

**AMENDMENT TO H.R. 4435, AS REPORTED  
OFFERED BY MR. KILMER OF WASHINGTON**

Page 66, after line 11, insert the following:

1 **SEC. 342. LIMITATION ON FURLOUGH OF CERTAIN WORK-**  
2 **ING-CAPITAL FUND EMPLOYEES.**

3 Section 2208 of title 10, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(s) The Secretary of Defense, or the Secretary of  
7 the military department concerned, as appropriate, may  
8 not carry out a non-disciplinary furlough (as defined in  
9 section 7511(a)(5) of title 5) of a civilian employee of the  
10 Department of Defense whose performance is charged to  
11 a working-capital fund unless the Secretary—

12 “(1) determines that failure to furlough the em-  
13 ployee will result in a violation of subsection (f); and

14 “(2) submits to Congress, by not later than 45  
15 days before initiating a furlough, notice of the fur-  
16 lough that includes a certification that, as a result  
17 of the proposed furlough, none of the work per-  
18 formed by any employee of the Government will be  
19 shifted to any Department of Defense civilian em-

1 ployee, contractor, or member of the Armed  
2 Forces.”.

