

cluded 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 De-

fense 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) **PRIVATE DONATIONS.**—(1) The Secretary concerned may accept contributions of money, personal property, or services on the condition that such money, property, or services be used for the benefit of a military musical unit under the jurisdiction of the Secretary.

(2) Any contribution of money under paragraph (1) shall be credited to the appropriation or account providing the funds for such military musical unit. 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.

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

(f) **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; Pub. L. 113–66, div. A, title III, § 351, Dec. 26, 2013, 127 Stat. 741; Pub. L. 115–91, div. A, title X, § 1051(a)(4), Dec. 12, 2017, 131 Stat. 1560.)

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

2017—Subsec. (d)(3). Pub. L. 115–91 struck out par. (3) which read as follows: “Not later than January 30 of each year, the Secretary concerned shall submit to Congress a report on any contributions of money, personal property, and services accepted under paragraph (1) during the fiscal year preceding the fiscal year during which the report is submitted.”

2013—Subsecs. (d) to (f). Pub. L. 113–66 added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

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: