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

Page 66, after line 11, insert the following:

SEC. 342. LIMITATION ON FURLOUGH OF CERTAIN WORKING-CAPITAL FUND EMPLOYEES.

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

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

“(1) determines that failure to furlough the employee will result in a violation of subsection (f); and

“(2) submits to Congress, by not later than 45 days before initiating a furlough, notice of the furlough that includes a certification that, as a result of the proposed furlough, none of the work performed by any employee of the Government will be shifted to any Department of Defense civilian em-
ployee, contractor, or member of the Armed Forces.”