

**Terry L. Albertson**Partner
talbertson@crowell.com**Washington**1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2595
Phone: 202.624.2635
Fax: 202.628.5116**Practice Areas**

- Government Contracts
- Aerospace
- False Claims
- False Claims/Qui Tam
- Homeland Security
- Construction

Terry L. Albertson is a partner in the Washington, DC office of Crowell & Moring. He focuses on government procurement law. He received a bachelor's degree from Georgetown University, *magna cum laude*, in 1968, a master's from Yale University in 1969, and a J.D. from Harvard Law School, *cum laude*, in 1974. He is a member of the bars of the State of Maryland and the District of Columbia. He served in the United States Army from 1969 to 1971 and was awarded a Bronze Star for his service in Vietnam.

Mr. Albertson's practice focuses particularly on issues related to government contract cost, accounting, pricing, and termination issues. He represents contractors regularly at the various Boards of Contract Appeals and the Court of Federal Claims. He has tried a number of important cases concerning defective pricing, the Cost Accounting Standards, the allowability of costs, multiple award contracts, and terminations. He counsels contractors and participates in internal reviews and litigation about allegations of fraud, and has been involved in planning significant corporate mergers, divestitures, and reorganizations.

On compensation issues, he has defended contractors against allegations that the compensation paid to secretaries and other non-exempt salaried employees was unreasonable, that "lump sum" payments in lieu of wage increases were unallowable, that certain employee relocation costs were unallowable, and that bonuses were unallowable. He has participated in negotiation and litigation concerning a number of cases involving pension costs, other post-retirement benefits, and employee stock ownership plans (ESOPs). He litigated a major case concerning the allowability of the costs of corporate aircraft. He represented a client successfully in a request under Public Law 85-804 for about \$96 million in relief concerning post-retirement medical benefits for retired employees of an Army ammunition plant.

In addition to litigating the leading case defining what constitutes a "change in cost accounting practice," he has litigated important CAS cases concerning

"desirable" accounting changes, the proper base for allocating indirect costs, pension plan terminations and "segment closings."

Mr. Albertson's experience in False Claims Act investigations includes participation in the voluntary disclosure that led to the creation of the DoD voluntary disclosure program, litigation concerning foreign whistle-blowers, and litigation in which two DCAA auditors filed qui tam litigation about issues raised in their own audit report.

Mr. Albertson is active in a number of trade and professional organizations. From 1981 to 1985 he served as the Chairman of the Committee on Accounting and Cost and Pricing of the Public Contract Section of the American Bar Association. He has written and lectured frequently on government procurement issues. In 2004, Mr. Albertson was selected by the *Legal Times* as one of the 12 leading government contract lawyers in Washington. He has also been named one of the top lawyers in government contracts by *Chambers USA*, as well as recognized by *The Best Lawyers In America 2008* in the area of administrative law.

Education

- Georgetown University, B.A. (1968) *magna cum laude*
- Yale University, M.A. (1969)
- Harvard Law School, J.D. (1974) *cum laude*

Affiliations

Admitted to practice: District of Columbia, Maryland

Publications

- "ATK Thiokol, Inc. v. U.S.: Clarifying The Definition of Research And Development Costs," *Government Contract Costs, Pricing & Accounting Report* (May 2010). Co-Authors: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "Software Development Costs Lacked Sufficient Nexus to Government Contract," *The Government Contractor*, Vol. 51, No. 5 (February 4, 2009). Author: Terry L. Albertson.
- "Practitioner's Comment: 'Benefit' Test for CAS 418 Homogeneity," *The Government Contractor* (March 8, 2006). Co-Authors: Terry Albertson and Linda Bruggeman.
- "Cost and Pricing," *Federal Publications Year-in-Review Program*, (Annually). Author: Terry L. Albertson.

- "The GSA Multiple Award Schedule Program," *Briefing Papers* 94-11 (October 1994). Co-Authors: Terry L. Albertson and Marc F. Efron.
- "Certification of Claims Under the Contract Disputes Act -- Traps for the Unwary," 94-4 *Costs, Pricing & Acct. Rep.* (Fed. Pubs. Inc.) 3 (April 1994). Author: Terry L. Albertson.
- "Compensation Costs," *Briefing Papers* 90-11 (October 1990). Co-Authors: Terry L. Albertson, Linda S. Bruggeman and Edward Jackson.

Alerts & Newsletters

- "Statute of Limitations Runs from Receipt of Auditable Information," *Government Contracts Bullet Points* (April 4, 2012). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "DCAA's Use of a Statistically Invalid Analysis for Testing Compensation Reasonableness," *Government Contracts Bullet Points* (February 3, 2012). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Inconsistent Statute of Limitations Decisions -- Or Not?," *Government Contracts Bullet Points* (February 2, 2012). Contacts: Terry L. Albertson, David Z. Bodenheimer, Marc F. Efron, Kent R. Morrison.
- "IR&D Reporting Requirements Reinstated," *Government Contracts Bullet Points* (January 30, 2012). Contacts: Terry L. Albertson, John E. McCarthy Jr., Linda S. Bruggeman.
- "CAS/PPA Harmonization Rules," *Government Contracts Bullet Points* (January 20, 2012). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Executive Compensation Limits Expanded," *Government Contracts Bullet Points* (January 5, 2012). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Interest Due On Indirect Cost Claims," *Government Contracts Bullet Points* (October 21, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Elimination of CAS Exemption for Overseas Contracts and Subcontracts," *Government Contracts Bullet Points* (August 19, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "New Rule Prescribes Data Required for Adequate Final Indirect Cost Rate Proposal," *Government Contracts Bullet Points* (June 2, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Capital Costs Must be Treated as Indirect Costs," *Government Contracts Bullet Points* (May 31, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Interim Business Systems Rule Issued," *Government Contracts Bullet Points* (May 23, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.

- "We're Staying Open to Handle Your Shutdown Questions," *Government Contracts Bullet Points* (April 8, 2011). Contacts: Terry L. Albertson, Amy Laderberg O'Sullivan, Daniel R. Forman, J. Chris Haile, Kris D. Meade, Angela B. Styles, Peter Eyre.
- "Enhanced Requirements for Cost-Reimbursement Contracting," *Government Contracts Bullet Points* (March 16, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Allowability of IR&D Costs: Dis-inflation Run Amok," *Government Contracts Bullet Points* (March 9, 2011). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Federal Circuit Compounds Contractors' Interest Problems," *Government Contracts Bullet Points* (March 4, 2011). Contacts: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "Shutdown Suspicions? Crowell & Moring Identifies the Questions You Should Be Asking," *Government Contracts Bullet Points* (February 25, 2011). Contacts: Terry L. Albertson, Amy Laderberg O'Sullivan, Daniel R. Forman, J. Chris Haile, Kris D. Meade, Angela B. Styles, Peter Eyre.
- "Payment for "Subcontractor" Services on T&M Contracts," *Government Contracts Bullet Points* (February 16, 2011). Contacts: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "Novation Trap For The Unwary," *Government Contracts Bullet Points* (February 4, 2011). Contacts: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "Resolving Old Audit Issues," *Government Contracts Bullet Points* (November 8, 2010). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "TINA Threshold Raised but Broader Data Requests Likely," *Government Contracts Bullet Points* (October 5, 2010). Contacts: David Z. Bodenheimer, Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz, J. Chris Haile, Shauna E. Alonge, Kent R. Morrison.
- "Compounding The Problem," *Government Contracts Bullet Points* (September 24, 2010). Contacts: Terry L. Albertson, Kent R. Morrison, David Z. Bodenheimer, Linda S. Bruggeman, J. Catherine Kunz.
- "Another Salvo in the War for Control of Contractor "Systems" Approval," *Government Contracts Bullet Points* (August 20, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "CAS Price Adjustments Limited To "Affected" Contracts," *Government Contracts Bullet Points* (June 16, 2010). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "No PRB Cost Adjustment For Segment Closings," *Government Contracts Bullet Points* (June 2, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Costs Of Influencing Collective Bargaining Decisions Proposed For Disallowance," *Government Contracts Bullet Points* (April 22, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.

- "DCAA Issues Guidance On Revised Travel Cost Rule," *Government Contracts Bullet Points* (April 12, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Help Wanted: Bounty Hunters," *Government Contracts Bullet Points* (March 22, 2010). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "IR&D Definition Clarified," *Government Contracts Bullet Points* (March 19, 2010). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Cost Conference With Discount," *Government Contracts Bullet Points* (March 1, 2010). Contact: Terry L. Albertson.
- "ACO Approval of Contractor Business Systems, With Teeth," *Government Contracts Bullet Points* (January 22, 2010). Contacts: Terry L. Albertson, J. Catherine Kunz, Linda S. Bruggeman.
- "Costs of Air Travel Limited to the "Lowest Priced Airfare Available to the Contractor"," *Government Contracts Bullet Points* (December 14, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Ignorance of The Law," *Government Contracts Bullet Points* (November 11, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "New Limits On Use Of "Of A Type" Commercial Services," *Government Contracts Bullet Points* (October 19, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- ""Excessive" Pass-Through Charges Defined And Prohibited," *Government Contracts Bullet Points* (October 15, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "GAO Reports Deficiencies In DCAA Audit Reports," *Government Contracts Bullet Points* (September 24, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "PRB Costs Allowable Whether Measured Under FAS 106 or IRS Criteria," *Government Contracts Bullet Points* (September 23, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Reporting And Registration Under ARRA," *Government Contracts Bullet Points* (August 25, 2009). Contacts: Shauna E. Alonge, J. Chris Haile, Angela B. Styles, Terry L. Albertson.
- "Boards' CDA Jurisdiction Does Not Extend To Third-Party Beneficiaries," *Government Contracts Bullet Points* (June 30, 2009). Contacts: Terry L. Albertson, J. Chris Haile.
- "A-12 Default Affirmed," *Government Contracts Bullet Points* (June 11, 2009). Contacts: W. Stanfield Johnson, Terry L. Albertson.
- "Unfortunate Change To Settlement Fees And Costs Allowability Law," *Government Contracts Bullet Points* (May 21, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman, J. Catherine Kunz.
- "Recovery Act CRIB Sheet For Government Contractors, Part II, The Interim FAR," *Government Contracts Bullet Points* (April 3, 2009). Contacts: Terry L. Albertson, Shauna E. Alonge, Alan W. H. Gourley, David C. Hammond, Angela B. Styles, Adelia R. Cliffe.

- "DCAA "Independence" ," *Government Contracts Bullet Points* (March 24, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "More Confusion On What Costs Are Allocable To Government Contracts," *Government Contracts Bullet Points* (January 16, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Must DOJ Intervene In *Qui Tam* Cases Within 60 Days After The Case Is Filed?," *Government Contracts Bullet Points* (January 14, 2009). Contacts: Brian C. Elmer, Terry L. Albertson.
- "Fasten Your Seatbelts -- Bumpy Road Ahead," *Government Contracts Bullet Points* (January 7, 2009). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "CAS Pension Requirements In The Market Meltdown," *Government Contracts Bullet Points* (October 13, 2008). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "More Disclosure Proposed -- And Not By The Government," *Government Contracts Bullet Points* (July 23, 2008). Contacts: Terry L. Albertson, Brian C. Elmer, Linda S. Bruggeman.
- "All Those Disclosure Requirements -- They Just Keep Coming," *Government Contracts Bullet Points* (July 3, 2008). Contacts: Terry L. Albertson, David C. Hammond, Angela B. Styles.
- "Congress Has A "Heart"?," *Government Contracts Bullet Points* (June 20, 2008). Contacts: Terry L. Albertson, Charles C. Hwang.
- "Flawed Pension Cost Decision Is Reversed - But Why?," *Government Contracts Bullet Points* (May 20, 2008). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "DFARS Excessive Pass-Through Cost Rule Modified," *Government Contracts Bullet Points* (May 13, 2008). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Happy Holidays From The Far Council -- Proposed Restrictions On Allowable Airfare," *Government Contracts Bullet Points* (December 21, 2007). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Latest DoD "Reform" Act Is Far-Reaching," *Government Contracts Bullet Points* (December 10, 2007). Contacts: Terry L. Albertson, David C. Hammond, Angela B. Styles.
- "Contractor Socked For Double And Treble Damages," *Government Contracts Bullet Points* (November 16, 2007). Contacts: Terry L. Albertson, Brian C. Elmer.
- "Compound Interest On CAS," *Government Contracts Bullet Points* (August 31, 2007). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "CAS Exemption For Time & Material And Labor Hour Contracts," *Government Contracts Bullet Points* (July 6, 2007). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Further Progress On What Used To Be The Berry Amendment," *Government Contracts Bullet Points* (July 5, 2007). Contacts: Alan W.

H. Gourley, David C. Hammond, John E. McCarthy Jr., Terry L. Albertson.

- "CAS-covered Contract Not "Affected" By Accounting Change," *Government Contracts Bullet Points* (July 3, 2007). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Board Finds Liability For Constructive Receipt of Pension Plan Assets at Plan Merger," *Government Contracts Bullet Points* (June 18, 2007). Contacts: Angela B. Styles, Terry L. Albertson.
- "CAS Board Adjusts Coverage Threshold," *Government Contracts Bullet Points* (June 14, 2007). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Limitation on Mark-Up of Subcontractor Costs," *Government Contracts Bullet Points* (April 30, 2007). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "ASBCA Reconsiders CAS 418 Definition Of "Homogeneous Cost Pools"," *Government Contracts Bullet Points* (March 6, 2007). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Award Fee Determination Must Be Made By Designated Official," *Government Contracts Bullet Points* (January 29, 2007). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "What The Far Council Giveth The Dar Council Taketh Away," *Government Contracts Bullet Points* (December 20, 2006). Contact: Terry L. Albertson.
- "No Longer The Berry Amendment But Worse," *Government Contracts Bullet Points* (October 12, 2006). Contacts: Terry L. Albertson, David C. Hammond.
- "DOE Solution To Underfunded Pension Plans: Don't Pay For Them," *Government Contracts Bullet Points* (May 3, 2006). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "CAS Offsets Permitted Among Different Contract Types ," *Government Contracts Bullet Points* (April 14, 2006). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "CAS Coverage And Indirect Costs ," *Government Contracts Bullet Points* (March 31, 2006). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Overhead Pool Flunks "Homogeneity" Test Absent "Benefit" To The Government," *Government Contracts Bullet Points* (February 23, 2006). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "When It Sounds Too Good To Be True, It Usually Is," *Government Contracts Bullet Points* (February 14, 2006). Contact: Terry L. Albertson.
- "Design Effort Explicitly Excluded From Commercial Contract Work Qualified As IR&D," *Government Contracts Bullet Points* (December 13, 2005). Contacts: Terry L. Albertson, Linda S. Bruggeman.

- "Administrative Leave OK If Feds Gave It Too," *Government Contracts Bullet Points* (October 19, 2005). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "DoD Relaxes Cost Rules For Katrina Donated Leave," *Government Contracts Bullet Points* (October 14, 2005). Contacts: Terry L. Albertson, Linda S. Bruggeman.
- "Emergency Procurements In Support Of Hurricane Katrina Relief," *Government Contracts Bullet Points* (September 6, 2005). Contacts: Marc F. Efron, Terry L. Albertson, David C. Hammond.
- "Later Reg Trumps Contract Clause Again," *Government Contracts Bullet Points* (July 28, 2005). Contact: Terry L. Albertson.
- "Closing A Business Unit Creates An Opportunity To Recover Unfunded Pension Costs," *Government Contracts Bullet Points* (July 8, 2005). Contact: Terry L. Albertson.
- "June 8 FAC Confirms FAR Changes," *Government Contracts Bullet Points* (June 9, 2005). Contact: Terry L. Albertson.
- "A Sewer By Any Other Name Would Smell As Foul," *Government Contracts Bullet Points* (March 24, 2005). Contact: Terry L. Albertson.
- "Substantial Changes To CAS Administration Regulations," *Government Contracts Bullet Points* (March 16, 2005). Contact: Terry L. Albertson.
- "The Long Tail Of Government Contracts," *Government Contracts Bullet Points* (August 26, 2004). Contact: Terry L. Albertson.
- "Proposed NRO Clause Would Require Broad Disclosure -- Comments Due Tomorrow," *Government Contracts Bullet Points* (February 12, 2004). Contact: Terry L. Albertson.
- "Expert Advice -- Caveat Emptor," *Government Contracts Bullet Points* (January 15, 2004). Contact: Terry L. Albertson.

Speaking Engagements

- "Accounting and Pricing Developments," Crowell & Moring's 2012 Ounce of Prevention Seminar (OOPS), Washington, D.C. (May 9-10, 2012). Co-Speakers: Terry Albertson, J. Catherine Kunz, and Stephen J. McBrady.
- "Federal Contract Terminations: Preparing for the New Era of Budget Cuts," Crowell & Moring Webinar (September 21, 2011). Co-Presenters: Terry Albertson, John McCarthy, Linda Bruggeman, Chris Haile, Rebecca Springer and Richard Arnholt.
- "Recent Developments in Contract Costs and Accounting," Ounce OF Prevention Seminar (OOPS) XXVII (May 25-26, 2011). Moderator: Terry L. Albertson. Speakers: J. Catherine Kunz and Linda S. Bruggeman.
- "Contract Cost and Pricing," Caught in the Federal Procurement Fish Bowl, 26th Annual Ounce of Prevention Seminar (OOPS), Crowell & Moring, Washington, D.C. (May 26-27, 2010). Presenters: Terry L. Albertson, J. Catherine Kunz and Linda S. Bruggeman.

- "Reporting Requirements and Audit Risks," An Introduction to the American Recovery and Reinvestment Act of 2009: Implications for Construction Contractors, Crowell & Moring Webinar (May 26, 2009). Presenter: Terry L. Albertson.
- "Acquisition Improvement and Accountability Act of 2007: Title VIII of the National Defense Authorization Act for Fiscal Year 2008 (H.R. 4986)," Crowell & Moring Webinar - Procurement Reforms in the 2008 DOD Authorization Bill (February 8, 2008). Co-Presenters: Terry L. Albertson, Alan W. H. Gourley, Shauna E. Alonge, Elizabeth W. Newsom, David C. Hammond and Rogelyn D. McLean.
- "How the New Time-and-Material (T&M) and Labor-Hour (LH) Regulations Will Impact You," Crowell & Moring's 2007 Ounce of Prevention Seminar (April 2007). Co-Speakers: Terry L. Albertson and J. Chris Haile.
- "Advanced Cost Accounting Standards," Federal Publications Course (1993-1998). Lecturer: Terry L. Albertson.
- "Understanding the Cost Accounting Standards," George Washington University Law School (Quarterly). Lecturer: Terry L. Albertson.
- "Cost and Audit Issues in Operating Practices in Contract Administration," The George Washington University Business School (Six times a year). Lecturer: Terry L. Albertson.
- "Costs in Introduction to Federal Grant Law," George Washington University Law School (January 1, 1998). Lecturer: Terry L. Albertson.
- "Doing Business with the Government: The Fundamentals of Government Contract Law," for various in-house client programs (1987-1998). Presenter: Terry L. Albertson.
- "Introduction to Defective Pricing," for various in-house client programs (1987-1998). Presenter: Terry L. Albertson.
- "Marketing to the Federal Government," for various in-house client programs (Since 1987). Presenter: Terry L. Albertson.
- "Multiple Award Schedule Contracting," for various in-house client programs (Since 1982). Presenter: Terry L. Albertson.
- "Terminations," for various in-house client programs (January 1, 1998). Presenter: Terry L. Albertson.