



SCHOOL OF LAW
THE UNIVERSITY OF TEXAS AT AUSTIN

727 East Dean Keeton Street | Austin, Texas 78705-3299 | (512) 475-9198 | svladeck@law.utexas.edu

STEPHEN I. VLADECK
A. Dalton Cross Professor in Law

February 20, 2020

The Honorable Scott Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543-0001

Re: *United States v. Briggs, No. 19-108*
United States v. Collins, No. 19-184

Dear Mr. Harris:

I am counsel of record for the Respondents in the above-captioned cases, which are scheduled for oral argument on Monday, March 23, 2020.

Respondents' merits brief, which was filed on February 12, referred to a 2003 amendment to Article 43(b) of the Uniform Code of Military Justice, 10 U.S.C. § 843(b), as being "of no moment here." Resp. Br. 9. In light of the brief of the National Association of Criminal Defense Lawyers as *amicus curiae* in support of Respondents, *see* NACDL *Amicus* Br. 8–10, Respondents' characterization of the 2003 amendment's relevance may have been incorrect. For the Court's convenience, I am attaching a copy of the relevant provision of that statute — section 551 of the National Defense Authorization Act for Fiscal Year 2004 — to this letter.

To ensure that Petitioner has an adequate opportunity to address the 2003 amendment in its reply brief and/or at oral argument, I have already brought the above to the attention of counsel for the government. I would appreciate it if you would distribute this letter and attachment to the Members of the Court.

Sincerely yours

A handwritten signature in black ink, appearing to read "Stephen I. Vladeck".

Stephen I. Vladeck

cc: Hon. Noel Francisco, Counsel of Record for Petitioner

Public Law 108–136
108th Congress

An Act

Nov. 24, 2003
[H.R. 1588]

To authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

National Defense
Authorization
Act for Fiscal
Year 2004.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2004”.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS**

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

- Sec. 111. Stryker vehicle program.
Sec. 112. CH–47 helicopter program.

Subtitle C—Navy Programs

- Sec. 121. Multiyear procurement authority for F/A–18 aircraft program.
Sec. 122. Multiyear procurement authority for Tactical Tomahawk cruise missile program.
Sec. 123. Multiyear procurement authority for Virginia class submarine program.
Sec. 124. Multiyear procurement authority for E–2C aircraft program.
Sec. 125. Multiyear procurement authority for Phalanx Close In Weapon System program.
Sec. 126. Pilot program for flexible funding of cruiser conversions and overhauls.

SEC. 548. DEPARTMENT OF DEFENSE JOINT ADVERTISING, MARKET RESEARCH, AND STUDIES PROGRAM. 10 USC 503.

(a) **PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a joint advertising, market research, and studies program to complement the recruiting advertising programs of the military departments and improve the ability of the military departments to attract and recruit qualified individuals to serve in the Armed Forces.

(b) **FUNDING.**—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, \$7,500,000 may be made available to carry out the joint advertising, market research, and studies program.

SEC. 549. LIMITATION ON FORCE STRUCTURE REDUCTIONS IN NAVAL AND MARINE CORPS RESERVE AVIATION SQUADRONS.

The Secretary of the Navy may not reduce or disestablish a Naval Reserve or Marine Corps Reserve aviation squadron before February 1, 2004.

Subtitle E—Military Justice Matters

SEC. 551. EXTENDED LIMITATION PERIOD FOR PROSECUTION OF CHILD ABUSE CASES IN COURTS-MARTIAL.

Subsection (b) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) A person charged with having committed a child abuse offense against a child is liable to be tried by court-martial if the sworn charges and specifications are received before the child attains the age of 25 years by an officer exercising summary court-martial jurisdiction with respect to that person.

“(B) In subparagraph (A), the term ‘child abuse offense’ means an act that involves sexual or physical abuse of a person who has not attained the age of 16 years and constitutes any of the following offenses:

“(i) Rape or carnal knowledge in violation of section 920 of this title (article 120).

“(ii) Maiming in violation of section 924 of this title (article 124).

“(iii) Sodomy in violation of section 925 of this title (article 126).

“(iv) Aggravated assault or assault consummated by a battery in violation of section 928 of this title (article 128).

“(v) Indecent assault, assault with intent to commit murder, voluntary manslaughter, rape, or sodomy, or indecent acts or liberties with a child in violation of section 934 of this title (article 134).”

SEC. 552. CLARIFICATION OF BLOOD ALCOHOL CONTENT LIMIT FOR THE OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE OF DRUNKEN OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.

Section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended—