

Calendar No. 448

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3517**

[Report No. 104-287]

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**AN ACT**

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

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JUNE 20, 1996

Reported with amendments

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104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 3517****[Report No. 104-287]**

IN THE SENATE OF THE UNITED STATES

JUNE 3, 1996

Received; read twice and referred to the Committee on Appropriations

JUNE 20, 1996

Reported by Mr. BURNS, with amendments

[Omit the part struck through and insert the part printed in italic]

**AN ACT**

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 1997, for military con-  
6 struction, family housing, and base realignment and clo-  
7 sure functions administered by the Department of De-  
8 fense, and for other purposes, namely:

## 1 MILITARY CONSTRUCTION, ARMY

2 *(INCLUDING RESCISSIONS)*

3 For acquisition, construction, installation, and equip-  
4 ment of temporary or permanent public works, military  
5 installations, facilities, and real property for the Army as  
6 currently authorized by law, including personnel in the  
7 Army Corps of Engineers and other personal services nec-  
8 essary for the purposes of this appropriation, and for con-  
9 struction and operation of facilities in support of the func-  
10 tions of the Commander in Chief, ~~\$603,584,000~~  
11 \$448,973,000, to remain available until September 30,  
12 2001: *Provided*, That of this amount, not to exceed  
13 ~~\$54,384,000~~ \$37,323,000 shall be available for study,  
14 planning, design, architect and engineer services, and host  
15 nation support, as authorized by law, unless the Secretary  
16 of Defense determines that additional obligations are nec-  
17 essary for such purposes and notifies the Committees on  
18 Appropriations of both Houses of Congress of his deter-  
19 mination and the reasons therefor: *Provided further*, That  
20 *of the funds appropriated for "Military Construction,*  
21 *Army" under Public Law 103-110, \$2,028,000 is hereby*  
22 *rescinded.*

## 1 MILITARY CONSTRUCTION, NAVY

2 (INCLUDING RESCISSIONS)

3 For acquisition, construction, installation, and equip-  
4 ment of temporary or permanent public works, naval in-  
5 stallations, facilities, and real property for the Navy as  
6 currently authorized by law, including personnel in the  
7 Naval Facilities Engineering Command and other per-  
8 sonal services necessary for the purposes of this appropria-  
9 tion, ~~\$724,476,000~~ \$642,484,000, to remain available until  
10 September 30, 2001: *Provided*, That of this amount, not  
11 to exceed ~~\$50,959,000~~ \$53,709,000 shall be available for  
12 study, planning, design, architect and engineer services,  
13 as authorized by law, unless the Secretary of Defense de-  
14 termines that additional obligations are necessary for such  
15 purposes and notifies the Committees on Appropriations  
16 of both Houses of Congress of his determination and the  
17 reasons therefor: *Provided further*, That of the funds ap-  
18 propriated for “Military Construction, Navy” under Public  
19 Law ~~102–136~~, ~~\$6,900,000~~ is hereby rescinded: *Provided*  
20 *further*, That of the funds appropriated for “Military Con-  
21 struction, Navy” under Public Law 102–380, ~~\$2,800,000~~  
22 \$9,000,000 is hereby rescinded: *Provided further*, That of  
23 the funds appropriated for “Military Construction, Navy”  
24 under Public Law 103–110, \$2,300,000 is hereby re-  
25 scinded.

## 1                   MILITARY CONSTRUCTION, AIR FORCE

2                   *(INCLUDING RESCISSIONS)*

3           For acquisition, construction, installation, and equip-  
4 ment of temporary or permanent public works, military  
5 installations, facilities, and real property for the Air Force  
6 as currently authorized by law, ~~\$678,914,000~~  
7 ~~\$704,689,000~~, to remain available until September 30,  
8 2001: *Provided*, That of this amount, not to exceed  
9 ~~\$47,387,000~~ \$29,797,000 shall be available for study,  
10 planning, design, architect and engineer services, as au-  
11 thorized by law, unless the Secretary of Defense deter-  
12 mines that additional obligations are necessary for such  
13 purposes and notifies the Committees on Appropriations  
14 of both Houses of Congress of his determination and the  
15 reasons therefor: *Provided further*, *That of the funds appro-*  
16 *riated for "Military Construction, Air Force" under Pub-*  
17 *lic Law 103-307, \$2,100,000 is hereby rescinded.*

## 18                   MILITARY CONSTRUCTION, DEFENSE-WIDE

19                   *(INCLUDING TRANSFER OF FUNDS AND RESCISSIONS)*

20           For acquisition, construction, installation, and equip-  
21 ment of temporary or permanent public works, installa-  
22 tions, facilities, and real property for activities and agen-  
23 cies of the Department of Defense (other than the military  
24 departments), as currently authorized by law,  
25 ~~\$772,345,000~~ \$771,758,000, to remain available until Sep-

1   tember 30, 2001: *Provided*, That such amounts of this ap-  
 2   propriation as may be determined by the Secretary of De-  
 3   fense may be transferred to such appropriations of the De-  
 4   partment of Defense available for military construction or  
 5   family housing as he may designate, to be merged with  
 6   and to be available for the same purposes, and for the  
 7   same time period, as the appropriation or fund to which  
 8   transferred: *Provided further*, That of the amount appro-  
 9   priated, not to exceed ~~\$12,239,000~~ \$17,139,000 shall be  
 10   available for study, planning, design, architect and engi-  
 11   neer services, as authorized by law, unless the Secretary  
 12   of Defense determines that additional obligations are nec-  
 13   essary for such purposes and notifies the Committees on  
 14   Appropriations of both Houses of Congress of his deter-  
 15   mination and the reasons therefor: *Provided further*, *That*  
 16   *of the funds appropriated for “Military Construction, De-*  
 17   *fense-wide” under Public Law 104–32, \$7,000,000 is hereby*  
 18   *rescinded.*

19   DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED  
 20                                   HOUSING IMPROVEMENT FUND  
 21                                   (INCLUDING TRANSFER OF FUNDS)

22       For the Department of Defense Military Unaccom-  
 23   panied Housing Improvement Fund, ~~\$10,000,000~~, to re-  
 24   main available until expended: *Provided*, That subject to  
 25   thirty days prior notification to the Committees on Appro-

1 priations, such additional amounts as may be determined  
2 by the Secretary of Defense may be transferred to the  
3 Fund from amounts appropriated in this Act for the ac-  
4 quisition or construction of military unaccompanied hous-  
5 ing in "Military Construction" accounts, to be merged  
6 with and to be made available for the same purposes and  
7 for the same period of time as amounts appropriated di-  
8 rectly to the Fund: *Provided further*, That appropriations  
9 made available for the Fund in this Act shall be available  
10 to cover the costs, as defined in section 502(5) of the Con-  
11 gressional Budget Act of 1974, of direct loans and loan  
12 guarantees issued by the Department of Defense pursuant  
13 to the provisions of subchapter IV of chapter 169 of title  
14 10, United States Code, pertaining to alternative means  
15 of acquiring and improving military unaccompanied hous-  
16 ing and ancillary supporting facilities.

17 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

18 For construction, acquisition, expansion, rehabilita-  
19 tion, and conversion of facilities for the training and ad-  
20 ministration of the Army National Guard, and contribu-  
21 tions therefor, as authorized by chapter 133 of title 10,  
22 United States Code, and military construction authoriza-  
23 tion Acts, ~~\$41,316,000~~ \$142,948,000, to remain available  
24 until September 30, 2001.

1       MILITARY CONSTRUCTION, AIR NATIONAL GUARD

2       For construction, acquisition, expansion, rehabilita-  
3 tion, and conversion of facilities for the training and ad-  
4 ministration of the Air National Guard, and contributions  
5 therefor, as authorized by chapter 133 of title 10, United  
6 States Code, and military construction authorization Acts,  
7 ~~\$118,394,000~~ \$224,444,000, to remain available until Sep-  
8 tember 30, 2001.

9       MILITARY CONSTRUCTION, ARMY RESERVE

10       For construction, acquisition, expansion, rehabilita-  
11 tion, and conversion of facilities for the training and ad-  
12 ministration of the Army Reserve as authorized by chapter  
13 133 of title 10, United States Code, and military construc-  
14 tion authorization Acts, ~~\$50,159,000~~ \$75,474,000, to re-  
15 main available until September 30, 2001.

16       MILITARY CONSTRUCTION, NAVAL RESERVE

17       For construction, acquisition, expansion, rehabilita-  
18 tion, and conversion of facilities for the training and ad-  
19 ministration of the reserve components of the Navy and  
20 Marine Corps as authorized by chapter 133 of title 10,  
21 United States Code, and military construction authoriza-  
22 tion Acts, ~~\$33,169,000~~ \$49,883,000, to remain available  
23 until September 30, 2001.



## 1        MILITARY CONSTRUCTION, AIR FORCE RESERVE

2        For construction, acquisition, expansion, rehabilita-  
3        tion, and conversion of facilities for the training and ad-  
4        ministration of the Air Force Reserve as authorized by  
5        chapter 133 of title 10, United States Code, and military  
6        construction authorization Acts, ~~\$51,655,000~~ \$67,805,000,  
7        to remain available until September 30, 2001.

## 8                    NORTH ATLANTIC TREATY ORGANIZATION

## 9                    SECURITY INVESTMENT PROGRAM

10       For the United States share of the cost of the North  
11       Atlantic Treaty Organization Security Investment Pro-  
12       gram for the acquisition and construction of military fa-  
13       cilities and installations (including international military  
14       headquarters) and for related expenses for the collective  
15       defense of the North Atlantic Treaty Area as authorized  
16       in military construction authorization Acts and section  
17       2806 of title 10, United States Code, ~~\$177,000,000~~  
18       \$172,000,000, to remain available until expended.

## 19                    FAMILY HOUSING, ARMY

20       For expenses of family housing for the Army for  
21       construction, including acquisition, replacement, addition,  
22       expansion, extension and alteration and for operation and  
23       maintenance, including debt payment, leasing, minor con-  
24       struction, principal and interest charges, and insurance  
25       premiums, as authorized by law, as follows: for Construc-

1 tion, ~~\$176,603,000~~ *\$189,319,000*, to remain available until  
 2 September 30, 2001; for Operation and Maintenance, and  
 3 for debt payment, ~~\$1,257,466,000~~ *\$1,212,466,000*; in all  
 4 ~~\$1,434,069,000~~ *\$1,401,785,000*.

5 FAMILY HOUSING, NAVY AND MARINE CORPS

6 For expenses of family housing for the Navy and Ma-  
 7 rine Corps for construction, including acquisition, replace-  
 8 ment, addition, expansion, extension and alteration and  
 9 for operation and maintenance, including debt payment,  
 10 leasing, minor construction, principal and interest  
 11 charges, and insurance premiums, as authorized by law,  
 12 as follows: for Construction, ~~\$532,456,000~~ *\$418,326,000*,  
 13 to remain available until September 30, 2001; for Oper-  
 14 ation and Maintenance, and for debt payment,  
 15 ~~\$1,058,241,000~~ *\$1,014,241,000*; in all ~~\$1,590,697,000~~  
 16 *\$1,432,567,000*.

17 FAMILY HOUSING, AIR FORCE

18 For expenses of family housing for the Air Force for  
 19 construction, including acquisition, replacement, addition,  
 20 expansion, extension and alteration and for operation and  
 21 maintenance, including debt payment, leasing, minor con-  
 22 struction, principal and interest charges, and insurance  
 23 premiums, as authorized by law, as follows: for Construc-  
 24 tion, ~~\$304,068,000~~ *\$291,464,000*, to remain available until  
 25 September 30, 2001; for Operation and Maintenance, and

1 for debt payment, ~~\$840,474,000~~ \$829,474,000; in all  
 2 ~~\$1,144,542,000~~ \$1,120,938,000.

3                   FAMILY HOUSING, DEFENSE-WIDE

4           For expenses of family housing for the activities and  
 5 agencies of the Department of Defense (other than the  
 6 military departments) for construction, including acquisi-  
 7 tion, replacement, addition, expansion, extension and al-  
 8 teration, and for operation and maintenance, leasing, and  
 9 minor construction, as authorized by law, as follows: for  
 10 Construction, \$4,371,000, to remain available until Sep-  
 11 tember 30, 2001; for Operation and Maintenance,  
 12 \$30,963,000; in all \$35,334,000.

13                   DEPARTMENT OF DEFENSE FAMILY HOUSING

14                                   IMPROVEMENT FUND

15   (INCLUDING TRANSFER OF FUNDS)

16           For the Department of Defense Family Housing Im-  
 17 provement Fund, ~~\$35,000,000~~ \$20,000,000, to remain  
 18 available until ~~expended~~ *September 30, 2001: Provided,*  
 19 That, subject to thirty days prior notification to the Com-  
 20 mittees on Appropriations, such additional amounts as  
 21 may be determined by the Secretary of Defense may be  
 22 transferred to the Fund from amounts appropriated ~~in~~  
 23 ~~this Act~~ for construction in “Family Housing” accounts,  
 24 to be merged with and to be available for the same pur-  
 25 poses and for the same period of time as amounts appro-

1 priated directly to the Fund: *Provided further*, That appro-  
2 priations made available to the Fund in this Act shall be  
3 available to cover the costs, as defined in section 502(5)  
4 of the Congressional Budget Act of 1974, of direct loans  
5 or loan guarantees issued by the Department of Defense  
6 pursuant to the provisions of subchapter IV of Chapter  
7 169, title 10, United States Code, pertaining to alternative  
8 means of acquiring and improving military family housing  
9 and supporting facilities.

10 HOMEOWNERS ASSISTANCE FUND, DEFENSE

11 For use in the Homeowners Assistance Fund estab-  
12 lished by section 1013(d) of the Demonstration Cities and  
13 Metropolitan Development Act of 1966, as amended (42  
14 U.S.C. 3374), \$36,181,000, to remain available until ex-  
15 pended.

16 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

17 For deposit into the Department of Defense Base  
18 Closure Account 1990 established by section 2906(a)(1)  
19 of the Department of Defense Authorization Act, 1991  
20 (Public Law 101-510), \$352,800,000, to remain available  
21 until expended: *Provided*, That not more than  
22 \$223,789,000 of the funds appropriated herein shall be  
23 available solely for environmental restoration, unless the  
24 Secretary of Defense determines that additional obliga-  
25 tions are necessary for such purposes and notifies the

1 Committees on Appropriations of both Houses of Congress  
2 of his determination and the reasons therefor.

3 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

4 For deposit into the Department of Defense Base  
5 Closure Account 1990 established by section 2906(a)(1)  
6 of the Department of Defense Authorization Act, 1991  
7 (Public Law 101–510), \$971,925,000, to remain available  
8 until expended: *Provided*, That not more than  
9 \$351,967,000 of the funds appropriated herein shall be  
10 available solely for environmental restoration, unless the  
11 Secretary of Defense determines that additional obliga-  
12 tions are necessary for such purposes and notifies the  
13 Committees on Appropriations of both Houses of Congress  
14 of his determination and the reasons therefor.

15 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

16 For deposit into the Department of Defense Base  
17 Closure Account 1990 established by section 2906(a)(1)  
18 of the Department of Defense Authorization Act, 1991  
19 (Public Law 101–510), \$1,182,749,000, to remain avail-  
20 able until expended: *Provided*, That not more than  
21 \$200,841,000 of the funds appropriated herein shall be  
22 available solely for environmental restoration, unless the  
23 Secretary of Defense determines that additional obliga-  
24 tions are necessary for such purposes and notifies the

1 Committees on Appropriations of both Houses of Congress  
2 of his determination and the reasons therefor.

3                                   GENERAL PROVISIONS

4           SEC. 101. None of the funds appropriated in Military  
5 Construction Appropriations Acts shall be expended for  
6 payments under a cost-plus-a-fixed-fee contract for work,  
7 where cost estimates exceed \$25,000, to be performed  
8 within the United States, except Alaska, without the spe-  
9 cific approval in writing of the Secretary of Defense set-  
10 ting forth the reasons therefor: *Provided*, That the fore-  
11 going shall not apply in the case of contracts for environ-  
12 mental restoration at an installation that is being closed  
13 or realigned where payments are made from a Base Re-  
14 alignment and Closure Account.

15           SEC. 102. Funds appropriated to the Department of  
16 Defense for construction shall be available for hire of pas-  
17 senger motor vehicles.

18           SEC. 103. Funds appropriated to the Department of  
19 Defense for construction may be used for advances to the  
20 Federal Highway Administration, Department of Trans-  
21 portation, for the construction of access roads as author-  
22 ized by section 210 of title 23, United States Code, when  
23 projects authorized therein are certified as important to  
24 the national defense by the Secretary of Defense.

1       SEC. 104. None of the funds appropriated in this Act  
2 may be used to begin construction of new bases inside the  
3 continental United States for which specific appropria-  
4 tions have not been made.

5       SEC. 105. No part of the funds provided in Military  
6 Construction Appropriations Acts shall be used for pur-  
7 chase of land or land easements in excess of 100 per cen-  
8 tum of the value as determined by the Army Corps of En-  
9 gineers or the Naval Facilities Engineering Command, ex-  
10 cept (a) where there is a determination of value by a Fed-  
11 eral court, or (b) purchases negotiated by the Attorney  
12 General or his designee, or (c) where the estimated value  
13 is less than \$25,000, or (d) as otherwise determined by  
14 the Secretary of Defense to be in the public interest.

15       SEC. 106. None of the funds appropriated in Military  
16 Construction Appropriations Acts shall be used to (1) ac-  
17 quire land, (2) provide for site preparation, or (3) install  
18 utilities for any family housing, except housing for which  
19 funds have been made available in annual Military Con-  
20 struction Appropriations Acts.

21       SEC. 107. None of the funds appropriated in Military  
22 Construction Appropriations Acts for minor construction  
23 may be used to transfer or relocate any activity from one  
24 base or installation to another, without prior notification  
25 to the Committees on Appropriations.

1       SEC. 108. No part of the funds appropriated in Mili-  
2       tary Construction Appropriations Acts may be used for  
3       the procurement of steel for any construction project or  
4       activity for which American steel producers, fabricators,  
5       and manufacturers have been denied the opportunity to  
6       compete for such steel procurement.

7       SEC. 109. None of the funds available to the Depart-  
8       ment of Defense for military construction or family hous-  
9       ing during the current fiscal year may be used to pay real  
10      property taxes in any foreign nation.

11      SEC. 110. None of the funds appropriated in Military  
12      Construction Appropriations Acts may be used to initiate  
13      a new installation overseas without prior notification to  
14      the Committees on Appropriations.

15      SEC. 111. None of the funds appropriated in Military  
16      Construction Appropriations Acts may be obligated for ar-  
17      chitect and engineer contracts estimated by the Govern-  
18      ment to exceed \$500,000 for projects to be accomplished  
19      in Japan, in any NATO member country, or in countries  
20      bordering the Arabian Gulf, unless such contracts are  
21      awarded to United States firms or United States firms  
22      in joint venture with host nation firms.

23      SEC. 112. None of the funds appropriated in Military  
24      Construction Appropriations Acts for military construc-  
25      tion in the United States territories and possessions in the



1 Pacific and on Kwajalein Atoll, or in countries bordering  
 2 the Arabian Gulf, may be used to award any contract esti-  
 3 mated by the Government to exceed \$1,000,000 to a for-  
 4 eign contractor: *Provided*, That this section shall not be  
 5 applicable to contract awards for which the lowest respon-  
 6 sive and responsible bid of a United States contractor ex-  
 7 ceeds the lowest responsive and responsible bid of a for-  
 8 eign contractor by greater than 20 per centum.

9 SEC. 113. The Secretary of Defense is to inform the  
 10 appropriate Committees of Congress, including the Com-  
 11 mittees on Appropriations, of the plans and scope of any  
 12 proposed military exercise involving United States person-  
 13 nel thirty days prior to its occurring, if amounts expended  
 14 for construction, either temporary or permanent, are an-  
 15 ticipated to exceed \$100,000.

16 SEC. 114. Not more than 20 per centum of the appro-  
 17 priations in Military Construction Appropriations Acts  
 18 which are limited for obligation during the current fiscal  
 19 year shall be obligated during the last two months of the  
 20 fiscal year.

21 (TRANSFER OF FUNDS)

22 SEC. 115. Funds appropriated to the Department of  
 23 Defense for construction in prior years shall be available  
 24 for construction authorized for each such military depart-  
 25 ment by the authorizations enacted into law during the  
 26 current session of Congress.

1       SEC. 116. For military construction or family housing  
2 projects that are being completed with funds otherwise ex-  
3 pired or lapsed for obligation, expired or lapsed funds may  
4 be used to pay the cost of associated supervision, inspec-  
5 tion, overhead, engineering and design on those projects  
6 and on subsequent claims, if any.

7       SEC. 117. Notwithstanding any other provision of  
8 law, any funds appropriated to a military department or  
9 defense agency for the construction of military projects  
10 may be obligated for a military construction project or  
11 contract, or for any portion of such a project or contract,  
12 at any time before the end of the fourth fiscal year after  
13 the fiscal year for which funds for such project were ap-  
14 propriated if the funds obligated for such project (1) are  
15 obligated from funds available for military construction  
16 projects, and (2) do not exceed the amount appropriated  
17 for such project, plus any amount by which the cost of  
18 such project is increased pursuant to law.

19                                 (TRANSFER OF FUNDS)

20       SEC. 118. During the five-year period after appro-  
21 priations available to the Department of Defense for mili-  
22 tary construction and family housing operation and main-  
23 tenance and construction have expired for obligation, upon  
24 a determination that such appropriations will not be nec-  
25 essary for the liquidation of obligations or for making au-  
26 thorized adjustments to such appropriations for obliga-

1 tions incurred during the period of availability of such ap-  
2 propriations, unobligated balances of such appropriations  
3 may be transferred into the appropriation “Foreign Cur-  
4 rency Fluctuations, Construction, Defense” to be merged  
5 with and to be available for the same time period and for  
6 the same purposes as the appropriation to which trans-  
7 ferred.

8       SEC. 119. The Secretary of Defense is to provide the  
9 Committees on Appropriations of the Senate and the  
10 House of Representatives with an annual report by Feb-  
11 ruary 15, containing details of the specific actions pro-  
12 posed to be taken by the Department of Defense during  
13 the current fiscal year to encourage other member nations  
14 of the North Atlantic Treaty Organization, Japan, Korea,  
15 and United States allies bordering the Arabian Gulf to as-  
16 sume a greater share of the common defense burden of  
17 such nations and the United States.

18                                   (TRANSFER OF FUNDS)

19       SEC. 120. During the current fiscal year, in addition  
20 to any other transfer authority available to the Depart-  
21 ment of Defense, proceeds deposited to the Department  
22 of Defense Base Closure Account established by section  
23 207(a)(1) of the Defense Authorization Amendments and  
24 Base Closure and Realignment Act (Public Law 100–526)  
25 pursuant to section 207(a)(2)(C) of such Act, may be  
26 transferred to the account established by section

1 2906(a)(1) of the Department of Defense Authorization  
2 Act, 1991, to be merged with, and to be available for the  
3 same purposes and the same time period as that account.

4 ~~SEC. 121.~~ No funds appropriated pursuant to this  
5 Act may be expended by an entity unless the entity agrees  
6 that in expending the assistance the entity will comply  
7 with sections 2 through 4 of the Act of March 3, 1933  
8 (41 U.S.C. 10a–10e, popularly known as the “Buy Amer-  
9 ican Act”).

10 ~~SEC. 122.~~ (a) In the case of any equipment or prod-  
11 ucts that may be authorized to be purchased with financial  
12 assistance provided under this Act, it is the sense of the  
13 Congress that entities receiving such assistance should, in  
14 expending the assistance, purchase only American-made  
15 equipment and products.

16 (b) In providing financial assistance under this Act,  
17 the Secretary of the Treasury shall provide to each recipi-  
18 ent of the assistance a notice describing the statement  
19 made in subsection (a) by the Congress.

20 *SEC. 121. The National Guard Bureau shall annually*  
21 *prepare a future years defense plan based on the require-*  
22 *ment and priorities of the National Guard: Provided, That*  
23 *this plan shall be presented to the committees of Congress*  
24 *concurrent with the President’s budget submission for each*  
25 *fiscal year.*

