

Sec. 3. Part IV of the Manual for Courts-Martial, United States, is amended as follows:

(a) Paragraph 5, Article 81 – Conspiracy, subparagraph a is amended to read as follows:

“a. Text of statute.

(a) Any person subject to this chapter who conspires with any other person to commit an offense under this chapter shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

(b) Any person subject to this chapter who conspires with any other person to commit an offense under the law of war, and who knowingly performs an overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a court-martial or military commission may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a court-martial or military commission may direct.”

(b) Paragraph 5, Article 81 – Conspiracy, subparagraph b is amended to read as follows:

“b. *Elements.*

(1) *Conspiracy.*

(a) That the accused entered into an agreement with one or more persons to commit an offense under the UCMJ; and

(b) That, while the agreement continued to exist, and while the accused remained a party to the agreement, the accused or at least one of the co-conspirators performed an overt act for the purpose of bringing about the object of the conspiracy.

(2) *Conspiracy when offense is an offense under the law of war resulting in the death of one or more victims.*

(a) That the accused entered into an agreement with one or more persons to commit an offense under the law of war;

(b) That, while the agreement continued to exist, and while the accused remained a party to the agreement, the accused knowingly performed an overt act for the purpose of bringing about the object of the conspiracy; and

(c) That death resulted to one or more victims.”

(c) Paragraph 5, Article 81 – Conspiracy, subparagraph e is amended to read as follows:

“e. *Maximum punishment.* Any person subject to the code who is found guilty of conspiracy shall be subject to the maximum punishment authorized for the offense that is the object of the conspiracy. However, with the exception noted below, if death is an authorized punishment for the offense that is the object of the conspiracy, the maximum punishment shall be dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole. If the offense that is the object of the conspiracy is an offense under the law of war, the person knowingly performed an overt act for the purpose of bringing about the object of the conspiracy, and death results to one or more victims, the death penalty shall be an available punishment.”

(d) Paragraph 5, Article 81 – Conspiracy, subparagraph f is amended to read as follows:

“f. *Sample specifications.*

(1) *Conspiracy.*

In that \_\_\_\_\_ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about \_\_\_\_ 20 \_\_\_\_ , conspire with \_\_\_\_\_ (and \_\_\_\_\_ ) to commit an offense under the Uniform Code of Military Justice, to wit: (larceny of \_\_\_\_\_ , of a value of (about) \$ \_\_\_\_\_ , the property of \_\_\_\_\_ ), and in order to effect the object of the conspiracy the said \_\_\_\_\_ (and \_\_\_\_\_ ) did \_\_\_\_\_ .

(2) *Conspiracy when offense is an offense under the law of war resulting in the death of one*