

(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.)

#### 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.

##### CODIFICATION

Another section 1164 was renumbered section 1166 of this title.

#### § 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.)

#### § 1166. 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, § 1164; renumbered § 1166 and amended Pub. L. 117-16, § 7(a)(1), (b)(4)(A), June 8, 2021, 135 Stat. 284, 285.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 117-16, § 7(b)(4)(A), made technical correction to directory language of Pub. L. 116-315, § 5501(a)(1), which enacted this section.