

a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

Authority: 35 U.S.C. 209; 37 CFR 404.

Crystle C. Poge,

Air Force Federal Register Liaison Officer.

[FR Doc. 2026-08615 Filed 5-1-26; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket No. DARS-2026-0100]

Acquisition of Items for Which Federal Prison Industries Has a Significant Market Share

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

ACTION: Notice.

SUMMARY: DoD is publishing the updated annual list of product categories for which the Federal Prison Industries' share of the DoD market is greater than five percent.

DATES: May 16, 2026.

FOR FURTHER INFORMATION CONTACT: Benjamin Cady, 757-501-8155.

SUPPLEMENTARY INFORMATION: On November 19, 2009, a final rule was published in the **Federal Register** at 74 FR 59914, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) subpart 208.6 to implement section 827 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181). Section 827 changed DoD competition requirements for purchases from Federal Prison Industries, Inc. (FPI) by requiring DoD to publish an annual list of product categories for which FPI's share of the DoD market was greater than five percent, based on the most recent fiscal year data available. Product categories on the current list, and the products within each identified product category, must be procured using competitive or fair opportunity procedures in accordance with DFARS 208.602-70.

The Principal Director, Defense Pricing, Contracting, and Acquisition Policy (DPCAP), issued a memorandum dated April 17, 2026, that provided the current list of product categories for which FPI's share of the DoD market is greater than five percent based on fiscal year 2025 data from the Federal Procurement Data System. The product

categories to be competed effective May 16, 2026, are the following:

- 7110 (Office Furniture)
- 7210 (Household Furnishings)
- 8105 (Bags and Sacks)
- 8125 (Bottles and Jars)
- 8420 (Underwear and Nightwear, Men's)

The DPCAP memorandum with the current list of product categories for which FPI has a significant market share is posted at https://www.acq.osd.mil/dpap/policy/policyvault/USA000450-26_DPCAP.pdf.

The statute, as implemented, also requires DoD to—

(1) Include FPI in the solicitation process for these items. A timely offer from FPI must be considered and award procedures must be followed in accordance with existing policy at Federal Acquisition Regulation (FAR) 8.602(a)(4)(ii) through (v);

(2) Continue to conduct acquisitions, in accordance with FAR subpart 8.6, for items from product categories for which FPI does not have a significant market share. FAR 8.602 requires agencies to conduct market research and make a written comparability determination, at the discretion of the contracting officer. Competitive (or fair opportunity) procedures are appropriate if the FPI product is not comparable in terms of price, quality, or time of delivery; and

(3) Modify the published list if DoD subsequently determines that new data requires adding or omitting a product category from the list.

Kimberly R. Ziegler,

Editor/Publisher, Defense Acquisition Regulations System.

[FR Doc. 2026-08610 Filed 5-1-26; 8:45 am]

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS-2026-0034; OMB Control Number 0750-0001]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS) Performance-Based Payments—Representation

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

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance the following proposal for collection of information

under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by June 3, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

You may also submit comments, identified by docket number and title, by the following method: *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald T. Lucas, 571-372-7574, or whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) provision, Performance-Based Payments—Representation; OMB Control Number 0750-0001.

Type of Request: Reinstatement of a previously approved collection.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Respondent's Obligation: Required to obtain or retain benefits.

Frequency: On Occasion.

Number of Respondents: 483.

Responses per Respondent: 1.

Annual Responses: 483.

Average Burden per Response: 0.1 hour.

Annual Burden Hours: 48.3.

Needs and Uses: This information collection concerns the Defense Federal Acquisition Regulation Supplement (DFARS) solicitation provision at 252.232-7015, Performance-Based Payments—Representation. This provision is prescribed at DFARS 232.1005-70(b) for use in solicitations where the resulting contract may include performance-based payments. The provision includes a representation that will be included in the annual representations and certifications in the System for Award Management. Paragraph (b) of the provision requires the offeror to check a box indicating whether the offeror's financial statements are in compliance with Generally Accepted Accounting Principles. DoD will use this information to decide whether the offeror is eligible for performance-based payments.

DoD Clearance Officer: Mr. Reginald T. Lucas. Requests for copies of the