

INFORMATION PAPER

ANJA
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SUBJECT: Effect of HR 4986, 2008 National Defense Authorization Act, on Band Operations

1. **PURPOSE.** To provide guidance on requirements for military bands established in the 2008 National Defense Authorization Act.

2. **REFERENCES.**

- a. HR 4986, 2008 National Defense Authorization Act.
- b. Army Regulation 220-90, Army Bands, 14 December 2007

3. **FACTS.** The 2008 NDAA further clarified the established prohibition against performance by military bands that compete with local civilian musicians and reiterated criteria for band members to perform in their personal capacity and procedures for production and distribution of recordings to the public.

a. Pursuant to the 2008 NDAA, performance of background, dinner, and dance music is now defined as an inappropriate competition with local musicians if the event is not supported solely by appropriated funds and is prohibited. This is a change from previous guidance in AR 220-90 which only prohibited background music for events sponsored by entities other than military or official government. As such, military bands will not be able to provide background music for events such as military balls and other quasi-social functions that are sponsored by the military but are not funded entirely from appropriated funds. Background or dinner music will continue to be available for social events funded entirely with official representation funds.

b. Band members may perform for pay in their private personal capacity as long as s/he does not wear a military uniform, identify themselves as a member of the Armed forces in any way, and complies with established regulatory procedures.

c. Military bands may produce recordings for sale to the public consistent with established regulatory procedures. The price for any recording can not exceed the amount necessary to recoup production and distribution of the recording. Proceeds for these sales will be returned to account that funded the production and distribution.