

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.

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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

information collection proposal should be sent to Mr. Lucas at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

Kimberly R. Ziegler,
Editor/Publisher, Defense Acquisition
Regulations System.

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DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Proposals by Non-Federal Interests for Inclusion in the Annual Report to Congress on Future Water Resources Development

AGENCY: U.S. Army Corps of Engineers, Army, DoD.

ACTION: Notice.

SUMMARY: The Assistant Secretary of the Army for Civil Works (ASA(CW)) is soliciting proposals for inclusion in the 2027 Annual Report to Congress on Future Water Resources Development (Annual Report). The Annual Report includes proposals submitted by non-federal interests for new feasibility studies, proposed modifications to authorized water resources development projects or feasibility studies, and proposed modifications to environmental infrastructure program authorities. The Annual Report is authorized under Section 7001 of the Water Resources Reform and Development Act (WRRDA) of 2014 as amended (33 U.S.C. 2282d).

DATES: Proposals must be submitted by September 1, 2026.

ADDRESSES: Submit proposals by emailing the completed proposal form to WRRDA7001Proposal@usace.army.mil. If a different method of submission is required, use the further information below to arrange an alternative submission process.

FOR FURTHER INFORMATION CONTACT: For further information about the Annual Report, visit the U.S. Army Corps of Engineers (USACE) Headquarters website (<https://www.usace.army.mil/Missions/Civil-Works/Project-Planning/WRRDA-7001-Proposals/>), email WRRDA7001Proposal@usace.army.mil, or call Jerica Richardson, Planning and Policy Division, Headquarters, USACE, Washington, DC at 213-259-5661.

SUPPLEMENTARY INFORMATION:

A. Background on the Annual Report

The Annual Report to Congress on Future Water Resources Development

provides an opportunity for communities to inform Congress about their interest in a new congressional authorization—or modifying an existing authorization—for specifically authorized Civil Works water resources studies, projects, and environmental infrastructure programs. The Annual Report provides Congress with a list of potential studies and projects to newly authorize and a list of existing study, project, and environmental infrastructure program authorities to modify. Congress generally authorizes new USACE studies, projects, and environmental infrastructure programs in an omnibus authorization bill, typically called the Water Resources Development Act (WRDA).

If a proposal from a non-federal interest for a new study authorization is included in the Annual Report, it is anticipated that authorization would be for the study, not for construction. To begin a water resources feasibility study, USACE must have sufficient study authority and funds must be appropriated and made available for the federal cost share of the feasibility study. A primary outcome of a USACE water resources feasibility study is a recommendation in an decision document for Congressional authorization to construct a water resources project. For USACE to proceed to construction, the project must be authorized for construction by Congress, and funds must be appropriated and made available for project construction. An overview of USACE Civil Works water resources study and project processes is found in the document entitled “Partnering with the U.S. Army Corps of Engineers: A Guide for Communities, Local Governments, States, Tribes, and Non-Governmental Organizations,” which is available online at <https://planning.erdc.dren.mil/toolbox/library/IWRServer/2019-R-02.pdf>.

B. Definition of Non-Federal Interest

Proposals for the Annual Report are submitted by non-federal interests, and each feasibility study or project is conducted in partnership with a non-federal interest. For the purposes of the Annual Report, the term “non-federal interest” is defined in Section 221(b) of the Flood Control Act of 1970, as amended (42 U.S.C. 1962-5b(b)). The term “non-federal interest” means (1) a legally constituted public body (including an Indian tribe and a Tribal organization (as those terms are defined in section 5304 of title 25)) and an inter-tribal consortium; or (2) a nonprofit entity with the consent of the affected local government, that has full authority

and capability to perform the terms of its agreement and to pay damages, if necessary, in the event of failure to perform.

C. Proposal Form

The information for proposals from a non-federal interest is normally entered into a fillable PDF form which can be found at the HQ Annual Report website and submitted by email to WRRDA7001Proposal@usace.army.mil. If a different method of submission is needed, use the contact information in the “For Further Information Contact” section of this Notice to arrange an alternative submission process. Proposals must be submitted by September 1, 2026.

The fillable PDF proposal form requests the following information:

- Contact information for the individual/agency submitting the proposal: name, phone number, email.
- Proposal Name.
- Project Location (State(s)/Territory).
- Study or project area map; you'll have the option to upload a map of the study/project area (preferred format is an 8.5" x 11" PDF).
- Specific project purpose(s) of the proposed study or modification (USACE mission areas).
- Project description: demonstrate the proposal is related to USACE missions and authorities and why additional or new authorization is needed.
- State if this proposal is for a new feasibility study, a modification to a USACE water resources development feasibility study authority, a modification to a USACE water resources project authority, or a modification to a USACE environmental infrastructure program authority.
- If the proposal is for a modification to an existing authority, provide the name of the authorized study, project, or environmental infrastructure program. Cite the authority (e.g., section of WRDA) if possible.

9. If the proposal is for a modification to an environmental infrastructure program authority, provide a brief description of the assistance provided to date and total federal cost of assistance provided to date.

10. Provide an estimate, to the extent practicable, of the total cost, and the federal and non-federal share of those costs, of the proposed study and, separately, an estimate of the cost of construction or modification.

11. Describe, to the extent applicable and practicable, an estimate of the anticipated monetary and non-monetary benefits of the proposal regarding benefits to the protection of human life