

of the discharge or separation from the armed forces of an individual described in subsection (a), the Secretary of the military department concerned shall instruct boards of the military department concerned established in accordance with this chapter—

(1) to give due consideration to the psychological and physical aspects of the individual's experience in connection with the sex-related offense; and

(2) to determine what bearing such experience may have had on the circumstances surrounding the individual's discharge or separation from the armed forces.

(c) **PRESERVATION OF CONFIDENTIALITY.**—Documents considered and decisions rendered pursuant to the process required by subsection (a) shall not be made available to the public, except with the consent of the individual concerned.

(d) **SEX-RELATED OFFENSE DEFINED.**—In this section, the term “sex-related offense” means any of the following:

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of this title (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of this title (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2) as punishable under section 880 of this title (article 80 of the Uniform Code of Military Justice).

(Added and amended Pub. L. 115–91, div. A, title V, § 522(a)(1), (b), (c), Dec. 12, 2017, 131 Stat. 1380, 1381.)

CODIFICATION

Text of section, as added by Pub. L. 115–91, is based on text of Pub. L. 113–291, div. A, title V, § 547, Dec. 19, 2014, 128 Stat. 3375, which was formerly set out in a note under section 1553 of this title before being transferred to this chapter and designated as the text of this section.

AMENDMENTS

2017—Pub. L. 115–91, § 522(a)(1), inserted section enumerator and catchline and transferred text of section 547 of Pub. L. 113–291 to this section. See Codification note above.

Subsec. (a). Pub. L. 115–91, § 522(c)(2), substituted “boards of the military department concerned established in accordance with this chapter” for “boards for the correction of military records of the military department concerned” and “being the victim of a sex-related offense” for “being the victim of such an offense”.

Pub. L. 115–91, § 522(c)(1), substituted “armed forces” for “Armed Forces” in two places.

Pub. L. 115–91, § 522(b), substituted “who was the victim of a sex-related offense, or alleges that the individual was the victim of a sex-related offense,” for “who was the victim of a sex-related offense”.

Subsec. (b). Pub. L. 115–91, § 522(c)(3), substituted “boards of the military department concerned established in accordance with this chapter” for “boards for the correction of military records” in introductory provisions.

Pub. L. 115–91, § 522(c)(1), substituted “armed forces” for “Armed Forces” in two places.

Subsec. (d)(1). Pub. L. 115–91, § 522(c)(4)(B), substituted “this title” for “title 10, United States Code”.

Subsec. (d)(2), (3). Pub. L. 115–91, § 522(c)(4)(C), substituted “this title” for “such title”.

§ 1555. Professional staff

(a) The Secretary of each military department shall assign to the staff of the service review agency of that military department at least one attorney and at least one physician. Such assignments shall be made on a permanent, full-time basis and may be made from members of the armed forces or civilian employees.

(b) Personnel assigned pursuant to subsection (a)—

(1) shall work under the supervision of the director or executive director (as the case may be) of the service review agency; and

(2) shall be assigned duties as advisers to the director or executive director or other staff members on legal and medical matters, respectively, that are being considered by the agency.

(c) In this section, the term “service review agency” means—

(1) with respect to the Department of the Army, the Army Review Boards Agency;

(2) with respect to the Department of the Navy, the Navy Council of Personnel Boards and the Board for Correction of Naval Records; and

(3) with respect to the Department of the Air Force, the Air Force Review Boards Agency.

(Added Pub. L. 105–261, div. A, title V, § 542(a)(1), Oct. 17, 1998, 112 Stat. 2020; amended Pub. L. 106–65, div. A, title V, § 582, Oct. 5, 1999, 113 Stat. 634.)

AMENDMENTS

1999—Subsec. (c)(2). Pub. L. 106–65 inserted “the Navy Council of Personnel Boards and” after “Department of the Navy,”.

EFFECTIVE DATE

Pub. L. 105–261, div. A, title V, § 542(b), Oct. 17, 1998, 112 Stat. 2020, provided that: “Section 1555 of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act [Oct. 17, 1998].”

§ 1556. Ex parte communications prohibited

(a) **IN GENERAL.**—The Secretary of each military department shall ensure that an applicant seeking corrective action by the Army Review Boards Agency, the Air Force Review Boards Agency, or the Board for Correction of Naval Records, as the case may be, is provided a copy of all correspondence and communications (including summaries of verbal communications) to or from the agency or board, or a member of the staff of the agency or board, with an entity or person outside the agency or board that pertain directly to the applicant's case or have a material effect on the applicant's case.

(b) **EXCEPTIONS.**—Subsection (a) does not apply to the following:

(1) Classified information.

(2) Information the release of which is otherwise prohibited by law or regulation.

(3) Any record previously provided to the applicant or known to be possessed by the applicant.

(4) Any correspondence that is purely administrative in nature.

(5) Any military record that is (or may be) provided to the applicant by the Secretary of the military department or other source.