

**AMENDMENT TO H.R. 1540, AS REPORTED
OFFERED BY MR. BLUMENAUER OF OREGON**

Page 377, after line 7, insert the following:

1 **SEC. 845. REPORTS ON USE OF INDEMNIFICATION AGREE-**
2 **MENTS.**

3 (a) IN GENERAL.—Chapter 137 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 2335. Reports on use of indemnification agree-**
7 **ments**

8 “(a) IN GENERAL.—Beginning October 1, 2011, not
9 later than 90 days after the date on which any action de-
10 scribed in subsection (b)(1) occurs, the Secretary of De-
11 fense shall submit to the congressional defense committees
12 and the Committees on the Budget of the House of Rep-
13 resentatives and the Senate a report on such action.

14 “(b) ACTION DESCRIBED.—(1) An action described
15 in this paragraph is the Secretary of Defense—

16 “(A) entering into a contract that includes an
17 indemnification agreement; or

18 “(B) modifying an existing indemnification
19 agreement in any contract.

1 “(2) Paragraph (1) shall not apply to any contract
2 awarded in accordance with—

3 “(A) section 2354 of this title; or

4 “(B) the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of 1980 (42
6 U.S.C. 9601 et seq.).

7 “(c) MATTERS INCLUDED.—For each contract cov-
8 ered in a report under subsection (a), the report shall in-
9 clude—

10 “(1) the name of the contractor;

11 “(2) the actual cost or estimated potential cost
12 involved;

13 “(3) a description of the items, property, or
14 services for which the contract is awarded; and

15 “(4) a justification of the contract including the
16 indemnification agreement.

17 “(d) NATIONAL SECURITY.—The Secretary may omit
18 any information in a report under subsection (a) if the
19 Secretary—

20 “(1) determines that the disclosure of such in-
21 formation is not in the national security interests of
22 the United States; and

23 “(2) includes in the report a justification of the
24 determination made under paragraph (1).”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“2335. Reports on use of indemnification agreements.”.

