

# DACA LUISE SPRING 2019

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PROFESSIONAL AEROSPACE CONTRACTORS ASSOCIATION OF NEW MEXICO

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# **PACA Elects 2019-20 Directors and Officers**

The annual election of the PACA Board of Directors was carried out during the March 19 membership meeting. Vice President **David Rosprim** automatically assumed the office of President and outgoing President **Malini Hoover** transitions to Immediate Past President.

**Chris Patscheck** is PACA's newly elected Vice President and President Elect. He currently serves as President and CEO of Raven Defense Corporation. Based in Albuquerque and established

in 2018 as a privately held small business, R a v e n Defense is a defense technology company offering products



and services including novel sensors and systems supporting the test and evaluation community, cybersecurity compliance, as well as technical and business consultation.

Chris was most recently employed as the Vice President of Operations for MicroNet Solutions, Incorporated, a small technology company focused on micro-electronics reverse engineering and failure analysis. Prior to that, he served as a Department Manager for Ktech Corporation and continued as a Senior Manager after the company's acquisition by Raytheon.

Encouraged by Ron Unruh and Malini Hoover, Chris joined PACA about a year ago. "I think PACA is an excellent organization; serving as Vice President and on the Board of Directors for three years will provide me the opportunity to network with other local aerospace contractors while affording the opportunity to do some good in the community," he stated. "I look forward to collaborating with other local organizations such as the National Museum of Nuclear Science and History, Albuquerque Economic Development, and others to expand PACA's footprint and impact." Born in Farmington and a lifelong New Mexican, Chris also hopes that PACA's efforts will help benefit STEM education in the state, KAFB, and New Mexico's aerospace industry.

Chris earned his bachelor's degree in electrical engineering from New Mexico Institute of Mining and Technology while also working for the National Radio Astronomy Observatory at the Very Large Array under a cooperative education and employment agreement.

He has traveled the world in his various professional roles and is a self-proclaimed workaholic. An avid camper and hunter, his little time off is spent in the great outdoors.

Also joining the Board is **Brandon Remley**, the new PACA Treasurer. Brandon is a Tax Manager in the Albuquerque office of REDW LLC, a

southwest public accounting and business and financial advisory firm.

In his 20-year career as a CPA, he has served clients in a wide range of industries in cluding construction,



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## Directors and Officers continued

real estate, retail, and manufacturing.

A graduate of New Mexico State University, Brandon is a member of the AICPA and the New Mexico Society of CPAs. He also serves on the Albuquerque Little League Board of Directors.

Re-elected and continuing PACA officers are **Burke Nelson**, Secretary; **Stuart Purviance**, Program Officer; **Lenny Bean**, Small Business Officer, and **Ron Unruh**, BFI Chair. **Tim Brooks**, introduced in the last issue, is PACA's Legislative Liaison.

Immeasurable gratitude is extended to former Immediate Vice President *Mark Menicucci* who rotates off the Board after three years, and the many other volunteers whose unwavering expertise and contributions maintain PACA's relevance to the contracting and aerospace communities. •

# WELCOME New Members!

Brian Barnett, Solstar Space Company

Andy Benson, Studio Southwest Architects

Lucas Cocain, Aerotek

Jerret Eastburg, Raven Defense Corporation

Mark Forbess, Opus Advisory Partners

Cari Forrester, Gryophon Technologies

## Jonathan Hebert,

UNM, COSMIAC Research Center

Anthony Marzi, Praxis Inc.

#### Kent Nickle,

Millennium Engineering & Integration Company

David Orehek, CSI Aviation, Inc.

Jeffrey Pointer, KBRwyle



# **President's Corner**

by David Rosprim



The first PACA golf tournament has been scheduled! The event will occur on Monday, September 30 at Tanoan Country Club. This tournament will serve as our first fundraiser to help PACA continue to contribute and influence all levels of STEM awareness and education in New Mexico. All monies raised (100 percent) is intended to promote and

subsidize STEM activities from elementary school to college. If you are a golfer, please consider joining us for a good cause as well as a day of fun and friendship. If you're not a golfer, please consider supporting us and helping with the event.

I extend a heartfelt thank you to *Malini Hoover* for her service over the past year as President of PACA. She did an outstanding job and will be a very hard act to follow. I also thank *Mark Menicuci* for his role over the past year as Immediate Past President. He rolled off the board this year and will be missed. But a big welcome to the the newly elected Vice President *Chris Patscheck* and Treasurer *Brandon Remley*. Both have hit the ground running and I'm sure their experience and enthusiasm will be invaluable to PACA! Lastly, I'd like to thank all of the board members for their time and dedication to PACA. PACA is simply an outstanding collection of volunteers focused on working together to promote our state's aerospace industry.

I am always available to discuss how PACA can improve and be more beneficial to the membership and look forward to working with all of you! •

# Did You Remember to Pay Your Dues?

If you haven't already paid your dues, please remember that PACA membership annual dues were due April 1. Don't miss out on key information because you failed to renew your membership.

Dues are \$150\*. The fiscal year runs from April 1 to March 31. Mid-year applications will be pro-rated. You may apply and pay dues at **www.pacanm.org**.

For more information, contact our Membership Chair **Terel Anyaibe** at **tanyaibe@aerotek.com** or 342-5007.

\* Dues are subject to change.

# **Legal Insights: Act Imposes Cybersecurity Disclosure Obligations on Providers of Information Technology**

By Ross L. Crown

On August 13, 2018, President Trump signed into law the 2019 National Defense Authorization Act. This

massive (788 pages) piece of legislation establishes or renews the various programs of the Department of Defense and authorizes funding for the Department. Many provisions in the Act reflect an increased emphasis by the DOD on cybersecurity as the military strives to protect its supply chain. Among the many cybersecurity provisions are new disclosure obligations imposed on providers of information technology. For the purpose of the Act, "information technology" has the meaning given this term in 40 USC Section 11101.



1655(a)(2).

"Countries of concern" are identified on a list created

by the Secretary of Defense. They are countries that pose a risk to the cybersecurity of U.S. defense and national security systems and infrastructure. Several threat factors listed in the Act are considered in deciding which countries are included on the list. See Section 1654(a).

Third, whether or not the contractor holds or has sought an export license for information technology products, components, software, or services under the International Traffic in Arms Regulations for information

technology products, components, software, or services that contain code custom-developed for the non-commercial product, system, or service the DOD is using or intends to use. See Section 1655(a)(3).

These disclosure obligations do not apply to open source software. See Section 1655(e). What constitutes open source software for the purpose of disclosure is defined in the Act. See Section 1655(h)(6).

# Reporting Contacts with Foreign Governments

The Act's disclosure requirements for information technology providers appear in Section 1655. This section recites that the DOD may not use a product, service, or system procured or acquired after the date of the Act relating to information or operational technology, cybersecurity, an industrial control system, or weapons system provided by a contractor unless the contractor discloses to the DOD the following:

First, whether and if so, when, the contractor has (1) allowed a foreign government to review the code of a non-commercial product, system, or service developed for the DOD, or (2) whether the contractor is under any obligation to allow a foreign person or government to review the code of a non-commercial product, system, or service developed for the DOD as a condition of entering into an agreement for sale or other transaction with a foreign government or with a foreign person acting on behalf of such a government. See Section 1655(a)(1).

Second, whether and if so, when, the contractor has (1) allowed the government of a foreign country listed as a country of concern in Section 1654 of the Act to review the source code of a product, system, or service that the DOD is using or intends to use, or (2) became obligated to allow a foreign person or government to review the source code of a product service, system, or service that the DOD is using or intends to use as a condition of entering into an agreement for sale or other transaction with a foreign government or foreign person on behalf of such a government. See Section

## **Contract Administration**

The new disclosure requirements also affect contract administration. Procurement contracts for covered information technology products or systems must now include a clause requiring the above information be disclosed during the period of the contract if a contractor becomes aware of information requiring disclosure under Section 1655(a). This disclosure should include any mitigation measures taken or anticipated by the contractor. See Section 1655(c).

## Mitigation of Risks

If, after reviewing a disclosure made under Section 1655(a), the Secretary of Defense determines that the disclosure entails a risk to the national security infrastructure or data of the DOD, the Secretary shall take those measures as the Secretary considers appropriate to mitigate such risks. These measures may include conditioning any agreement for the use, procurement, or acquisition of the product, system, or service on including enforceable conditions or requirements that would mitigate such risks.

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# Legal Insights continued

See Section 1655(d).

#### **Establishment of Registry**

Within one year of the enactment of the Act, the Secretary of Defense will establish a registry containing the information disclosed under Section 1655(a). Upon request, the Secretary will make such information available to any agency conducting a procurement pursuant to the FAR or the DFARS. See Section 1655(f).

#### **FOIA Implications**

If information obtained from a contractor under Section 1655(a) or the contents of the registry under Section 1655(f) are the subject of a Freedom of Information Act request, the Secretary of Defense will conduct a "uniform review process" in response to the request, regardless of the office holding the information, to determine if the information is exempt from disclosure under FOIA. See Section 1655(b)(2).

## **Looking Ahead**

The Department of Defense's latest cybersecurity initiatives largely increase the demands on contractors, as the new disclosures required of information technology providers demonstrate. To a degree that they have not been required to do before, these contractors will need to be careful about dealings with foreign persons and be prepared to report potentially sensitive proprietary information about these contacts.

At the same time, the specific nature, scope, and effect of these new disclosure requirements cannot be fully determined until the DOD issues regulations implementing Section 1655 of the National Defense Authorization Act. Many of the terms used in this statute are not defined. These terms include, for example, the products "developed for" the DOD, or the "other transactions" with foreign governments or persons that trigger disclosure. Moreover, certain operational aspects of the statute await clarification. For instance, the Act does not elaborate on the mitigation of risk measures the Secretary of Defense may impose following a contractor disclosure and how contractors may be permitted to respond to such measures. The statute also does not describe what a "uniform review process" under FOIA means. As contractual cybersecurity obligations continue to unfold, providers of information technology will need to remain attentive. •

Ross is a partner in the Albuquerque office of Lewis Roca Rothgerber Christie LLP where his practice emphasizes government contracts. He can be contacted at **RCrown@Irrc.com**. This article is intended for general information only and should not be construed as legal advice or opinion. Any questions concerning your legal rights or obligations in any particular circumstance should be directed to your lawyer.

# 2019 NM Science & Engineering Fair PACA Winners

The 62nd annual Science and Engineering Fair for New Mexico high school students was held April 6 at New Mexico Institute of Mining and Technology. PACA once again contributed prize money to the winners as well as volunteer judges. This year's judges — Dr. Bill Dettmer, Dr. Christine Trapp (Bill's daughter), Ron Unruh, Tim Brooks, and Chris Patscheck — are pleased to announce the following PACA winners.

1st Place - \$500.

Millidu Jayaweera, Freshman, La Cueva High School

A Game of Jamming: A Multi-Agent Game-Theoretic Learning Based Cognitive Anti-Jamming Communication-System to Combat an Al-Jammer in Senior Engineering category

The goal of this project was to develop a cognitive radio which can withstand or outperform a sophisticated jammer with artificial intelligence that adapts to the radio's channel selections.

(Also, a Grand Award winner and moving on to the International competition in Phoenix.)



2nd Place - \$400.

Phillip Ionkov, Freshman, Los Alamos High School

Experimental Validation of Quantum Entanglement Using Affordable Apparatus in Senior Physics category

This project repeats an earlier experiment that demonstrated the existence of entangled particles by using homemade particle detectors.

(Also, First Place in Senior Physics category.)

3rd Place - \$300.

Marc M. Mirabal, Senior, Grants High School

**Project Simon** in Senior Engineering category

The goal of Project Simon was to develop the world's most advanced telepresence robot.

(Also, Third Place in Senior Engineering category.) •

# **Upcoming Luncheons**

■ Tuesday, June 18 – Dr. Kelly Hammett, Director, Directed Energy Directorate, Air Force Research Laboratory, KAFB



Dr. Kelly Hammett leads the Air Force's center of expertise for directed energy technology charged with developing and transitioning research technologies into military systems. The directorate provides pervasive, world-class directed energy and imaging research technologies for users across the Air Force and the Department of Defense.

Dr. Hammett is responsible for more than 960 military and civilian scientists, engineers, contractors, and support personnel and an annual budget exceeding \$267 million. He manages numerous state-of-the-art research laboratories and testing structures at KAFB and several unique facilities which include the Starfire Optical Range; a testing site at the U.S. Army's White Sands Missile Range; and the Air Force Maui Optical and Supercomputing Site.

Dr. Hammett holds a B.S. in aerospace engineering from the University of Oklahoma, an M.S. in aeronautics/ astronautics from the Massachusetts Institute of Technology, and a Ph.D. in optimal and nonlinear control and estimation theory from the Air Force Institute of Technology.

# ■ Tuesday, July 16 - Michael Duval, Department of Energy, Deputy Manager, National Nuclear Security Administration, Sandia Field Office



Michael Duval previously served as secretary of New Mexico Department of Homeland Security and Emergency Management commander of the 377th Air Base Wing at Kirtland Air Force Base.

Mr. Duval is a 1984 Air Force Academy graduate.

We meet the third Tuesday of each month at **Tanoan Country Club** (Rolling Hills entrance east of Eubank off Academy). Registration begins at 11:30 a.m. followed by lunch at noon. Members are admitted free and our guest fee is \$20.

RSVP online at www.pacanm. org. Include your name, guest's name, and menu selections. Please register by the Wednesday before the week of the meeting. •



# Spread the News

If you know a potential member or anyone else who would like to receive the *PACA Pulse*, please forward their e-mail address to **Kit Carman** at **kitcarman6@gmail**.

This is your newsletter. If you would like to contribute an article, make announcements (promotion, job change, or a new product or service), please submit your newsletter contribution to the editor, Ross Crown, at RCrown@Irrc.com. He can also be reached at 764-5402.

Contributions are welcome! •

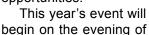
# Plan to Attend the 33rd BFI!

by Ron Unruh

PACA will host its 33rd consecutive annual Briefing for Industry August 12-15, 2019 at Hotel Albuquerque in Old Town. Individuals or corporations desiring luxury accommodations can enjoy a special event rate at Hotel Chaco (Five Star Alliance) conveniently adjacent to Hotel Albuquerque. The 2019 BFI offers three full days of comprehensive presentations and an exceptional opportunity to meet with industry and government customers face-to-face.

This unique event draws more than 500 industry and government representatives every year. The presentations feature business opportunities for 2019 and beyond and

include descriptions of missions, program objectives and plans, and, most importantly, identifying contracting opportunities.





Monday, August 12 with an ice breaker social at 5:00 p.m. The following day begins at 7:00 a.m. with a networking breakfast followed by the formal proceedings at 8:00 a.m. Topics will include research and development; test and evaluation; technical and analytical support operations and maintenance; and systems procurement.

BFI features distinguished senior leaders from the military services and government as keynote and guest speakers. Speaker information, updated event information, and online registration are available at **pacanm.org/briefing-for-industry**; check it regularly for updates or to register. Attendees are encouraged to register early to capitalize on discounted registration fees.

All non-government attendees are required to be U.S. citizens and provide a copy of their organization's DD2345, "Militarily Critical Technical Data Agreement," prior to being confirmed for the conference. Information for acquiring and submitting a DD2345 is also available on the BFI website. •







# PACA Sponsorship Opportunities

Support to PACA in the form of sponsorships helps make the organization a success while promoting your business. All sponsoring companies must include a PACA member in good standing.

Please contact **Dar Johnson** if you would like to take advantage of a sponsorship opportunity or for further information at **505-400-1639** or **d\_r\_johnson@comcast.net**.

#### **■** GENERAL BENEFITS FOR ALL SPONSORS

- Your corporate recognition on the PACA website noting sponsor level.
- Recognition included in the PACA Pulse.
- One time each year space is provided for a tabletop display at a membership luncheon and the opportunity for a ten minute corporate overview presentation. The table will be either in the lobby or in the banquet room, depending on the size of the room. Also, depending on room arrangement and speaker presentation, special rules may apply per event.

#### BFI BENEFITS FOR ALL SPONSORS

*Note:* All BFI registrants must meet security requirements.

- Free registrations (note quantity in categories below) and special reserved seating.
- Free booth space (note area selection in categories below).

#### **DIAMOND \$8,000**

- Five registrations for the PACA annual Briefing for Industry.
- Top choice of free booth space at BFI.

#### **GOLD \$5,500**

- Four registrations for the PACA annual Briefing for Industry.
- · Second choice of free booth space at BFI.

#### **SILVER \$3,500**

- Three registrations for the PACA annual Briefing for Industry.
- Third choice of free booth space at BFI.

## **BRONZE \$2,000 (new level)**

- Two registrations for the PACA annual Briefing for Industry.
- Fourth choice of free booth space at BFI.

#### **PREMIER SMALL BUSINESS \$1,200**

**Note:** The requesting sponsor must demonstrate that the company is classified as a small business.

- One registration for the PACA annual Briefing for Industry.
- Fifth choice of free booth space at BFI. •



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company's over 500 employees provide systems engineering, technology and prototype development, production, and fielding for the Department of Defense, armed services, and other Government organizations. www.radiancetech.com



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