

CLIENT ALERT

FY 2013 NDAA Shines a Spotlight on Contractor Indemnification

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Section 865 of the FY 2013 National Defense Authorization Act, signed into law on January 2, requires the Secretary of Defense to report to Congress when "entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death" or modifying an existing contract to include such language. This requirement (which excludes contracts awarded under 10 U.S.C. § 2354 and CERCLA, but not indemnification provisions authorized under Public Law 85-804) ratchets up the recent focus on contractor recovery for work performed under government contracts with its mandate that the Secretary explain to Congress the justification for including the indemnification provision.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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