

Sec.

4114. Credentialing and licensure of veterans: demonstration project.
4115. Longitudinal study of job counseling, training, and placement service for veterans.

AMENDMENTS

2016—Pub. L. 114-315, title V, § 502(b), Dec. 16, 2016, 130 Stat. 1568, added item 4115.

2011—Pub. L. 112-56, title II, §§ 223(a)(2), 234(c), Nov. 21, 2011, 125 Stat. 718, 722, added item 4104A and substituted “Transition Assistance Program personnel” for “Outstationing of Transition Assistance Program personnel” in item 4113.

2006—Pub. L. 109-461, title VI, § 604(a)(2), Dec. 22, 2006, 120 Stat. 3439, added item 4114.

Pub. L. 109-233, title II, § 202(a)(3), June 15, 2006, 120 Stat. 403, substituted “Advisory Committee on Veterans Employment, Training, and Employer Outreach” for “Advisory Committee on Veterans Employment and Training” in item 4110.

2003—Pub. L. 108-183, title III, § 309(a)(2), Dec. 16, 2003, 117 Stat. 2663, added item 4113.

2002—Pub. L. 107-288, §§ 3(b), 4(a)(2), (3)(A)(ii), Nov. 7, 2002, 116 Stat. 2038, 2042, substituted “Assistant Secretary of Labor for Veterans’ Employment and Training; program functions; Regional Administrators” for “Assistant Secretary of Labor for Veterans’ Employment and Training; Regional Administrators” in item 4102A and “Directors and Assistant Directors for Veterans’ Employment and Training; additional Federal personnel” for “Directors and Assistant Directors for Veterans’ Employment and Training” in item 4103, struck out item 4104A “Performance of disabled veterans’ outreach program specialists and local veterans’ employment representatives”, and added item 4112.

2001—Pub. L. 107-95, § 5(g)(3), Dec. 21, 2001, 115 Stat. 919, struck out item 4111 “Homeless veterans’ reintegration programs”.

2000—Pub. L. 106-419, title IV, § 404(a)(8), Nov. 1, 2000, 114 Stat. 1865, added item 4110B.

1999—Pub. L. 106-117, title IX, § 901(b), Nov. 30, 1999, 113 Stat. 1587, added item 4111.

1991—Pub. L. 102-83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 2000 to 2010A as 4100 to 4110A, respectively.

Pub. L. 102-16, § 8(b), Mar. 22, 1991, 105 Stat. 53, substituted “Advisory Committee on Veterans Employment and Training” for “Secretary of Labor’s Committee on Veterans’ Employment” in item 2010.

1988—Pub. L. 100-323, §§ 2(e)(3)(B), 3(c), 4(b), 6(b)(2)(B), 8(b), 9(b), 15(c)(3)(B), May 20, 1988, 102 Stat. 559, 562-564, 566, 574, inserted “and Training; Regional Administrators” after “for Veterans’ Employment” in item 2002A, substituted “Directors and Assistant Directors for Veterans’ Employment and Training” for “State and Assistant State Directors for Veterans’ Employment” in item 2003, substituted “Local veterans’ employment representatives” for “Employees of local offices” in item 2004, added item 2004A, struck out “with the Veterans’ Administration” after “Cooperation and coordination” in item 2008, substituted “National Veterans’ Employment and Training Services Institute” for “National veterans’ employment and training programs” in item 2009, and added item 2010A.

1982—Pub. L. 97-306, title III, §§ 301(b)(1), 304(a)(2), 308(b), Oct. 14, 1982, 96 Stat. 1437, 1438, 1441, added item 2000, substituted “State and Assistant State Directors for Veterans’ Employment” for “Assignment of veterans’ employment representative” in item 2003 and added items 2009 and 2010.

1980—Pub. L. 96-466, title V, §§ 504(a)(1), 506(b), Oct. 17, 1980, 94 Stat. 2203, 2205, struck out “Deputy” before “Assistant Secretary” in item 2002A and added item 2003A.

1976—Pub. L. 94-502, title VI, § 601(b)(2), Oct. 15, 1976, 90 Stat. 2404, added item 2002A.

1972—Pub. L. 92-540, title V, § 502(a), Oct. 24, 1972, 86 Stat. 1094, in chapter heading substituted “, TRAINING AND” for “AND EMPLOYMENT”, redesignated former

items 2001 to 2005 as items 2002 to 2006, and added items 2001, 2007, and 2008, and in redesignated item 2006 “authorization of appropriations”.

1966—Pub. L. 89-358, § 6(a), Mar. 3, 1966, 80 Stat. 27, substituted “JOB COUNSELING AND EMPLOYMENT PLACEMENT SERVICE FOR VETERANS” for “UNEMPLOYMENT BENEFITS FOR VETERANS” in chapter heading.

1962—Pub. L. 87-675, § 1(b), (d), Sept. 19, 1962, 76 Stat. 558, 559, substituted “Purpose” for “Compensation for veterans under State agreements” in item 2001, “Assignment of veterans’ employment representative” for “Unemployment compensation in absence of State agreements” in item 2002, “Employees of local offices” for “Payments to States” in item 2003, “Cooperation of Federal agencies” for “Information” in item 2004, and “Estimate of funds for administration” for “Penalties” in item 2005, and struck out items 2006 to 2014 and headings of subchapters I and II.

§ 4100. Findings

The Congress makes the following findings:

(1) As long as unemployment and underemployment continue as serious problems among disabled veterans and Vietnam-era veterans, alleviating unemployment and underemployment among such veterans is a national responsibility.

(2) Because of the special nature of employment and training needs of such veterans and the national responsibility to meet those needs, policies and programs to increase opportunities for such veterans to obtain employment, job training, counseling, and job placement services and assistance in securing advancement in employment should be effectively and vigorously implemented by the Secretary of Labor and such implementation should be accomplished through the Assistant Secretary of Labor for Veterans’ Employment and Training.

(Added Pub. L. 97-306, title III, § 301(a), Oct. 14, 1982, 96 Stat. 1436, § 2000; amended Pub. L. 100-323, § 15(b)(1), May 20, 1988, 102 Stat. 574; renumbered § 4100, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 2000 of this title as this section.

1988—Par. (2). Pub. L. 100-323, § 15(b)(1), inserted “and Training” after “for Veterans’ Employment”.

HONORING INVESTMENTS IN RECRUITING AND EMPLOYING AMERICAN MILITARY VETERANS

Pub. L. 115-31, div. O, May 5, 2017, 131 Stat. 838, as amended by Pub. L. 115-141, div. H, title I, § 116, Mar. 23, 2018, 132 Stat. 713, provided that:

“SECTION 1. SHORT TITLE.

“This division may be cited as the ‘Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017’ or the ‘HIRE Vets Act’.

“SEC. 2. HIRE VETS MEDALLION AWARD PROGRAM.

“(a) PROGRAM ESTABLISHED.—Not later than 2 years after the date of enactment of this Act [May 5, 2017], the Secretary of Labor shall establish, by rule, a HIRE Vets Medallion Program to solicit voluntary information from employers for purposes of recognizing, by means of an award to be designated a ‘HIRE Vets Medallion Award’, verified efforts by such employers—

“(1) to recruit, employ, and retain veterans; and

“(2) to provide community and charitable services supporting the veteran community.

“(b) APPLICATION PROCESS.—Beginning in the calendar year following the calendar year in which the Secretary establishes the program, the Secretary shall annually—

“(1) solicit and accept voluntary applications from employers in order to consider whether those employers should receive a HIRE Vets Medallion Award;

“(2) review applications received in each calendar year; and

“(3) notify such recipients of their awards; and

“(4) at a time to coincide with the annual commemoration of Veterans Day—

“(A) announce the names of such recipients;

“(B) recognize such recipients through publication in the Federal Register; and

“(C) issue to each such recipient—

“(i) a HIRE Vets Medallion Award of the level determined under section 3; and

“(ii) a certificate stating that such employer is entitled to display such HIRE Vets Medallion Award.

“(c) TIMING.—

“(1) SOLICITATION PERIOD.—The Secretary shall solicit applications not later than January 31st of each calendar year for the Awards to be awarded in November of that calendar year.

“(2) END OF ACCEPTANCE PERIOD.—The Secretary shall stop accepting applications not earlier than April 30th of each calendar year for the Awards to be awarded in November of that calendar year.

“(3) REVIEW PERIOD.—The Secretary shall finish reviewing applications not later than August 31st of each calendar year for the Awards to be awarded in November of that calendar year.

“(4) SELECTION OF RECIPIENTS.—The Secretary shall select the employers to receive HIRE Vets Medallion Awards not later than September 30th of each calendar year for the Awards to be awarded in November of that calendar year.

“(5) NOTICE TO RECIPIENTS.—The Secretary shall notify employers who will receive HIRE Vets Medallion Awards not later than October 11th of each calendar year for the Awards to be awarded in November of that calendar year.

“(d) LIMITATION.—An employer who receives a HIRE Vets Medallion Award for one calendar year is not eligible to receive a HIRE Vets Medallion Award for the subsequent calendar year.

“SEC. 3. SELECTION OF RECIPIENTS.

“(a) APPLICATION REVIEW PROCESS.—

“(1) IN GENERAL.—The Secretary shall review all applications received in a calendar year to determine whether an employer should receive a HIRE Vets Medallion Award, and, if so, of what level.

“(2) APPLICATION CONTENTS.—The Secretary shall require that all applications provide information on the programs and other efforts of applicant employers during the calendar year prior to that in which the medallion is to be awarded, including the categories and activities governing the level of award for which the applicant is eligible under subsection (b).

“(3) VERIFICATION.—The Secretary shall verify all information provided in the applications, to the extent that such information is relevant in determining whether or not an employer should receive a HIRE Vets Medallion Award or in determining the appropriate level of HIRE Vets Medallion Award for that employer to receive, including by requiring the chief executive officer or the chief human relations officer of the employer to attest under penalty of perjury that the employer has met the criteria described in subsection (b) for a particular level of Award.

“(b) AWARDS.—

“(1) LARGE EMPLOYERS.—

“(A) IN GENERAL.—The Secretary shall establish 2 levels of HIRE Vets Medallion Awards to be awarded to employers employing 500 or more employees, to be designated the ‘Gold HIRE Vets Medallion Award’ and the ‘Platinum HIRE Vets Medallion Award’.

“(B) GOLD HIRE VETS MEDALLION AWARD.—No employer shall be eligible to receive a Gold HIRE Vets Medallion Award in a given calendar year unless—

“(i) veterans constitute not less than 7 percent of all employees hired by such employer during the prior calendar year;

“(ii) such employer has retained not less than 75 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

“(iii) such employer has established an employee veteran organization or resource group to assist new veteran employees with integration, including coaching and mentoring; and

“(iv) such employer has established programs to enhance the leadership skills of veteran employees during their employment.

“(C) PLATINUM HIRE VETS MEDALLION AWARD.—No employer shall be eligible to receive a Platinum HIRE Vets Medallion Award in a given calendar year unless—

“(i) the employer meets all the requirements for eligibility for a Gold HIRE Vets Medallion Award under subparagraph (B);

“(ii) veterans constitute not less than 10 percent of all employees hired by such employer during the prior calendar year;

“(iii) such employer has retained not less than 85 percent of the veteran employees hired during the calendar year preceding the preceding calendar year for a period of at least 12 months from the date on which the employees were hired;

“(iv) such employer employs dedicated human resources professionals to support hiring and retention of veteran employees, including efforts focused on veteran hiring and training;

“(v) such employer provides each of its employees serving on active duty in the United States National Guard or Reserve with compensation sufficient, in combination with the employee's active duty pay, to achieve a combined level of income commensurate with the employee's salary prior to undertaking active duty; and

“(vi) such employer has a tuition assistance program to support veteran employees' attendance in postsecondary education during the term of their employment.

“(D) EXEMPTION FOR SMALLER EMPLOYERS.—An employer shall be deemed to meet the requirements of subparagraph (C)(iv) if such employer—

“(i) employs 5,000 or fewer employees; and

“(ii) employs at least one human resources professional whose regular work duties include those described under subparagraph (C)(iv).

“(E) ADDITIONAL CRITERIA.—The Secretary may provide, by rule, additional criteria with which to determine qualifications for receipt of each level of HIRE Vets Medallion Award.

“(2) SMALL- AND MEDIUM-SIZED EMPLOYERS.—The Secretary shall establish similar awards in order to recognize achievements in supporting veterans by—

“(A) employers with 50 or fewer employees; and

“(B) employers with more than 50 but fewer than 500 employees.

“(c) DESIGN BY SECRETARY.—The Secretary shall establish the shape, form, and design of each HIRE Vets Medallion Award, except that the Award shall be in the form of a certificate and shall state the year for which it was awarded.

“SEC. 4. DISPLAY OF AWARD.

“It is unlawful for any employer to publicly display a HIRE Vets Medallion Award, in connection with, or as a part of, any advertisement, solicitation, business activity, or product—

“(1) for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the Award through the HIRE Vets Medallion Award Program, if such em-

ployer did not receive such Award through the HIRE Vets Medallion Award Program; or

“(2) for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression that the employer received the Award through the HIRE Vets Medallion Award Program for a year for which such employer did not receive such Award.

“SEC. 5. APPLICATION FEE AND FUNDING.

“(a) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be designated the ‘HIRE Vets Medallion Award Fund’. Amounts appropriated to the fund pursuant to subsection (c) shall remain available until expended.

“(b) To the extent provided in advance in appropriations Acts, the Secretary may assess a reasonable fee on employers that apply for receipt of a HIRE Vets Medallion Award and the Secretary shall deposit such fees into the HIRE Vets Medallion Award Fund. The Secretary shall establish the amount of the fee such that the amounts collected as fees and deposited into the Fund are sufficient to cover the costs associated with carrying out this division.

“(c) USE OF FUNDS.—Amounts in the HIRE Vets Medallion Award Fund shall be available, subject to appropriation, to the Secretary to carry out the HIRE Vets Medallion Award Program.

“SEC. 6. INITIAL IMPLEMENTATION.

“The HIRE Vets Medallion Program shall begin to solicit applications on January 31 of the year that is 2 fiscal years after the fiscal year during which funds are first appropriated to carry out this division.

“SEC. 7. REPORT TO CONGRESS.

“(a) REPORTS.—Beginning not later than 2 years after the date of enactment of this Act [May 5, 2017], the Secretary shall submit to Congress annual reports on—

“(1) the fees collected from applicants for HIRE Vets Medallion Awards in the prior year and any changes in fees to be proposed in the present year;

“(2) the cost of administering the HIRE Vets Medallion Award Program in the prior year;

“(3) the number of applications for HIRE Vets Medallion Awards received in the prior year; and

“(4) the HIRE Vets Medallion Awards awarded in the prior year, including the name of each employer to whom a HIRE Vets Medallion Award was awarded and the level of medallion awarded to each such employer.

“(b) COMMITTEES.—The Secretary shall provide the reports required under subsection (a) to the Chairman and Ranking Member of—

“(1) the Committees on Education and the Workforce [now Education and Labor] and Veterans' Affairs of the House of Representatives; and

“(2) the Committees on Health, Education, Labor, and Pensions and Veterans' Affairs of the Senate.

“SEC. 8. DEFINITIONS.

“In this division:

“(a) The term ‘employer’ means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employee opportunities, except that such term does not include—

“(1) the Federal Government; or

“(2) any State government.

“(b) The term ‘Secretary’ means the Secretary of Labor.

“(c) The term ‘veteran’ has the meaning given such term under section 101 of title 38, United States Code.”

VETERANS RETRAINING ASSISTANCE PROGRAM

Pub. L. 112-56, title II, §211, Nov. 21, 2011, 125 Stat. 713, provided that:

“(a) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

“(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

“(A) 45,000 during fiscal year 2012; and

“(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

“(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

“(1) is approved under chapter 36 of such title;

“(2) is offered by a community college or technical school;

“(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

“(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

“(5) begins on or after July 1, 2012.

“(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

“(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

“(e) ELIGIBILITY.—

“(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

“(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

“(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

“(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

“(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

“(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

“(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

“(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

“(2) DETERMINATION OF ELIGIBILITY.—

“(A) DETERMINATION BY SECRETARY OF LABOR.—

“(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

“(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

“(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

“(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

“(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

“(h) JOINT AGREEMENT.—

“(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

“(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

“(i) REPORT.—

“(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

“(2) ELEMENTS.—The report required by paragraph

(1) shall include the following:

“(A) The total number of—

“(i) eligible veterans who participated; and

“(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

“(B) Data related to the employment status of eligible veterans who participated.

“(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than \$2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

“(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

“(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

“(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.”

COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS

Pub. L. 107-288, § 6, Nov. 7, 2002, 116 Stat. 2046, established within the Department of Labor the President's National Hire Veterans Committee to carry out a national program to raise employer awareness of skills of veterans and benefits of hiring veterans, required reports to Congress not later than Dec. 31, 2003, 2004, and 2005 on the Committee's activities, and provided for termination of the Committee 60 days after submitting the report that was due on Dec. 31, 2005.

REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS

Pub. L. 107-288, § 7, Nov. 7, 2002, 116 Stat. 2048, directed that the Comptroller General conduct a study on the

implementation by the Secretary of Labor of the provisions of Pub. L. 107-288 during the program years beginning during fiscal years 2003 and 2004 and, not later than 6 months after the conclusion of the fiscal year 2004 program, submit to Congress a report on the study with appropriate recommendations.

PILOT PROGRAM TO FURNISH EMPLOYMENT AND TRAINING INFORMATION AND SERVICES TO MEMBERS OF ARMED FORCES SEPARATING FROM ARMED FORCES

Pub. L. 101-237, title IV, § 408, Dec. 18, 1989, 103 Stat. 2083, as amended by Pub. L. 104-66, title I, § 1101, Dec. 21, 1995, 109 Stat. 722, provided that:

“(a) REQUIREMENT FOR PROGRAM.—During the three-year period beginning on January 1, 1990, the Secretary of Labor (hereafter in this section referred to as the ‘Secretary’), in conjunction with the Secretary of Veterans Affairs and the Secretary of Defense, shall conduct a pilot program to furnish employment and training information and services to members of the Armed Forces within 180 days before such members are separated from the Armed Forces.

“(b) AREAS TO BE COVERED BY THE PROGRAM.—The Secretary shall conduct the pilot program in at least five, but not more than ten, geographically dispersed States in which the Secretary determines that employment and training services to eligible veterans will not be unduly limited by the provision of such services to members of the Armed Forces under the pilot program.

“(c) UTILIZATION OF SPECIFIC PERSONNEL.—The Secretary shall utilize disabled veterans' outreach program specialists or local veterans' employment representatives to the maximum extent feasible to furnish employment and training information and services under the pilot program.”

§ 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 deter-