



## David S. Gallacher

### Associate

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### PRACTICE AREAS

- Government Contracts & Regulated Industries

### INDUSTRIES

- Aerospace & Defense

### OVERVIEW

David Gallacher is an associate in the Government Contracts Practice Group in the firm's Washington, D.C. office.

### Areas of Practice

Mr. Gallacher's professional experience involves a wide variety of litigation, administrative, and counseling issues related to federal procurement laws. His experience ranges from complex litigation in federal court under the qui tam provisions of the False Claims Act, to claims disputes before the Boards of Contract Appeals, including bid protest actions challenging agency decisions on contract awards. He regularly counsels both domestic and foreign government contractors on issues relating to cost accounting under the Cost Accounting Standards, suspension and debarment, and compliance with other regulatory requirements – conducting compliance reviews and internal investigations when necessary to ensure compliance with the laws. Additionally, he specializes in counseling both U.S. and international clients on U.S. export regulations promulgated by the U.S. Departments of State, Commerce, and Treasury.

### EDUCATION

- J.D., Washington College of Law of the American University, 2001, *magna cum laude*
- B.A., University of Utah, 1997, *cum laude*

### ADMISSIONS

- District of Columbia and the Commonwealth of Virginia
- Federal courts in Virginia and in the District of Columbia including the Court of Appeals for the Federal Circuit and the U.S. Court of Federal Claims

### ARTICLES

- The Continuing Saga Of Specialty Metals - Nothing Is Ever So Bad That It Cannot Be Made Worse, April 28, 2007
- Recent Legislation On Award And Incentive Fees - Why Congress Thinks That 'Satisfactory' Performance Is Unacceptable And DOD Is Caught In The Middle, November 15, 2006
- Berry Amendment 'Reform' - The Sound and The Fury, October 25, 2006
- Financing Government Contracts / Edition II - Part I, April 21, 2005
- Financing Government Contracts / Edition II Part II, April 21, 2005
- Speciality Metals and the Berry Amendment - Frankenstein's Monster and Bad Domestic Policy, April 21, 2004

- Liability Limitations For Anti-Terrorist Technologies Under the SAFETY Act, December 3, 2003
- "Government Contract Suspension and Debarment: Lessons Learned from the Recent Boeing and MCI WorldCom Cases," August 31, 2003 (James J. McCullough, Abram J. Pafford, David S. Gallacher)

### Government Contracts Law Blog Articles

- "New 2010 Updates to Buy American and Trade Agreements Dollar Thresholds; Buy American Requirements Remain Elusive and Complicated", January 11, 2010
- "It's Time to Report That Stimulus Information That You've Been Collecting -- Are You Ready?", October 5, 2009
- "The Moment of Truth Has Arrived -- "Made In Taiwan" Now Qualifies Under the TAA", October 5, 2009
- "DHS Publishes New Rules Expanding Berry Amendment to Most DHS Procurements", October 5, 2009
- "More Than a Year In the Making! -- DOD Issues Final Rules for Specialty Metals; New Rules Are No Less Complicated", October 5, 2009
- "Working Like a Highway Road Crew -- Government Finally Amends SF 1443 to Eliminate References to "Paid Cost Rule," a Mere *Seven Years* After the Fact", July 7, 2009
- "Country of Origin - "Made In Taiwan" Will Soon Be TAA Compliant; China Continues to Dawdle; Costa Rica, Peru, and Oman also Recognized", July 7, 2009
- "Recovery Act Update - U.S. Stimulus: "Buy American"; PRC Stimulus: "Buy Chinese"; Canada and WTO: "Not Pleased"", July 7, 2009
- "ARRA Risks -- Traps for the Unaware", July 7, 2009
- "New Recovery Act Rules Implement Provisions Relating To Government Audit Access, Whistleblower Protections, And Buy American Requirements; Much Confusion Remains", April 9, 2009
- "DOD Conclude That Specialty Metals Are Not Materials Critical To The National Security Interests Of The U.S.", April 9, 2009
- "More Buy American Requirements in the 2009 Stimulus Act: Berry Amendment Expanded To Include DHS", March 19, 2009
- "District Court Enjoins Enforcement of Statute Providing for Race-Based Preferences in Federal Procurement and University Contracts; DOD Issues a Pyrrhic Waiver", March 19, 2009
- "Stimulation Has Its Price - The Audit and Oversight Provisions of The 2009 Stimulus Bill Are Unlike Anything Most Funding Recipients Have Ever Seen", February 23, 2009
- "New Rules For Commercial Off-The-Shelf Products Exempts BAA Components And Exempts Recycled Content Reporting Requirement", February 17, 2009
- "Free Trade Agreements, "Made In America," and The 2009 Stimulus Package - Country of Origin Requirements Remain an Elusive Compliance Obligation", February 17, 2009
- "Department Of Commerce Proposes New Rule For Intra-Company Transfers", January 7, 2009
- "Treasury Issues Final Rules Describing Procedures For Reviewing Foreign Investment In U.S. Companies", January 7, 2009

- "New Export Rules Revise De Minimis Provisions, Allowing Bundled Software To Be Included In Commodity Valuation, Clarifying Terms, And Reducing Reporting Requirements", November 17, 2008
- "Encryption Export Restrictions Loosened Under New Rules That Reduce Pre-Review And Reporting Requirements", November 17, 2008
- "Federal Circuit Strikes Down DOD Preferences For Minority Contractors As Unconstitutional; Consequences Uncertain", November 17, 2008
- "Export Licenses Are Now C.O.D. - Department Of State Modifies ITAR Registration Fee Structure To Increase Fees And Provide For More Consistent Revenue Stream", October 6, 2008
- "Hitchcock And Specialty Metals - DOD's New Proposed Rules Are Dizzying; Ambiguities Remain", September 8, 2008
- "New DOD Rule Imposes Contractual Requirement For Contractors To Comply With U.S. Export Laws", September 8, 2008
- "Specialty Metals Update: HASC Criticizes DCMA's January 2008 Specialty Metals Class Deviation", June 30, 2008
- "Amicus Brief Filed in U.S. Supreme Court to Support Reversal of Decision Holding That Any Government Contract Tainted by Fraud is Void from the Outset", June 30, 2008
- "Comments on Proposed CFIUS Rules Range from Cautious Praise to Outright Criticism", June 30, 2008
- "Treasury Proposes New Rules for Reviewing Foreign Investment in U.S. Companies", May 15, 2008
- "New Specialty Metals Rules Add to Existing Confusion; DOD Suggests Single Process Initiative May Help Streamline Application", April 18, 2008
- "DOJ Does Not Support Recent Proposed FCA Amendments - Why Then Do Some in Congress Still Think Changes Are Required?", March 13, 2008
- "Pending Legislation Would Expand Extraterritorial Prohibition on Doing Business with Iran, Even for Foreign Companies; U.S. Companies with Foreign Subsidiaries Should be Warned", February 6, 2008
- "New Legislation Would Loosen Specialty Metals Restrictions While Leaving Heavy Administrative Burdens on Industry", January 16, 2008
- "Export Enforcement", September 20, 2007

## **SPEECHES**

- "Considering the Future of Commercial Contracting," Presented to the Association of Integrated Dual-Use Commercial Companies, February 5, 2009
- "Teaming Agreements and Advanced Subcontracting," presented in conjunction with Federal Publications Seminars, December 11, 2008
- "Globalization - Practical Considerations in Day-to-Day Business With an International Focus," NCMA's World Congress, April 24, 2007
- "Whistleblower Statutes & Corporate Compliance," Lorman Seminars, April 6, 2006
- "U.S. Export Control Laws," NCMA, Northern Virginia Chapter, October 18, 2005
- "Best (and Worst) Practices: Lessons Learned from the Federal Procurement System," North Carolina Statewide Purchasing Conference, Raleigh, North Carolina, March 29, 2005