



Legal Alert: Senate Passes National Defense Authorization Act

12/16/2011

Executive Summary: On December 15, 2011, the Senate passed the National Defense Authorization Act, which retains the TRICARE language proposed in the conference report.

Background:

As you are aware from our previous legal alerts on December 15, 2011 and December 7, 2011, NDAA moved quickly through the Congressional halls. Today, the Senate voted on the conference report which passed the House on December 14, 2011; therefore, the final bill contains the following language:

In establishing rates and procedures for reimbursement of providers and other administrative requirements, including those contained in provider network agreements, the Secretary shall to the extent practicable maintain adequate network of providers, including institutional, professional, and pharmacy. For the purpose of determining whether network providers under such provider network agreements are subcontractors for purposes of the Federal Acquisition Regulation or any other law, a TRICARE managed care support contract that includes the requirement to establish, manage, or maintain a network of providers may not be considered to be a contract for the performance of health care services or supplies on the basis of such requirement.

President Obama is expected to sign the bill.

If you have any questions regarding this Alert or other labor or employment issues affecting government contractors, please contact the author of this Alert, Karen Tyner, a partner in our Spartanburg office at kytyner@fordharrison.com, or the Ford & Harrison attorney with whom you usually work.