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

Page 377, after line 7, insert the following:

SEC. 845. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) In General.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

“§ 2335. Reports on use of indemnification agreements

“(a) In General.—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

“(b) Action Described.—(1) An action described in this paragraph is the Secretary of Defense—

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

“(B) modifying an existing indemnification agreement in any contract.
“(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

“(A) section 2354 of this title; or

“(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(c) MATTERS INCLUDED.—For each contract covered in a report under subsection (a), the report shall include—

“(1) the name of the contractor;

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

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

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

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

“(1) determines that the disclosure of such information is not in the national security interests of the United States; and

“(2) includes in the report a justification of the determination made under paragraph (1).”
(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

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