

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.)

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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

SUBCHAPTER I—GENERAL

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1301.	Definitions.
1302.	Determination of pay grade.
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SUBCHAPTER II—DEPENDENCY AND INDEMNITY COMPENSATION

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1311.	Dependency and indemnity compensation to a surviving spouse.
1312.	Benefits in certain cases of in-service or service-connected deaths.
1313.	Dependency and indemnity compensation to children.
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1318.	Benefits for survivors of certain veterans rated totally disabled at time of death.

SUBCHAPTER III—CERTIFICATIONS

1321.	Certifications with respect to pay grade.
1322.	Certifications with respect to social security entitlement.
1323.	Certifications with respect to circumstances of death.

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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.