

§ 974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians

(a) **MILITARY MUSICIANS PERFORMING IN AN OFFICIAL CAPACITY.**—(1) A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not engage in the performance of music in competition with local civilian musicians.

(2) For purposes of paragraph (1), the following shall, except as provided in paragraph (3), be included among the performances that are considered to be a performance of music in competition with local civilian musicians:

(A) A performance that is more than incidental to an event that—

- (i) is not supported, in whole or in part, by United States Government funds; and
- (ii) is not free to the public.

(B) A performance of background, dinner, dance, or other social music at an event that—

- (i) is not supported, in whole or in part, by United States Government funds; and
- (ii) is held at a location not on a military installation.

(3) For purposes of paragraph (1), the following shall not be considered to be a performance of music in competition with local civilian musicians:

(A) A performance (including background, dinner, dance, or other social music) at an official United States Government event that is supported, in whole or in part, by United States Government funds.

(B) A performance at a concert, parade, or other event, that—

- (i) is a patriotic event or a celebration of a national holiday; and
- (ii) is free to the public.

(C) A performance that is incidental to an event that—

- (i) is not supported, in whole or in part, by United States Government funds; or
- (ii) is not free to the public.

(D) A performance (including background, dinner, dance, or other social music) at—

- (i) an event that is sponsored by a military welfare society, as defined in section 2566 of this title;
- (ii) an event that is a traditional military event intended to foster the morale and welfare of members of the armed forces and their families; or
- (iii) an event that is specifically for the benefit or recognition of members of the armed forces, their family members, veterans, civilian employees of the Department of Defense, or former civilian employees of the Department of Defense, to the extent provided in regulations prescribed by the Secretary of Defense.

(E) A performance (including background, dinner, dance, or other social music)—

- (i) to uphold the standing and prestige of the United States with dignitaries and distinguished or prominent persons or groups of the United States or another nation; or

- (ii) in support of fostering and sustaining a cooperative relationship with another nation.

(b) **PROHIBITION OF MILITARY MUSICIANS ACCEPTING ADDITIONAL REMUNERATION FOR OFFICIAL PERFORMANCES.**—A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not receive remuneration for an official performance, other than applicable military pay and allowances.

(c) **RECORDINGS.**—(1) When authorized under regulations prescribed by the Secretary of Defense for purposes of this section, a military musical unit may produce recordings for distribution to the public, at a cost not to exceed expenses of production and distribution.

(2) Amounts received in payment for a recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of the recording. Any amount so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

(d) **PERFORMANCES AT FOREIGN LOCATIONS.**—Subsection (a) does not apply to a performance outside the United States, its commonwealths, or its possessions.

(e) **MILITARY MUSICAL UNIT DEFINED.**—In this section, the term “military musical unit” means a band, ensemble, chorus, or similar musical unit of the armed forces.

(Added Pub. L. 110–181, div. A, title V, § 590(a)(1), Jan. 28, 2008, 122 Stat. 136; amended Pub. L. 111–84, div. A, title V, § 591(a), Oct. 28, 2009, 123 Stat. 2335.)

PRIOR PROVISIONS

A prior section 974, added Pub. L. 90–235, § 6(a)(6)(A), Jan. 2, 1968, 81 Stat. 762; amended Pub. L. 101–510, div. A, title III, § 327(e), Nov. 5, 1990, 104 Stat. 1532, related to civilian employment by enlisted members, prior to repeal by Pub. L. 105–261, div. A, title V, § 569(a), Oct. 17, 1998, 112 Stat. 2032.

AMENDMENTS

2009—Pub. L. 111–84 amended section generally. Prior to amendment, section related to uniform performance policies for military bands and other musical units.

[§ 975. Renumbered § 2390]

§ 976. Membership in military unions, organizing of military unions, and recognition of military unions prohibited

(a) In this section:

(1) The term “member of the armed forces” means (A) a member of the armed forces who is serving on active duty, (B) a member of the National Guard who is serving on full-time National Guard duty, or (C) a member of a Reserve component while performing inactive-duty training.

(2) The term “military labor organization” means any organization that engages in or attempts to engage in—

- (A) negotiating or bargaining with any civilian officer or employee, or with any mem-