

tional category 050 for such fiscal year, but only to the extent that the resulting outlay increases do not exceed the additional outlay reductions, and no such program, project, or activity may be increased above the level actually made available by law in appropriation Acts (before taking sequestration¹⁷¹⁵ into account). In making calculations under this subsection, the President shall use account outlay rates that are identical to those used in the report by the Director of OMB¹⁷¹⁶ under section 254.

§ 258B(b) (b) No actions taken by the President under subsection (a) for a fiscal year may result in a domestic base closure or realignment that would otherwise be subject to section 2687 of title 10, United States Code.

§ 258B(c) (c) The President may not exercise the authority provided by this paragraph for a fiscal year unless —

§ 258B(c)(1) (1) the President submits a single report to Congress specifying, for each account,¹⁷¹⁷ the detailed changes proposed to be made for such fiscal year pursuant to this section;¹⁷¹⁸

¹⁷¹⁵ Section 250(c)(2) defines "sequestration." See *supra* p. 440.

¹⁷¹⁶ Section 250(c)(15) defines "OMB" to mean "the Director of the Office of Management and Budget." See *supra* p. 446.

¹⁷¹⁷ Section 250(c)(11) defines "account." See *supra* p. 445.

¹⁷¹⁸ On the evening of October 19, 1989, the President submitted to the Majority Leader of the Senate (before the Senate had recessed for the day) and to the Majority Leader of the House of Representatives (after the House had recessed for the day) what the President characterized as "an alternative sequester report" under the predecessor to this section. The "report," in full, was as follows:

Alternative Sequester Report
for the Department of Defense
for Fiscal Year 1990

To provide for flexibility among defense programs, projects, and
activities, the amount of transfer authority available to the Secretary of
(continued...)