (2) and (3) redesignated (5) and (6), respectively.

Par. (5). Pub. L. 96–466, §§ 503(2), 801(h)(1), redesignated former par. (2) as (5) and substituted “The term” for “the term”.

Par. (6). Pub. L. 96–466, §§ 503(2), 801(h)(2), redesignated former par. (3) as (6) and inserted “the Commonwealth of the Northern Marianas Islands,” after “the Virgin Islands,”.

1974—Pars. (2), (3). Pub. L. 93–508 added par. (2) and redesignated former par. (2) as (3).


Effective Date of 2002 Amendment


Effective Date of 1980 Amendment
Section 802(e) of Pub. L. 96–466 provided that: “The amendments made by title V [see Tables for classification] and the provisions of sections 512 and 513 [set out as notes under sections 4106 and 4107 of this title] shall become effective on October 1, 1980.”

Amendment by section 801(h) of Pub. L. 96–466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96–466, set out as a note under section 3452 of this title.

Effective Date of 1974 Amendment
Effective Date of 1972 Amendment

Section 601(b) of Pub. L. 92–540 provided that: “The provisions of title V of this Act [see Tables for classification] shall become effective 90 days after the date of enactment of this Act [Oct. 24, 1972].”

Savings Provision

Section 1(e) of Pub. L. 87–675 provided that: “Claims for benefits under [former] sections 2001 through 2009 of chapter 41 of title 38, United States Code, for any benefit week beginning before January 31, 1960, which claims are pending on the date these sections are repealed [Sept. 19, 1962], shall be adjudicated in the same manner and with the same effect as if the sections had not been repealed. For the purpose of administering the program with respect to such claims, all functions, powers, and duties conferred upon the Secretary of Labor by sections 2001 through 2009 are continued in effect, and all rules and regulations established by the Secretary of Labor pursuant to these sections, and in effect when the sections are repealed, shall remain in full force and effect until modified or suspended.”

Termination of Trust Territory of the Pacific Islands

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

Employment Assistance and Services for Veterans Ineligible for Assistance