

“(2) The provision of a vocational training program (including related evaluations and other related services) to a veteran under section 1524 of title 38, United States Code, and the making of related determinations under that section.

“(3) The provision of health care and services to a veteran pursuant to section 1525 of title 38, United States Code.”

INFORMATION; TEMPORARY PROGRAM; ADMINISTRATOR

Pub. L. 98-543, title I, §111(b), Oct. 24, 1984, 98 Stat. 2739, directed Administrator of Veterans' Affairs to provide, not later than Apr. 1, 1985, to certain veterans with service-connected disabilities, a statement containing information explaining subsec. (b) of this section, information explaining purposes and availability of and eligibility for, and procedures for pursuing, a vocational rehabilitation program under chapter 31 of this title, and a summary description of scope of services and assistance available under chapter 31.

REPORT TO CONGRESSIONAL COMMITTEES; TRIAL PROGRAM

Pub. L. 98-543, title I, §111(c), Oct. 24, 1984, 98 Stat. 2739, as amended by Pub. L. 99-576, title VII, §703(a)(2), Oct. 28, 1986, 100 Stat. 3303, directed Administrator of Veterans' Affairs to submit, not later than Apr. 15, 1988, to Committees on Veterans' Affairs of Senate and House of Representatives a report on results of implementation of this section during the three-year period beginning on Feb. 1, 1985.

§ 1164.¹ Presumptions of service-connection for Coronavirus Disease 2019

(a) PRESUMPTIONS GENERALLY.—(1) For purposes of laws administered by the Secretary and subject to section 1113 of this title, if symptoms of Coronavirus Disease 2019 (in this section referred to as “COVID-19”) described in subsection (d) manifest within one of the manifestation periods described in paragraph (2) in an individual who served in a qualifying period of duty described in subsection (b)—

(A) infection with severe acute respiratory syndrome coronavirus 2 (in this section referred to as “SARS-CoV-2”) shall be presumed to have occurred during the qualifying period of duty;

(B) COVID-19 shall be presumed to have been incurred during the qualifying period of duty; and

(C) if the individual becomes disabled or dies as a result of COVID-19, it shall be presumed that the individual became disabled or died during the qualifying period of duty for purposes of establishing that the individual served in the active military, naval, or air service.

(2)(A) The manifestation periods described in this paragraph are the following:

(i) During a qualifying period of duty described in subsection (b), if that period of duty was more than 48 continuous hours in duration.

(ii) Within 14 days after the individual's completion of a qualifying period of duty described in subsection (b).

(iii) An additional period prescribed under subparagraph (B).

(B)(i) If the Secretary determines that a manifestation period of more than 14 days after com-

pletion of a qualifying period of service is appropriate for the presumptions under paragraph (1), the Secretary may prescribe that additional period by regulation.

(ii) A determination under clause (i) shall be made in consultation with the Director of the Centers for Disease Control and Prevention.

(b) QUALIFYING PERIOD OF DUTY DESCRIBED.—A qualifying period of duty described in this subsection is—

(1) a period of active duty performed—

(A) during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

(B) before the date that is three years after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020; or

(2) training duty under title 10 or full-time National Guard duty (as defined in section 101 of title 10), performed under orders issued on or after March 13, 2020—

(A) during the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

(B) before the date that is three years after the date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020.

(c) APPLICATION OF PRESUMPTIONS FOR TRAINING DUTY.—When, pursuant to subsection (a), COVID-19 is presumed to have been incurred during a qualifying period of duty described in subsection (b)(2)—

(1) COVID-19 shall be deemed to have been incurred in the line of duty during a period of active military, naval, or air service; and

(2) where entitlement to benefits under this title is predicated on the individual who was disabled or died being a veteran, benefits for disability or death resulting from COVID-19 as described in subsection (a) shall be paid or furnished as if the individual was a veteran, without regard to whether the period of duty would constitute active military, naval, or air service under section 101 of this title.

(d) SYMPTOMS OF COVID-19.—For purposes of subsection (a), symptoms of COVID-19 are those symptoms that competent medical evidence demonstrates are experienced by an individual affected and directly related to COVID-19.

(e) MEDICAL EXAMINATIONS AND OPINIONS.—If there is a question of whether the symptoms experienced by an individual described in paragraph (1) of subsection (a) during a manifestation period described in paragraph (2) of such subsection are attributable to COVID-19 resulting from infection with SARS-CoV-2 during the qualifying period of duty, in determining whether a medical examination or medical opinion is necessary to make a decision on the claim within the meaning of section 5103A(d) of this title, a qualifying period of duty described in subsection (b) of this section shall be treated as if it were active military, naval, or air service for purposes of section 5103A(d)(2)(B) of this title.

(Added Pub. L. 116-315, title IV, §4101(a), Jan. 5, 2021, 134 Stat. 5006.)

¹ Another section 1164 is set out after this section.

Editorial Notes

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsec. (b)(1)(A), (2)(A), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, which is classified principally to chapter 34 (§1601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

The date of the enactment of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, referred to in subsec. (b)(1)(B), (2)(B), is the date of enactment of Pub. L. 116-315, which was approved Jan. 5, 2021.

§ 1164.¹ Specialized teams to evaluate claims involving military sexual trauma

(a) IN GENERAL.—The Secretary shall establish specialized teams to process claims for compensation for a covered mental health condition based on military sexual trauma experienced by a veteran during active military, naval, or air service.

(b) TRAINING.—The Secretary shall ensure that members of teams established under subsection (a) are trained to identify markers indicating military sexual trauma.

(c) DEFINITIONS.—In this section:

(1) The term “covered mental health condition” means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that the Secretary determines to be related to military sexual trauma.

(2) The term “military sexual trauma” means, with respect to a veteran, a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment during active military, naval, or air service.

(Added Pub. L. 116-315, title V, §5501(a)(1), Jan. 5, 2021, 134 Stat. 5048.)

Editorial Notes

CODIFICATION

Pub. L. 116-315, §5501(a)(1), which added this section at the end of subchapter VI of chapter 11 of “such title” without specifying the title to be amended, was added at the end of subchapter VI of chapter 11 of this title to reflect the probable intent of Congress.

§ 1165. Choice of sex of medical examiner for certain disabilities

(a) IN GENERAL.—The Secretary shall ensure that a veteran who requires a medical examination from a covered medical provider in support of a claim for compensation under this chapter for a mental or physical health condition that resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment may designate the sex of the medical provider who provides such medical examination.

(b) COVERED MEDICAL PROVIDERS.—For purposes of this section, a covered medical provider is any medical provider who is employed by the Department or is under any contract with the

Department to provide a medical examination or a medical opinion when such an examination or opinion is necessary to make a decision on a claim.

(c) NOTICE.—Before providing any medical examination for a veteran in support for a claim described in subsection (a), the Secretary shall notify the veteran of the veteran’s rights under subsection (a).

(Added Pub. L. 116-315, title V, §5502(a), Jan. 5, 2021, 134 Stat. 5050.)

CHAPTER 13—DEPENDENCY AND INDEMNITY COMPENSATION FOR SERVICE-CONNECTED DEATHS

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Editorial Notes

AMENDMENTS

1997—Pub. L. 105-33, title VIII, §8031(b)(2), Aug. 5, 1997, 111 Stat. 669, added item 1303.

1991—Pub. L. 102-83, §§4(b)(3)(B), 5(b)(1), Aug. 6, 1991, 105 Stat. 405, 406, renumbered items 401 to 423 as 1301 to 1323, respectively, and in item 1323 substituted “with respect to circumstances of death” for “by Administrator”.

1988—Pub. L. 100-687, div. B, title XIV, §1403(a)(2), Nov. 18, 1988, 102 Stat. 4130, added item 418.

1982—Pub. L. 97-306, title I, §113(b)(2), Oct. 14, 1982, 96 Stat. 1432, struck out item 403 “Coverage of members of Reserve Officers’ Training Corps”.

1976—Pub. L. 94-433, §405(6), (8), Sept. 30, 1976, 90 Stat. 1379, substituted “surviving spouses” for “widows” in item 404 and “surviving spouse” for “widow” in item 411.

1969—Pub. L. 91-96, §6, Oct. 27, 1969, 83 Stat. 145, substituted “Determination of pay grade” for “Computation of basic pay” in item 402 and “Certifications with respect to pay grade” for “Certifications with respect to basic pay” in item 421.

¹ Another section 1164 is set out preceding this section.