MEMORANDUM FOR DISTRIBUTION

SUBJECT: Single DoD Point of Contact (POC) for Coordination of Defense Base Act (DBA) Insurance Waivers for Foreign Nationals with Department of Labor

By attached memorandum dated December 30, 2009, the Director of Defense Procurement and Acquisition Policy (DPAP) provided notification that the Department of Defense has designated the Director, Cost, Price and Finance (DPAP/CPF) as the Department's point of contact (POC) for Defense Base Act (DBA) Insurance waivers. The single centralized DoD POC on DBA insurance waivers was established in response to Section 843 of the FY 2009 National Defense Authorization Act (Pub. L. 110-417). The single DoD POC will ensure more consistency in the Department’s pursuit of DBA waivers from the Department of Labor (DoL) and provide a central repository of existing waivers. Accordingly, all future requests for DBA insurance waivers shall be coordinated through DPAP/CPF. DPAP also advises that because DoL is in the process of re-assessing the continued validity of existing waivers, it may take several months for the waiver coordination process to be finalized.

Elliott B. Branch
Executive Director
DASN(A&LM)

Attachment: As stated
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MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT), DASA(P)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION & LOGISTICS MANAGEMENT),
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DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DoD FIELD ACTIVITIES

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(DBA) Insurance Waivers for Foreign Nationals with Department of Labor

110-417), required the Department to adopt an acquisition strategy for insurance required
by the Defense Base Act (42 U.S.C. 1651 et seq.) that would minimize the cost of such
insurance to the Department and to defense contractors subject to the Act. DBA
insurance provides a form of workers’ compensation insurance for contractor employees
performing work in foreign countries.

The Department’s report was issued to Congress on September 14, 2009 and it is
available on our website. It contained several recommendations, one of which is the
establishment of a single, centralized DoD POC to coordinate with the Department of
Labor (DoL) on DBA insurance waivers. The DBA allows the Secretary of Labor, upon
the recommendation of the head of a department, to waive a contract’s requirement for
DBA insurance coverage for foreign nationals, if acceptable workers’ compensation
benefits are provided by applicable local law.

Currently, DoD generally obtains DoL country waivers on a program-by-program
basis, often without further coordination within the Department. Thus, some DoD
Components may not be aware of waivers that are available, especially because DoD
does not have a central repository of such waivers. To ensure more consistent pursuit of
waivers and the communication of existing waivers, the recommended single DoD POC
approach is being adopted.
The Director, Cost, Price and Finance (DPAP/CPF) will be the Department’s POC for DBA insurance waivers. Please coordinate all future DoL requests for DBA insurance waivers through them. Because DoL is in the process of re-assessing the continued validity of existing waivers, it may take several months for the waiver coordination process to be finalized.

A case will be established within the next 30 days to revise the Defense Federal Acquisition Regulation Supplement or its companion document, Procedures, Guidance, and Information to incorporate this policy memorandum. The POC for this action is Ms. Teresa Lawson at 703-602-0288 or Teresa.Lawson@osd.mil.

Shay D. Assad  
Director, Defense Procurement and Acquisition Policy