

determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.

(g) SUNSET.—(1) On or after the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the Secretary of Defense may sunset the Physical Disability Board of Review under this section.

(2) If the Secretary sunsets the Physical Disability Board of Review under paragraph (1), the Secretary shall transfer any remaining requests for review pending at that time, and shall assign any new requests for review under this section, to a board for the correction of military records operated by the Secretary concerned under section 1552 of this title.<sup>1</sup>

(3) Subsection (c)(4) shall not apply with respect to any review conducted by a board for the correction of military records under paragraph (2).

(Added Pub. L. 110–181, div. A, title XVI, §1643(a)(1), Jan. 28, 2008, 122 Stat. 465; amended Pub. L. 116–283, div. A, title V, §522, Jan. 1, 2021, 134 Stat. 3597.)

#### REFERENCES IN TEXT

The date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (g)(1), is the date of enactment of Pub. L. 116–283, which was approved Jan. 1, 2021.

#### AMENDMENTS

2021—Subsec. (g). Pub. L. 116–283 added subsec. (g).

#### IMPLEMENTATION

Pub. L. 110–181, div. A, title XVI, §1643(b), Jan. 28, 2008, 122 Stat. 467, provided that: “The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act [Jan. 28, 2008].”

#### § 1554b. Confidential review of characterization of terms of discharge of members of the armed forces who are victims of sex-related offenses

(a) CONFIDENTIAL REVIEW PROCESS THROUGH BOARDS FOR CORRECTION OF MILITARY RECORDS.—The Secretaries of the military departments shall each establish a confidential process, utilizing boards of the military department concerned established in accordance with this chapter, by which an individual who was the victim of a sex-related offense, or alleges that the individual was the victim of a sex-related offense, during service in the armed forces may challenge the terms or characterization of the discharge or separation of the individual from the armed forces on the grounds that the terms or characterization were adversely affected by the individual being the victim of a sex-related offense.

(b) CONSIDERATION OF INDIVIDUAL EXPERIENCES IN CONNECTION WITH OFFENSES.—In deciding whether to modify the terms or characterization 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

<sup>1</sup> So in original. The second period probably should not appear.