

- c. Recreational Fishing Data Collection Options
- d. Status of State of Hawaii Fishing Regulations Review
- e. Report on State of Hawaii Protected Species Activities
- f. Allowing Commercial Harvest of Invasive Sardines/Herrings
- g. Cooperative Research — Report on Bottomfish Tagging Project
- 6. Upcoming 145th Council Meeting Actions
 - a. Hawaii Offshore Handline Permits and Limited Entry
 - b. Main Hawaiian Islands Bottomfish Stock Assessment Review
 - c. Annual Catch Limits for Non-Pelagic Species
 - d. Small-scale Traditional Fisheries
 - 7. Other Business
 - 8. Public Comment
 - 9. Discussion and Action

Schedule and Agenda for the Hawaii Archipelagic Regional Ecosystem Advisory Committee Meeting

9:00 a.m. — 4:00 p.m. Friday, April 17, 2009

- 1. Welcome and Introduction of Members
- 2. Approval of Draft Agenda
- 3. Update on Federal Fisheries Management Actions
 - a. Hawaii Offshore Handline Permits and Limited Entry
 - b. FEP amendments on ACLs/ACTs/AMs
 - c. Defining Small-scale traditional fishing
 - d. Discussion and Recommendation
- 4. Community Marine Management Forum
 - a. Hawaii's Living Seascape: A Strategy For A Prosperous Future
 - b. Report on Aha Kiole Final Report and Legislation
 - c. Invasive Species
 - i. Hawaii Invasive Species Council Strategy 2008–2013
 - ii. Allowing Commercial Harvest of Invasive Sardines/Herrings
 - d. Discussion and Recommendation
- 5. Coastal Ecosystems
 - a. Marine Education and Training Program Priorities
 - b. Coastal America Program and Projects
 - c. Report on the State's Recreational Renaissance Plan
 - d. Marine Recreational Information Program Initiatives
 - e. Habitat Initiatives
 - i. Habitat Assessment Improvement Plan
 - ii. Refining Essential Fish Habitat Designations in Hawaii
 - iii. Military Activities to Remove Mangroves
- 6. Public Comments

7. Discussion and Recommendations
The order in which agenda items are addressed may change. Public comment periods will be provided throughout each agenda. The PT, AP and REAC will meet as late as necessary to complete scheduled business.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808)522–8220 (voice) or (808)522–8226 (fax), at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 23, 2009.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

Defense Base Act Insurance Acquisition Strategy; Questions for Industry and Other Interested Parties

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Request for public input.

SUMMARY: DoD is soliciting information and feedback from defense contractors, insurance industry representatives, and others, on DoD's requirement to develop a comprehensive acquisition strategy for Defense Base Act insurance that will address provisions of Section 843 of the National Defense Authorization Act for Fiscal Year 2009. Responses must be limited to no more than 20 pages.

DATES: Submit written comments to the address shown below on or before April 3, 2009.

ADDRESSES: You may submit comments using any of the following methods. E-mail is the preferred method.

○ *E-mail:* Teresa.Lawson@osd.mil.

○ *Fax:* 703–602–7887.

○ *Mail:* Deputy Director, Defense Procurement and Acquisition Policy (Cost, Price, and Finance), ATTN: Ms. Teresa Lawson, 3062 Defense Pentagon, Washington, DC 20301–3062.

○ *Hand Delivery/Courier:* Deputy Director, Defense Procurement and Acquisition Policy (Cost, Price, and Finance), ATTN: Ms. Teresa Lawson, Crystal Square 4, Suite 200A, 241 18th Street, Arlington, VA 22202–3402.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa A. Lawson, by telephone at 703–602–2402, or by e-mail at Teresa.Lawson@osd.mil.

SUPPLEMENTARY INFORMATION: DoD is soliciting information and feedback from defense contractors, insurance industry representatives, and others, on DoD's requirement to develop a comprehensive acquisition strategy for Defense Base Act insurance that will address the following provisions of Section 843 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110–417):

The Secretary of Defense shall adopt an acquisition strategy for insurance required by the Defense Base Act (42 U.S.C. 1651 *et seq.*) which minimizes the cost of such insurance to the Department of Defense and to defense contractors subject to such Act * * * The Secretary shall ensure that the acquisition strategy adopted * * * addresses the following criteria: (1) Minimize overhead costs associated with obtaining such insurance, such as direct or indirect costs for contract management and contract administration. (2) Minimize costs for coverage of such insurance consistent with realistic assumptions regarding the likelihood of incurred claims by contractors of the Department. (3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance. (4) Provide for a low level of risk to the Department. (5) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable. * * * In adopting the acquisition strategy * * * the Secretary shall consider such options (including entering into a single Defense Base Act insurance contract) as the Secretary deems to best satisfy the (five aforementioned) criteria * * *

1. Policy Options

Under current law and DoD regulations, generally contractors performing work outside the United States are required to have Defense Base Act (DBA) insurance to provide workers' compensation benefits for employees, unless the requirement has been waived by the Department of Labor (DoL). To meet the requirement of Section 843 of the National Defense Authorization Act for Fiscal Year 2009, DoD is considering all options for its acquisition strategy and welcomes comments highlighting the advantages and disadvantages of any of a non-exclusive set of options, which includes but is not limited to: (1) A single-source contract awarded on a competitive basis issued and administered by DoD; (2) a multiple-award contract awarded on a competitive basis issued and administered by DoD; (3) no change (*i.e.*, contractors are required to obtain

appropriate DBA insurance on their own); (4) Government self-insuring for DBA losses while contracting to the private sector for program administrative and claims processing; (5) Government self-insuring with DoD and DoL employees performing all administrative and claims processing; (6) a GSA schedules-type set of maximum rates, which may include awards based on geographic location of the work to be performed and/or based on the nature of the work to be performed, with competition for each major contract (a vehicle structured similar to state-side workers compensation policies); (7) a pre-qualified list of DoD-approved DBA carriers and brokers/agents who meet a predetermined set of criteria/qualifications to provide DBA insurance from which contractors would be required to obtain appropriate DBA coverage; (8) contractors self-insuring either on an individual basis or by pooling of contractors, including information on how a panel/pool participant would avoid adverse selection; or (9) other alternative recommendations not listed above.

DoD would appreciate responses to the following questions pertinent to consideration of the various acquisition options:

a. *Cost Drivers.* What are the main cost drivers of DoD's DBA expense? How can those cost drivers be better controlled or mitigated?

b. *Main Stakeholders.* Identify the main stakeholders in DBA. How should DoD (and DoL or others if applicable) orchestrate communications and involvement to ensure all stakeholder interests are represented?

c. *Claims Management.* How critical are claims management practices to controlling ultimate DBA costs? Drawing on the best practices of claims management (whether currently applied to DBA claims or not), what should be required to address claims promptly, fairly, and efficiently to ensure good service and care and proper treatment for workers serving those who serve our country?

d. *Technical Exhibits.* What claims history or other information should DoD include in its technical exhibits to any solicitation to enhance competition?

2. Additional Questions Regarding Potential Policy Options

DoD would appreciate additional specific responses to the following questions citing pros and cons of the various alternatives:

a. *Single Source DBA Contract.* Regarding a potential single source contract (which would be awarded

based on source selection procedures considering price, technical, management, and past performance criteria), would your insurance company be willing to bid on such a contract? Why or why not? For broker respondents, do you believe one or more insurance companies/brokers would be interested in bidding on a single source contract? Why or why not? Please provide insight into whether one provider could handle all claims associated with DoD's DBA insurance requirements for contractor performance overseas for U.S. citizens, foreign nationals, and third country nationals. Finally, please provide insight into the market implications of having only one source for DBA insurance for all of DoD.

b. *Multiple-Award DBA Contract.* Please provide your recommendations and rationale regarding the basis for dividing the multiple awards—by geographic location, by type of work performed (e.g., basic logistics support, technical services, security, construction), by military department or defense agency, by war zone versus non-war-zone, by dollar value of payroll involved and/or dollar amount of contract, to ensure DoD meets the criteria outlined in the National Defense Authorization Act (minimizing direct and indirect overhead costs associated with administering the program, minimizing insurance costs, etc.). Please consider the implications of pooling of like risks (or unlike risks) to minimize insurance costs to DoD.

c. *Minimum Policy Amounts.* Please provide your recommendations and rationale considering the options regarding minimum policy amounts of a single provider or a multiple award contract. If a multiple award contract were divided in part based on dollar value of payrolls/dollar value of contracts, what is the maximum threshold you would recommend be used as the basis for not having a minimum policy amount? Should DoD avoid dividing any multiple award contract based on dollar value to minimize the need for minimum policy amounts? Please keep in mind that DoD aims to not discourage small businesses from performing overseas work for DoD and any minimum policy amounts might inhibit that competition.

d. *No Change (Contractors procure their own DBA coverage).* If the current approach is retained, how can it be modified to be responsive to the five criteria outlined in Section 843 of the National Defense Authorization Act for Fiscal Year 2009?

e. *Self-Insurance.* If DoD elected to directly self-insure contractor DBA losses, what would be the relative pros

and cons of contracted administration vs. "in-house" Government administration? Please provide comments regarding the pros and cons of contractors self-insuring either on an individual basis or by pooling of contractors. Recognizing that there are many variations of self-insurance, which do you believe are relevant for DoD to consider and why?

3. Specific Questions for Brokers/Carriers

In addition to the questions above soliciting information from all interested parties, DoD would appreciate additional responses from interested brokers and carriers to the following questions:

a. *Experience.* What is your experience in handling DBA insurance? For example, how many clients, years, and geography of experience, payroll exposure, and premium volume managed?

b. *Competition.* How do you suggest that Government ensure the broadest industry participation in establishing a DBA insurance acquisition strategy given a limited pool of qualified carriers and broker/agents?

c. *Broker/Agent Role.* What is the role of the insurance broker/agent in the open-market DBA insurance procurement process?

d. *Rating Approach.* What is your rating approach in light of the underwriting and service complications of insuring this long-tail catastrophic liability? In the absence of adequate loss history data to rate DBA coverage, what is the rationale/rating methodology you apply? How do you measure a contractor's risk mitigation/loss reduction results to reward the best performing contractors and minimize costs to the Government?

e. *Data.* Are you willing and able to provide aggregate loss and development information to include medical expenses, lost wages, reserves, adequate medical care/evacuation/infrastructure expenses, administrative costs, and other appropriate support services? Are you willing to provide the rate of return and amounts made on invested insurance premiums?

f. *Retrospective Plans.* Regarding establishing a program with rates that change based on overall program loss experience, what is your experience in structuring loss-sensitive rated DBA programs? Please provide suggestions regarding the potential structures of such retrospective rating plans.

g. *Term Length.* Regarding the length of any contract term for any of the policy options being considered, what term length of a contract would be

reasonable (1, 3, or 5 years)? If more than a one-year term, could retrospective pricing be a reasonable approach based on the profit/loss ratio?

h. *Subcontractors*. Do you recommend that subcontractors obtain their own individual policies, or do you recommend that the prime contractor purchase the insurance for all its subcontractors (at all tiers)?

i. *DBA Data*. Please provide recommendations on how DoD can best collect, analyze, and act on relevant DBA data from various sources to optimize its understanding and tracking of DBA costs and trends and put DoD in the most favorable negotiating position.

j. *Medical Care*. Please provide data and analysis on the costs of finding sources of adequate medical care for countries where the standard of care is insufficient.

k. *Contracting Entity*. If DoD procures DBA coverage (vs. contractors procuring), should DoD be contracting with broker(s) or carrier(s) or some combination of the two?

l. *Discounts*. By including DBA insurance with other insurance coverage, what type of discount is typically obtained on DBA insurance?

m. *Impact of Safety Record*. How does a contractor's safety record affect insurance rates—does it have a significant impact? How much of a discount is normally offered for a good safety record?

n. *Maximum Mandated DBA Rates*. What is your position on DoD mandating maximum DBA rates based upon job description (classification), geography (e.g., Iraq vs. Germany) and loss experience? What would be your response to having to file your proposed rates with DoD for approval each year, based upon your own individual loss experience and trending?

o. *WHA Claims*. Please provide the percent of DBA claims that are initially believed to be War Hazard Act (WHA) claims. Please provide the percent of initial WHA claims that are later determined by DoL not to be WHA claims. How long on average does it take DoL to settle and reimburse the insurance carrier for WHA claims? Typically, does DoL pay the entire WHA claim amount the carrier submits—if not, what is the average percent?

4. Specific Questions for DoD Contractors

In addition to the questions in 1 and 2 above soliciting information from all interested parties, DoD would appreciate additional responses from DoD contractors to the following questions:

a. *Current Practice*. How do you acquire your DBA coverage today? Do you purchase insurance or are you an approved self-insurer for this coverage?

b. *Purchased Insurance*. If you purchase your DBA insurance, is it: (a) Acquired through a stand-alone insurance policy; (b) acquired through a multi-line insurance program with DBA coverage separately priced; or (c) acquired through a multi-line insurance program with DBA coverage not separately priced?

c. *Supplemental Coverage*. Do you supplement the standard DBA coverage for employees with medical assistance or additional life or disability coverage? Do you do so: (a) For all DBA covered employees; or (b) only for specific categories of employees? Are the premiums for any such coverage: (a) Paid for in full by the company; (b) paid for in part by the company and in part by the employee; or (c) paid in full by the employee?

d. *Subcontractors*. Do you recommend that subcontractors obtain their own individual policies, or do you recommend that the prime contractor purchase the insurance for all its subcontractors (at all tiers)?

e. *Discounts*. By including DBA insurance with other insurance coverage, what type of discount is typically obtained on DBA insurance?

f. *Impact of Safety Record*. How does a contractor's safety record affect insurance rates—does it have a significant impact? How much of a discount is normally offered for a good safety record?

Michele P. Peterson,

Editor, Defense Acquisition Regulations System.

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DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before May 26, 2009.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and

Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: March 20, 2009.

Angela C. Arrington,

Director, Information Collections Clearance Division, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: New.

Title: IEPS Fulbright-Hays Group Projects Abroad Customer Surveys.

Frequency: On Occasion.

Affected Public: Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses: 1,629.

Burden Hours: 723.

Abstract: The purpose of this evaluation is to assess the impact of the Group Projects Abroad (GPA) program in enhancing the foreign language capacity of the United States. Three surveys will be conducted: A survey of the GPA Project Directors; a survey of