

The Origin of DOD OT Authority

While working in the Office of General Counsel at the National Aeronautics and Space Administration (1980 – 1987) Mr. Dunn acquired an in depth knowledge of NASA's OT authority (Space Act Agreements) both as then currently practiced and by pioneering new uses. He negotiated the Space Act Agreement involving the first launch of a privately owned space launch vehicle in 1982. He also negotiated other first-of-a-kind agreements. Subsequently he wrote about those agreements as well as many other innovative arrangements in *Contractual Mechanisms in Support of Commercial Space Activities*, Air and Space Lawyer (Spring 1984).

Soon after becoming the first General Counsel of the Defense Advanced Research Projects Agency (DARPA) he prepared a congressionally requested report on an alternative management system for DARPA. The report included a recommendation for flexible agreements authority. He subsequently drafted OT legislation and worked with the defense authorization committees of Congress to have the original science and technology legislation enacted. The authority (10 U.S.C. 2371) was originally specific to DARPA but later expanded to all of DOD. He later drafted and supported enactment of OT authority for prototype projects, originally DARPA specific but later extended to all of DOD. Mr. Dunn led DARPA's implementation of these authorities.

The original OT legislation was enacted in 1989 with the first agreement signed in April 1990. Within a few years DARPA had entered into over a hundred OT S&T agreements obligating in excess of a billion dollars and leveraging substantial private investment. One of the first OT prototype agreements was Global Hawk still in use today by the U.S. Air Force. Mr. Dunn also provided leadership in programs such as the Advanced Short Take-off, Vertical Landing (ASTOVL) program which evolved into the Joint Strike Fighter (F-35) program, DOD's largest acquisition program and many other projects.