THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0279-26 **SPONSOR: Titus J. Nez**

TITLE: **An Action Relating to the Resources and Development and Naabik'íyáti Committees and the Navajo Nation Council; Declaring an Indefinite Moratorium on Generative Artificial Intelligence Technology and Data Center Development of Any Size Within the Navajo Nation; Prohibiting Related Inquires, Discussions, Negotiations, Agreements, Development Activities, and Land, Water, Energy, and Regulatory Approvals; And Establishing the Diné Data Center and Emerging Technology Work Group**

Date posted: **November 13, 2026 at 8:17 PM**

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0279-26

DATE: November 12, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; DECLARING AN INDEFINITE MORATORIUM ON GENERATIVE ARTIFICIAL INTELLIGENCE TECHNOLOGY AND DATA CENTER DEVELOPMENT OF ANY SIZE WITHIN THE NAVAJO NATION; PROHIBITING RELATED INQUIRIES, DISCUSSIONS, NEGOTIATIONS, AGREEMENTS, DEVELOPMENT ACTIVITIES, AND LAND, WATER, ENERGY, AND REGULATORY APPROVALS; AND ESTABLISHING THE DINÉ DATA CENTER AND EMERGING TECHNOLOGY WORK GROUP

PURPOSE: This legislation, if approved, would declare a complete and indefinite moratorium on the advancement of generative artificial intelligence technology and on hyperscale and all other data center development of any size within the territorial jurisdiction of the Navajo Nation, including but not limited to its tribal lands and territories; would bar any inquiries, discussions, negotiations, non-disclosure agreements, and developments concerning any entity seeking to develop a data center of any size within the Navajo Nation; would prohibit all related land, water, energy, and regulatory approvals during the moratorium period; and would establish a work group to assess the impacts of such development and recommend a regulatory framework to the Navajo Nation Council.

FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: Simple Majority

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 11/6/26
Website Posting Time/Date: _____
Posting End Date: 11-18-26
Eligible for Action: 11-19-26

Resources & Development Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced By:

Primary Sponsor

Tracking No. 0279-26

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; DECLARING AN INDEFINITE MORATORIUM ON GENERATIVE ARTIFICIAL INTELLIGENCE TECHNOLOGY AND DATA CENTER DEVELOPMENT OF ANY SIZE WITHIN THE NAVAJO NATION; PROHIBITING RELATED INQUIRIES, DISCUSSIONS, NEGOTIATIONS, AGREEMENTS, DEVELOPMENT ACTIVITIES, AND LAND, WATER, ENERGY, AND REGULATORY APPROVALS; AND ESTABLISHING THE DINÉ DATA CENTER AND EMERGING TECHNOLOGY WORK GROUP

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Resources and Development Committee is a standing committee of the Navajo Nation Council with the delegated authority to exercise oversight over water, land, environment, cultural resources, utilities, rights-of-way, and economic development, for purposes including the protection of the rights, interests, sacred sites and freedoms of the Navajo Nation and People to such resources, now and for future generations. 2 N.N.C. § 500(C), (C)(1), and (C)(2).

B. The Resources and Development Committee also holds final approval authority over land withdrawals, non-mineral leases, permits, licenses, rights-of-way, and surface easements; and recommends to the Council for final approval mineral agreements, land acquisitions, energy development agreements, and all other resolutions impacting Committee purposes, §§ 501(B)(2) and (B)(4)(a), (f).

C. The Naabik'íyáti' Committee coordinates the Navajo Nation's appearance and testimony before federal, state, and other non-Navajo governments, and recommends resolutions to the Council on matters within its jurisdiction. 2 N.N.C. § 700(A), § 701(A)(3), (4), (6), and (8). A proposed resolution requiring final Council action is assigned to the standing committees having subject matter authority and to the Naabik'íyáti' Committee. § 164(A)(9).

D. The Navajo Nation Council is the governing body of the Navajo Nation and is vested with the power and authority to enact laws, establish policy, and take all action necessary and proper to protect the health, safety, welfare, lands, resources, and sovereignty of the Navajo Nation and the Diné people. *See* 2 N.N.C. §§ 102(A) and 164(A). The Navajo Nation Council is also vested with the power and authority to supervise all powers delegated. 2 N.N.C. § 102(C).

E. The Navajo Nation possesses inherent sovereign authority to exclude non-members from tribal trust lands and to regulate non-member conduct that threatens or directly affects the political integrity, economic security, or health or welfare of the Nation. *Montana v. United States*, 450 U.S. 544, 565-66 (1981); *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982); *Water Wheel Camp Recreational Area, Inc. v. LaRance*, 642 F.3d 802 (9th Cir. 2011).

F. The Navajo Nation has previously prohibited categories of resource development that affect the well-being of the Diné people. *See* Diné Natural Resources Protection Act of 2005, 18 N.N.C. § 1301 *et seq.*; Radioactive Materials Transportation Act of 2012, 18 N.N.C. § 1304 *et seq.*

SECTION TWO. FINDINGS

A. *Diné Bi Beenahaz'áanii* and the Sacred Elements of Life:

1. The Diné were placed between the four sacred mountains and given *nahasdzáán, tó, nílch'i*, and *kǫ'* not as commodities to be sold, leased, consumed, or exported, but as relatives that sustain life and to which the Diné owe a reciprocal duty of protection.
2. *Sa'ah Naagháí Bik'eh Hózhóón* requires that the decisions of this Nation restore and maintain *hózhó*, and that the consequences of every decision be measured not against the fiscal year, the term of office, or the interests of an outside investor, but against the well-being of the generations not yet born.
3. A form of industrial development that consumes water in a Nation where tens of thousands of Diné haul water by truck and barrel; that draws from electrical capacity in a Nation where thousands of Diné homes remain without electricity ; and that discharges heat, noise, light, and combustion byproducts into *nílch'i*, cannot be reconciled with *hózhó* absent a complete, transparent, and independent accounting that the Navajo Nation has not performed and presently lacks the legal framework to perform.
4. Where the Navajo Nation cannot yet measure a risk, the Diné obligation of stewardship counsels restraint rather than commitment. A moratorium preserves every option available to the Nation. Executed leases, rights-of-way, interconnection agreements, and non-disclosure agreements foreclose those options.

B. The Nature and Scale of Artificial Intelligence Data Centers

1. Recent advances in artificial intelligence have created demand for a class of facility that is materially different from the data centers of the past. Industry refers to these facilities as "hyperscale data centers," reflecting the size of the physical structure; federal policymakers and agencies describe them as "large load" or "new load," reflecting their energy demand. Constructing and operating them requires minerals and raw materials, energy, land, and environmental and natural resources including water and air. *See* Native Nations Center for Tribal Policy Research, University of Oklahoma, *Sovereign Brief: AI Data Centers and Tribes: Emerging Federal and State Policy Trends*

and Tribal Governance Options (June 2026), available at https://www.ou.edu/content/dam/nativenationscenter/research-contents/16JUN2026_SovereignBrief_AI-Data-Centers-and-Tribes.pdf.

2. The scale of these facilities is without precedent in the Southwest. The City of Oklahoma City, by emergency ordinance, defined the data centers subject to its moratorium as those with an anticipated or actual net new electrical load exceeding seventy-five (75) megawatts, and required applicants to submit a comprehensive electrical one-line diagram and detailed electrical plan stamped by a licensed professional engineer to establish that load. Oklahoma City Ordinance No. 28,071 (adopted with emergency April 21, 2026), available at https://www.okc.gov/files/assets/city/v/1/city-manager/documents/data-center-moratorium-memo.pdf, as amended (May 2026), available at https://okc.primegov.com/Portal/Meeting?meetingTemplateId=66222.
3. The Project Jupiter campus under construction in Doña Ana County, New Mexico, is reported at approximately 2.5 gigawatts of electrical demand, an amount that could power more than half of that state, supported by an industrial revenue bond authorization of approximately $165 billion approved by a county commission on approximately one month's public notice. The developers initially proposed gas turbines and diesel generators and later announced a fuel cell microgrid.
4. By comparison, the Navajo Generating Station, the largest generating facility ever to operate on Diné land, had a nameplate capacity of 2,250 megawatts and consumed on the order of eleven (11) billion gallons of water per year before its closure in November 2019. A single hyperscale campus of the type now being proposed in this region therefore approaches or exceeds, in electrical demand, the entire generating capacity of that plant.
5. Unlike agricultural, residential, or seasonal loads, data center load is continuous. These facilities operate at or near full demand twenty-four hours per day, every day of the year, and therefore require firm generation, dedicated

substations, transmission upgrades, and on-site backup generation, each of which imposes its own land, water, air, and cost consequences.

6. Land requirements are substantial. A single proposed facility near Page, Arizona would occupy approximately five hundred (500) acres of land situated less than two miles from residential areas. A proposed facility in Boulder City, Nevada would place approximately 170 megawatts of high-density artificial intelligence computing on approximately 88.5 acres.

C. *Tó*: Water

1. Navajo Safe Water, a multi-agency coalition, estimates that approximately thirty-seven thousand (37,000) people on the Navajo Nation live without piped water in their homes. Diné families in communities including LeChee, Gap, and Kaibito routinely drive round trips of up to sixty (60) miles over unimproved roads to haul water for drinking, cooking, livestock, and ceremony.
2. The Colorado River system on which the region depends is in sustained shortage. As of April 2026, Lake Powell stood at approximately twenty-three percent (23%) of capacity, and the operators of Glen Canyon Dam were curtailing releases and drawing from upstream reservoirs to prevent the reservoir from falling below minimum power pool.
3. The Navajo Nation's water rights in the Little Colorado River basin remain unadjudicated. The Northeastern Arizona Indian Water Rights Settlement Act, S. 953 and H.R. 2025 in the 119th Congress, which would ratify and fund the largest Indian water rights settlement in the history of the United States, remains pending before Congress; the Senate Committee on Indian Affairs received testimony on the measure on March 11, 2026, available at https://www.indian.senate.gov/wp-content/uploads/3.11.26-Testimony-Nygren.pdf. Even upon enactment, construction of the delivery infrastructure necessary to bring settlement water to Diné households is projected to extend well into the next decade and beyond.
4. It is therefore the settled position of the Navajo Nation, advanced before the Congress of the United States and before the Colorado River Basin States, that

the Nation's water is unquantified, undelivered, and desperately needed by its own people. The Navajo Nation cannot credibly advocate for settlement water on the ground that Diné families lack drinking water while simultaneously entertaining proposals to dedicate water, land, or energy to industrial computing facilities owned by outside corporations.

5. The water demand of these facilities is not eliminated by design choices; it is relocated. Evaporative cooling consumes potable water directly. Closed-loop cooling reduces direct consumption at the cost of substantially increased electrical demand, which in turn requires generation that consumes water. On-site generation, whether by turbine, engine, or fuel cell, carries its own water and air burden. Even the closed-loop configuration announced for the Project Jupiter campus is reported to require approximately eleven (11) million gallons of water.
6. Groundwater is not a safe alternative. Reports from other jurisdictions, including a 2026 assessment in the Commonwealth of Virginia, have found groundwater supplies inadequate to support proposed data center development. The Navajo Nation has direct experience with the depletion of the N-aquifer by decades of industrial pumping for coal slurry transport, and with the resulting loss of springs relied upon by Diné families and used in ceremony.
7. Every acre-foot of water committed to a data center is an acre-foot unavailable for Diné households, livestock, farming, fire protection, schools, health facilities, and ceremonial use, and unavailable to satisfy the Nation's own settlement and adjudication objectives.

D. *Kǫ'*: Energy, the Grid, and Diné Ratepayers

1. Thousands of Diné households remain without electrical service. Families without power are unable to refrigerate food or medication, must burn wood and coal for heat with the attendant respiratory harm, and cannot reliably operate life-sustaining medical equipment including oxygen concentrators.
2. The Navajo Nation has already experienced the ordering of regulatory priorities that place industrial computing ahead of Diné households. In 2024, the Arizona

Corporation Commission acted on a data center rate matter while declining a proposal to extend electrical service to unelectrified homes on the Navajo Nation on the ground that other ratepayers should not bear that cost.

3. The Navajo Nation is in the midst of an energy transition it did not choose. The Navajo Generating Station closed in November 2019. Units 4 and 5 of the Four Corners Generating Station, situated on land leased from the Navajo Nation, are scheduled for retirement in 2031. The Nation continues to absorb the revenue loss, the employment loss, and the unreclaimed physical legacy of that industry.
4. The federal government has recognized that large-load interconnection threatens reliability and ratepayer cost. On October 23, 2025, the Secretary of Energy directed the Federal Energy Regulatory Commission to initiate an Advance Notice of Proposed Rulemaking, RM26-4-000, on reforms governing large loads and their interconnection to the interstate transmission system, available at https://www.energy.gov/sites/default/files/2025-10/403%20Large%20Loads%20Letter.pdf. On December 18, 2025, FERC issued an order in Docket No. EL25-49-000 directing the nation's largest grid operator to address artificial intelligence data centers and other large loads in order to promote grid reliability and keep electricity costs manageable for customers, available at https://www.ferc.gov/sites/default/files/2025-12/E-1%20EL25-49-000.pdf. On March 4, 2026, the White House issued a Ratepayer Protection Pledge asking data center companies to "build, bring, or buy" their own energy so that American consumers do not pay for the increase, available at https://www.whitehouse.gov/releases/2026/03/ratepayer-protection-pledge/.
5. The Navajo Tribal Utility Authority is a not-for-profit enterprise of the Navajo Nation serving a dispersed, largely rural, and substantially low-income customer base across more than twenty-seven thousand square miles. The Navajo Nation has made no determination, and possesses no completed engineering or rate analysis establishing that a load of the magnitude contemplated by hyperscale development could be interconnected without degrading reliability or shifting cost onto Diné ratepayers.

6. In its 2026 Summer Session, the Navajo Nation Council approved a historic investment of approximately $244.6 million to extend broadband connectivity to all 110 Navajo Chapters through CJY-33-26. That investment is directed to connecting Diné homes, schools, clinics, and businesses. It is not, and shall not be permitted to become, the enabling infrastructure for commercial artificial intelligence compute owned by non-Navajo corporations.

E. *Nílch'i*: Air, Noise, Heat, and Public Health

1. The City of Oklahoma City found by emergency ordinance that large-scale data centers cause potential issues related to water usage, electrical usage, noise, heat, air quality, infrastructure, and various other impacts on residents.
2. The City of Tulsa found that data centers had been classified in its zoning code as low-impact manufacturing and industry, a category described as not generating noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration, and further found that new large-scale data centers no longer fit that description.
3. The United States Environmental Protection Agency announced on September 15, 2025, pursuant to the Toxic Substances Control Act, that it will review new chemicals to be used in data centers, and in December 2025 launched a Clean Air Act resources page dedicated to data centers, confirming that the coolants, dielectric fluids, and combustion sources associated with these facilities present regulated chemical and air quality risks.
4. Diné communities already carry a cumulative respiratory and toxic burden without parallel in the United States, arising from more than five hundred abandoned uranium mines, decades of coal combustion and mine dust, and occupational disease among Diné miners and their families. The Navajo Nation will not accept an additional airshed burden before the existing burden has been remediated.
5. Continuous low-frequency mechanical noise, industrial lighting, and waste heat rejection are inherent to these facilities. Diné ceremonial practice, the observation of dark skies, and the quiet of rural Diné communities are values

protected by *Diné bi beenahaz'áanii* and are not compensable by a community benefits payment.

F. *Nahasdzáán*: Land, Grazing, Cultural Resources, and Sacred Places

1. Land within the Navajo Nation is held in trust and is encumbered by grazing permits, homesite leases, farm plot assignments, customary use areas, and Chapter land use plans adopted under the Local Governance Act, 26 N.N.C. § 1 et seq. Industrial siting of the scale contemplated would require land withdrawals, the cancellation or modification of existing grazing and homesite interests, and the displacement of Diné families and livestock.
2. The physical footprint extends far beyond the server buildings to include substations, transmission and distribution corridors, water lines and storage, wastewater facilities, on-site generation, fuel storage, access roads, security fencing, and construction laydown areas.
3. These lands contain Traditional Cultural Properties, burial sites, gathering areas for medicinal and ceremonial plants, offering places, and archaeological resources protected under Navajo Nation law and under the National Historic Preservation Act. The State of Washington's data center working group, in its preliminary report submitted December 1, 2025 and expressly held pending tribal consultation, identified risks to cultural resources and treaty rights among the principal risks of data center growth, available at https://dor.wa.gov/sites/default/files/2025-12/2025DataCntrWrkgrpPrelimReport.pdf.
4. Diné residents of the LeChee Chapter and surrounding communities have described the recreational and cultural land at risk near Page, Arizona as land used for riding horses, herding, walking, and family memory, values that no lease payment restores once the land is graded.

G. The Economic Claim and the Extractive Pattern

1. Data centers are capital-intensive and employment-light. Construction employment is temporary and frequently filled by out-of-area specialty contractors. Permanent operational employment is small in proportion to the

land, water, and energy consumed, and is concentrated in technical classifications for which the local labor market has not been prepared.

2. The fiscal case is contested even where it has been embraced. The *Sovereign Brief* of the Native Nations Center for Tribal Policy Research, available at https://www.ou.edu/content/dam/nativenationscenter/research-contents/16JUN2026_SovereignBrief_AI-Data-Centers-and-Tribes.pdf, further documents that while some states are actively considering sales and use tax exemptions, property tax abatements, and similar incentives, other states are now considering repealing previously enacted data center tax incentives, primarily because of cost, including lost local revenue.
3. The Navajo Nation has heard the promise of prosperity from extractive industry before. Uranium extraction left more than five hundred abandoned mines, contaminated water sources, and a legacy of illness that the Congress of the United States has only partially addressed through the Radiation Exposure Compensation Act and its subsequent amendments. Coal left closed plants, unreclaimed land, depleted aquifers, and communities without a transition plan. In each instance the Nation was told that the development would diversify its economy.
4. That pressure has not abated. The Navajo Nation is presently confronting a proposed coal mining permit that would extend operations across approximately 11,526 acres and extend the life of the mine into the twenty-second century; an agreement for the transport of uranium ore across Navajo lands that has been the subject of sustained public criticism regarding transparency; and a proposed 234-mile hydrogen and natural gas pipeline traversing thirteen Chapters. The Navajo Nation Council finds that the cumulative burden on Diné land, water, and air is at or beyond its limit, and that the Nation must not add a new industrial category to that burden before it has completed a full assessment.

H. Secrecy, Non-Disclosure Agreements, and the Right of the Diné People to Know

1. The Seminole Nation of Oklahoma enacted a moratorium through Resolution TR 2026-38, available at https://mccmeetingspublic.blob.core.usgovcloudapi.net/normanok-meet-93d3b31223804fc4803505685c728db2/ITEM-Attachment-001-f8b815b5a3914095ad34820661bee242.pdf, in direct response to a startup company's request that the Nation execute a non-disclosure agreement.
2. The City of Page, Arizona, approved Ordinance No. 744-25 authorizing an agreement for the sale of approximately 500 acres of City-owned land near the Navajo Nation to Huntley, LLC, or its assigns, for the proposed development of a one-gigawatt data center. Although Huntley, LLC is publicly identified as the developer and purchaser, the ultimate owner or operator of the proposed data center has not been publicly identified. The City has acknowledged that early discussions concerning the project were conducted pursuant to a non-disclosure agreement, which the City subsequently terminated. The City further acknowledges that no water source, quantity, or delivery method has been approved or identified for the proposed data center and that the developer is responsible for securing and demonstrating a lawful and sustainable water supply.

I. Federal Executive Positioning on Data Center Development

1. Federal policy is presently oriented toward accelerating, not scrutinizing, the construction of data centers. In July 2025, the White House released America's A.I. Action Plan, whose Pillar II emphasizes the expedited building of data centers through the streamlining of federal environmental requirements, the establishment of categorical exclusions under the National Environmental Policy Act, expedited permitting review under the Clean Air Act, Clean Water Act, and CERCLA, expansion of the FAST-41 program to cover data center projects, and making federal lands available for data center construction, available at https://www.whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf.

2. On July 23, 2025, Executive Order 14318, Accelerating Federal Permitting of Data Center Infrastructure, directed agencies to establish and report categorical exclusions under NEPA; incentivized qualifying projects through loans, loan guarantees, grants, tax incentives, and offtake agreements, and provided that federal financial assistance representing less than fifty percent of a project's total cost is presumed not to constitute substantial federal control and responsibility; directed the Environmental Protection Agency to develop or modify Clean Air Act, Clean Water Act, CERCLA, and Toxic Substances Control Act processes to expedite permitting and leverage Superfund and Brownfield locations; and directed the Departments of Energy and the Interior to offer land site authorizations under 42 U.S.C. §§ 2201 and 7256 and 43 U.S.C. § 1701, and supported the opening of military installation lands under 10 U.S.C. § 2667, available at https://www.federalregister.gov/documents/2025/07/28/2025-14212/accelerating-federal-permitting-of-data-center-infrastructure.
3. The presumption in Executive Order 14318 that federal assistance below fifty percent of project cost does not constitute substantial federal control is of direct concern to the Navajo Nation, because that presumption operates to reduce the federal action triggering NEPA review, and with it the environmental analysis and the federal consultation obligation upon which tribes rely.
4. On December 11, 2025, Executive Order 14365, Ensuring a National Policy Framework for Artificial Intelligence, addressed state actions considered inconsistent with national priorities and required preparation of a legislative recommendation to Congress establishing a national framework, available at https://www.federalregister.gov/documents/2025/12/16/2025-23092/ensuring-a-national-policy-framework-for-artificial-intelligence. In March 2026, the White House transmitted A National Policy Framework for Artificial Intelligence: Legislative Recommendations, identifying ratepayer protection, streamlined permitting, and respect for state zoning laws in the placement of AI infrastructure, available at https://www.whitehouse.gov/wp-

content/uploads/2026/03/03.20.26-National-Policy-Framework-for-Artificial-Intelligence-Legislative-Recommendations.pdf.

5. The Navajo Nation Council observes, and finds significant, that the March 2026 federal framework expressly identifies respect for state zoning laws in the siting of artificial intelligence infrastructure, while making no corresponding commitment to respect tribal land use authority. The Navajo Nation is not a subdivision of any state. Its authority over the siting of industrial facilities within its territorial jurisdiction is inherent, is confirmed by treaty, and is not derivative of state zoning power. The Navajo Nation Council finds it necessary to state that authority affirmatively and unambiguously, by law, before a federal framework is enacted that omits it.
6. On April 9, 2026, the Council on Environmental Quality released new guidance to agencies on categorical exclusions under NEPA, available at https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Categorical-Exclusion-Guidance-2026.pdf.
7. While tribal lands held in trust or restricted fee are federal lands for certain purposes, the federal government's land management systems treat those statuses separately because of the United States' unique legal obligations to tribes. Pursuant to the Administration's policies, the Department of Energy has identified sixteen federal land sites for data centers, none of which include tribal lands. The Navajo Nation nonetheless finds it prudent to establish its position by law rather than to rely on the continued absence of tribal lands from such lists.

J. Federal Agency Activity Directed at Data Centers

1. On April 2, 2025, the Federal Permitting Improvement Steering Council announced approval of a data center for coverage under the FAST-41 program, and the FAST-41 program was expanded to cover data center projects generally.

2. On April 3, 2025, the Department of Energy identified sixteen federal sites across the country for data center and artificial intelligence infrastructure development.
3. On June 16, 2025, the National Telecommunications and Information Administration held a listening session on bolstering data center growth, resilience, and security.
4. In January 2026, the Environmental Protection Agency's Superfund Redevelopment Program launched a webpage addressing reuse considerations for data centers on Superfund sites.
5. On January 20, 2026, the Department of Energy's Office of Indian Energy released an article titled Data Centers: Exploring the Opportunity for Tribes, available at https://www.energy.gov/indianenergy/articles/data-centers-exploring-opportunity-tribes, and in March 2026 announced a fact sheet titled Beyond Land Leases: Harnessing Data Centers for Tribal Economic Development, available at https://www.energy.gov/sites/default/files/2026-03/doe-ie-data-centers-fact-sheet-2026.pdf. The Navajo Nation Council finds that federal agencies are now affirmatively marketing data center development to tribal governments, and that the Navajo Nation must therefore establish its own position rather than receive one.

K. Congressional Activity

1. Between February 2025 and February 2026, ten bills addressing artificial intelligence data centers, or addressing data centers within broader artificial intelligence priorities, were introduced in the 119th Congress. Seven addressed energy considerations, principally ratepayer protection; two addressed air quality and greenhouse gas emissions; one addressed water quality; two addressed national security; and one addressed technology. Congress has not yet enacted this legislation. At least three additional bills have since been introduced, including two that mention tribes, S. 4214, S. 4213, and H.R. 7858.
2. H.R. 6179 would amend the Clean Air Act to address the energy consumption and emissions of data centers and cryptocurrency mining facilities, would

require reporting of greenhouse gas emissions and electricity consumption, and would direct collected fees toward grants to entities including tribes to lower residential consumer energy costs, available at https://www.congress.gov/bill/119th-congress/house-bill/6179.

3. On March 25, 2026, S. 4214 the Artificial Intelligence Data Center Moratorium Act was introduced in the Congress of the United States, which would pause the development of new artificial intelligence data centers pending further evaluation, available at https://www.congress.gov/bill/119th-congress/senate-bill/4214.
4. Federal law therefore does not presently supply the protective framework on which the Navajo Nation could rely, and the direction of federal policy is toward preemption of subnational restrictions rather than toward accommodation of them.

L. State, County, and Municipal Responses

1. In 2026, approximately thirty-six state legislatures introduced approximately one hundred fifty-seven bills addressing data centers as of April 29, 2026, spanning oversight, regulatory, and fiscal approaches, including moratoriums on building data centers, prohibitions on non-disclosure agreements, notice requirements to adjoining property owners, colocation requirements, curtailment obligations during grid emergencies, and mandatory reporting of water usage and greenhouse gas emissions, as noted in the *Sovereign Brief*, available at https://www.ou.edu/content/dam/nativenationscenter/research-contents/16JUN2026_SovereignBrief_AI-Data-Centers-and-Tribes.pdf.
2. At least four governors, in Washington, Oregon, North Carolina, and Montana, have established task forces or working groups on data center growth. Washington Executive Order 25-05, available at https://governor.wa.gov/sites/default/files/exe_order/25-05%20-%20Data%20Center%20Workgroup.pdf, created a data center working group that submitted a preliminary report on December 1, 2025, pending tribal

consultation, identifying risks to energy, environment, wildlife, cultural resources, and treaty rights.

3. Municipalities in the region have acted by emergency. The City of Oklahoma City adopted Ordinance No. 28,071 with an emergency on April 21, 2026, declaring a moratorium until December 31, 2026 on the acceptance of new applications for rezoning and permits, including building permits, for construction, expansion, or use of property for a data center, available at https://www.okc.gov/files/assets/city/v/1/city-manager/documents/data-center-moratorium-memo.pdf, and amended that ordinance in May 2026 to define the covered facilities and to provide that continued operation of an existing data center is not an affirmation that such use is permitted under the current zoning code, available at https://okc.primegov.com/Portal/Meeting?meetingTemplateId=66222.
4. The City of Tulsa has considered an ordinance declaring a moratorium until December 31, 2026, on the acceptance, processing, and issuance of building permits for data center use, with sixty-day reporting requirements to the City Council during the moratorium period, expressly on the finding that data centers had been misclassified as low-impact industry.
5. The City of Chandler, Oklahoma adopted Ordinance 2026-04 with an emergency on May 12, 2026, moving data centers into the category of uses permitted only on review by the planning commission and requiring separate approval by the City Council, placing data centers in the same regulatory category as cement manufacture, petroleum refining, disposal plants, salvage yards, and bulk petroleum storage.
6. In July 2026, Doña Ana County, New Mexico adopted a data center moratorium amid resident opposition.
7. The Navajo Nation Council finds that municipalities and counties possessing far smaller populations, far greater existing water and power infrastructure, and far less at stake culturally than the Navajo Nation have determined that a pause is warranted while a regulatory framework is developed. The Navajo Nation,

which possesses no data center regulatory framework whatsoever, is entitled to no less protection.

M. Responses by Other Sovereign Tribal Nations

1. On March 7, 2026, the General Council of the Seminole Nation of Oklahoma, by a vote of twenty-four in favor, none opposed, and none abstaining, adopted Resolution TR 2026-38, available at https://mccmeetingspublic.blob.core.usgovcloudapi.net/normanok-meet-93d3b31223804fc4803505685c728db2/ITEM-Attachment-001-f8b815b5a3914095ad34820661bee242.pdf, implementing a moratorium on the advancement of generative artificial intelligence technology and hyperscale data center development within the jurisdiction of the Seminole Nation, including but not limited to its tribal lands and territories, and further resolving that any inquiries, discussions, and/or developments concerning any entity seeking to develop a data center of any size within the Seminole Nation are barred during the moratorium period.
2. The Cherokee Nation established a data center task force by executive order to review and report on the potential economic and natural resource impacts of data centers within that nation.
3. In the fall of 2025, the National Council of the Muscogee (Creek) Nation considered a legislative proposal that included development of a data center on its lands; following citizen engagement, the measure did not pass.
4. As of May 1, 2026, no tribal nation other than the Seminole Nation of Oklahoma appeared to have enacted a law addressing artificial intelligence data centers. The Navajo Nation Council finds that the Navajo Nation, as the largest land-based tribal nation in the United States and as a nation whose land, water, and air have been the object of external extraction for more than a century, should not wait to be the last sovereign to act.

N. Proposals In and Near the Navajo Nation

1. In March 2026, during a public panel concerning artificial intelligence data centers on Southwest Native lands, the Executive Director of Diné Citizens

Against Ruining Our Environment reported that five data centers had been proposed in or near the Navajo Nation, including three in Arizona and two in New Mexico.

2. Diné citizens have circulated a template Chapter resolution seeking a permanent ban on energy-intensive data centers within the Navajo Nation in order to safeguard sacred lands, waterways, livestock ranchers, and traditional farmers for future generations, and Chapters are considering that template.

3. Discussions concerning a proposed Navajo data center have occurred between the Executive Branch and outside parties, including a December 2, 2025 meeting with the County Supervisors Association of Arizona at which a proposed Navajo data center was addressed, available at https://opvp.navajo-nsn.gov/251209-data-center-and-regional-priorities/. The Navajo Nation Council finds that no such project has been authorized by the Navajo Nation Council, that the Council has received no completed water, energy, cultural, or fiscal assessment of any such project, and that the Council alone possesses the authority to commit Navajo Nation land, water, and resources to such a use.

O. The Absence of a Navajo Nation Regulatory Framework

1. Navajo Nation law contains no use classification for data centers, no siting standards, no minimum setback from homesites or ceremonial places, no large-load interconnection standard, no water use standard for industrial cooling, no noise standard, no waste heat standard, no decommissioning or reclamation bonding requirement for computing facilities, and no transparency requirement governing non-disclosure agreements.

2. In the absence of such a framework, any proposal received by the Navajo Nation would be evaluated under general leasing, right-of-way, and business site authorities never designed for a facility that consumes water and firm electrical capacity on the scale described in these Findings. Both the City of Oklahoma City and the City of Tulsa identified precisely this defect, the absence of an appropriate use classification, as the ground for their emergency moratoriums.

3. A moratorium is therefore not a rejection of technology. It is the necessary pre-condition to the Navajo Nation exercising informed sovereign judgment. The Navajo Nation cannot regulate what it has not yet defined and cannot consent to what it has not yet studied.

P. Generative Artificial Intelligence, Diné Knowledge, and Indigenous Data Sovereignty

1. Generative artificial intelligence systems are trained upon large bodies of text, image, audio, and video data. Diné language, songs, prayers, ceremonial knowledge, clan information, oral history, place names, imagery, and the likenesses of Diné people have been collected, digitized, and published over more than a century, frequently without the consent of the Diné people or of the Navajo Nation.
2. The Navajo Nation has never consented to the ingestion of Diné knowledge into commercial artificial intelligence systems, to the generation of synthetic Diné language or imagery, or to the commercial exploitation of Diné cultural expression by means of such systems. Certain Diné knowledge is restricted by *Diné bi beenahaz'áanii* to particular persons, places, seasons, and ceremonial contexts, and its reproduction outside those contexts by any means is a harm that cannot be remedied after the fact.
3. The deployment of generative artificial intelligence has been associated in the public record with the generation of non-consensual synthetic imagery, with automated surveillance, and with the fabrication of persuasive false material. These are harms that fall with particular weight on rural communities, on elders, and on Indigenous peoples whose images and languages are poorly represented in and poorly protected by such systems.
4. Indigenous data sovereignty, meaning the right of the Navajo Nation to govern the collection, ownership, application, and disposition of data about the Diné people, Diné lands, and Diné resources, is an attribute of Navajo Nation sovereignty. The Navajo Nation has not yet enacted a comprehensive Indigenous data sovereignty framework, and it would be imprudent to permit

the physical infrastructure of commercial artificial intelligence to be sited within the Navajo Nation before that framework exists.

Q. For the foregoing reasons, the Navajo Nation Council finds that the advancement of generative artificial intelligence technology and the development of hyperscale and other data centers of any size within the territorial jurisdiction of the Navajo Nation presently constitutes a direct and substantial threat to *tó*, *nahasdzáán*, *níłch'i*, and *kǫ'*, to the health, safety, and welfare of the Diné people, to the Nation's water rights claims and settlement objectives, to the reliability and affordability of electrical service for Diné ratepayers, to Diné cultural resources and sacred places, and to the political and economic integrity of the Navajo Nation.

R. The Navajo Nation Council further finds that an immediate, comprehensive, and indefinite moratorium is necessary, is the least intrusive means of preserving the Nation's options and is in the best interest of the Navajo Nation and the Diné people.

SECTION THREE. DEFINITIONS

For purposes of this legislation, the following definitions shall apply:

A. "Advancement of Generative Artificial Intelligence Technology" means the development, siting, construction, installation, hosting, operation, expansion, financing, or commercial deployment within the territorial jurisdiction of the Navajo Nation of generative artificial intelligence systems or of the physical or energy infrastructure supporting them, and includes the training of models on Navajo Nation land or using Navajo Nation resources. This term shall be construed in accordance with the exclusions set forth in Section Eight of this legislation.

B. "Data Center" means any building, structure, group of buildings, container, module, mobile or modular unit, or any addition to or expansion of an existing facility, in which the principal use of the real property, or of the portion of the real property so used, is to house networked computer servers, processors, accelerators, storage systems, or associated components for the purpose of storing, processing, managing, transmitting, or disseminating data, or for providing high-density computing services, including without limitation cloud computing, colocation, artificial

intelligence training or inference, high-performance computing, digital asset or cryptocurrency mining, or any successor or comparable use, together with all associated substations, generation, transmission, cooling, water, wastewater, fuel storage, and access infrastructure. A Data Center is subject to this legislation regardless of size, square footage, capacity, electrical load, phasing, or ownership.

C. "Development Activity" means any act in furtherance of the siting, permitting, financing, construction, or operation of a Data Center, including without limitation site identification, site visits, feasibility studies, surveying, geotechnical or archaeological investigation, environmental review, load studies, interconnection studies, water availability studies, term sheets, letters of intent, memoranda of understanding, options, easements, and construction of any kind.

D. "Entity" means any person, corporation, limited liability company, partnership, joint venture, trust, cooperative, association, special purpose vehicle, developer, broker, site selector, consultant, utility, financial institution, agent, or governmental unit, and any parent, subsidiary, affiliate, successor, or assign thereof.

E. "Generative Artificial Intelligence" means any machine-based system that, from a model trained on data, generates text, images, audio, video, code, synthetic data, or other output, and includes the models, training processes, inference operations, and computing infrastructure supporting such systems.

F. "Hyperscale Data Center" means a Data Center, or a campus of Data Centers under common ownership, control, or development plan, having an anticipated or actual net new electrical load of seventy-five (75) megawatts or greater, or occupying twenty (20) acres or more. Nothing in this subsection shall be construed to exempt any Data Center below these thresholds from the moratorium declared by this legislation.

G. "Moratorium" means the prohibition declared in Section Four of this legislation on the advancement of generative artificial intelligence technology and on the siting, permitting, approval, financing, construction, installation, operation, and expansion of a Data Center of any size within the territorial jurisdiction of the Navajo Nation, together with the bars and prohibitions set forth in Sections Five through Seven of

this legislation, which shall remain in effect for the duration of the Moratorium Period.

H. "Moratorium Period" means the period commencing on the effective date of this legislation and continuing indefinitely until this legislation is amended or repealed by the Navajo Nation Council pursuant to Section Ten below.

I. "Navajo Nation Entity" means every branch, division, department, office, program, board, commission, authority, Chapter, political subdivision, enterprise, and corporation of the Navajo Nation, including without limitation the Navajo Tribal Utility Authority, the Navajo Nation Division of Economic Development, the Navajo Nation Division of Natural Resources, the Navajo Nation Environmental Protection Agency, the Navajo Land Department, the Navajo Nation Department of Water Resources, the Navajo Nation Minerals Department, the Navajo Nation Historic Preservation Department, and all Navajo Nation enterprises and Section 17 corporations of the Indian Reorganization Act.

J. "Territorial Jurisdiction of the Navajo Nation" has the meaning given to the territorial jurisdiction of the Navajo Nation by 7 N.N.C. § 254, and includes all lands and interests in land within the exterior boundaries of the Navajo Nation Reservation, all Navajo Nation trust, restricted, fee, and allotted lands wherever situated, all lands held in trust for the Navajo Nation, all dependent Indian communities, all Navajo Nation Chapters and political subdivisions, and all other lands and territories over which the Navajo Nation exercises jurisdiction, including but not limited to its tribal lands and territories.

SECTION FOUR. DECLARATION OF MORATORIUM

A. The Navajo Nation Council hereby declares, implements, and imposes a complete and indefinite moratorium on the advancement of generative artificial intelligence technology and on hyperscale data center development within the territorial jurisdiction of the Navajo Nation, including but not limited to its tribal lands and territories.

B. The moratorium declared herein extends to and prohibits the siting, permitting, approval, financing, construction, installation, operation, and expansion of a Data Center of any size within the territorial jurisdiction of the Navajo Nation. No Data Center shall be sited, permitted, approved, financed, constructed, installed, operated, or expanded within the territorial jurisdiction of the Navajo Nation during the Moratorium Period.

C. The moratorium applies without regard to the size, capacity, square footage, electrical load, water demand, phasing, technology, cooling method, ownership, financing structure, or claimed public benefit of the proposed facility, and applies whether the proponent is a non-Navajo entity, a Navajo Nation Entity, a Navajo Nation enterprise, a Navajo Nation Chapter, an individual Navajo Nation member, or any combination thereof.

D. No Navajo Nation Entity and no official, employee, agent, or representative of the Navajo Nation shall solicit, market, promote, advertise, or otherwise hold out any portion of the territorial jurisdiction of the Navajo Nation as available or suitable for Data Center development during the Moratorium Period.

SECTION FIVE. BAR ON INQUIRIES, DISCUSSIONS, NEGOTIATIONS, AND NON-DISCLOSURE AGREEMENTS

A. Any and all inquiries, discussions, negotiations, solicitations, presentations, correspondence, and Development Activity concerning any Entity seeking to develop a Data Center of any size within the territorial jurisdiction of the Navajo Nation are barred during the Moratorium Period.

B. No Navajo Nation Entity, and no official, employee, agent, consultant, lobbyist, or representative of the Navajo Nation, shall initiate, entertain, continue, or participate in any inquiry, discussion, negotiation, or Development Activity described in Subsection (A), whether formal or informal, whether oral or written, and whether occurring within or outside the territorial jurisdiction of the Navajo Nation during the Moratorium Period.

C. No Navajo Nation Entity, and no official, employee, agent, or representative of the Navajo Nation, shall execute, extend, renew, or perform under any non-disclosure agreement, confidentiality agreement, exclusivity agreement, letter of intent, memorandum of understanding, term sheet, option, or similar instrument relating in whole or in part to a Data Center or to the advancement of generative artificial intelligence technology within the territorial jurisdiction of the Navajo Nation during the Moratorium Period.

D. Any non-disclosure or confidentiality agreement described in Subsection (C) that was executed by any Navajo Nation Entity prior to the effective date of this Legislation shall, within thirty (30) days of the effective date, be reported in writing to the Resources and Development Committee and the Naabik'íyáti' Committee, together with a complete copy of the instrument, the identity of every counterparty, and a legal analysis by the Navajo Nation Department of Justice of the Nation's ability to terminate the instrument. No such agreement shall be construed to prevent disclosure to the Navajo Nation Council or its standing committees.

E. Any Entity that contacts a Navajo Nation Entity concerning a Data Center during the Moratorium Period shall be provided a copy of this resolution and shall be advised in writing that the matter is barred. A written log of all such contacts, including the date, the identity of the Entity, and the substance of the contact, shall be maintained by the Navajo Nation Department of Justice and by each Navajo Nation Entity receiving such contact, and shall be transmitted quarterly to the Resources and Development Committee, the Naabik'íyáti' Committee, and the Office of the President and Vice President.

SECTION SIX. PROHIBITION ON LAND, WATER, ENERGY, FISCAL, AND REGULATORY APPROVALS

During the Moratorium Period, and notwithstanding any other provision of Navajo Nation law, no Navajo Nation Entity shall accept, process, review, approve, issue, grant, execute, renew, or transmit to any federal or state agency any of the following documents and/or

information that relate in whole or in part to a Data Center or to the advancement of generative artificial intelligence technology:

A. Any land withdrawal, land use permit, land use clearance, homesite lease cancellation, grazing permit cancellation or modification, farm plot reassignment, or Chapter land use plan amendment;

B. Any business site lease, surface lease, ground lease, sublease, mineral or surface agreement, or lease approval or consent under 25 U.S.C. § 415 or any Navajo Nation leasing authority;

C. Any right-of-way, easement, or utility corridor grant or consent, including under 25 U.S.C. § 323 and 25 C.F.R. Part 169;

D. Any water use permit, water service agreement, water delivery contract, groundwater withdrawal authorization, well permit, wastewater discharge authorization, or allocation of Navajo Nation water rights;

E. Any electrical service agreement, load study, interconnection study, interconnection agreement, capacity reservation, power purchase agreement, generation siting approval, transmission or distribution upgrade agreement, or backup generation authorization;

F. Any air quality permit, construction permit, building permit, grading permit, occupancy permit, environmental review or clearance, or cultural resources compliance clearance;

G. Any business site development approval, business regulatory license, tax certification, tax abatement, tax credit, sales or use tax exemption, industrial revenue bond, loan, loan guarantee, grant, equity contribution, or other fiscal incentive or financial commitment of the Navajo Nation;

H. Any waiver of the sovereign immunity of the Navajo Nation or of any Navajo Nation Entity, and any consent to jurisdiction, arbitration, or choice of law, relating to a Data Center; and

I. Any letter of support, comment of non-objection, tribal consent, tribal resolution of support, or similar instrument submitted to any federal or state agency, financing

authority, or private party in support of a Data Center located within the territorial jurisdiction of the Navajo Nation.

SECTION SEVEN. APPLICATION TO NAVAJO NATION ENTITIES, ENTERPRISES, AND CHAPTERS

A. This legislation binds every Navajo Nation Entity, including every enterprise of the Navajo Nation and every corporation chartered under Navajo Nation law or under Section 17 of the Indian Reorganization Act, without regard to any plan of operation, charter, or organic document purporting to confer independent authority.

B. No Navajo Nation Chapter shall approve, endorse, or take any action in support of a Data Center within its Chapter boundaries during the Moratorium Period, and any Chapter resolution purporting to do so shall have no legal force or effect. Nothing in this legislation limits the authority of a Chapter to adopt a resolution opposing a Data Center located within or adjacent to its boundaries.

C. Any Navajo Nation enterprise or Navajo Nation-owned corporation that proposes to develop, acquire, finance, or operate a Data Center outside the territorial jurisdiction of the Navajo Nation shall, not less than ninety (90) days prior to entering into any binding commitment, provide written notice to the Resources and Development Committee, the Naabik'íyáti' Committee, and the Budget and Finance Committee describing the project, the Navajo Nation assets or name to be committed, and the risk to the Navajo Nation. No Navajo Nation asset, guarantee, credit, water right, or name shall be committed to such a project without the prior approval of the Navajo Nation Council through resolution.

D. This legislation supersedes any inconsistent policy, procedure, plan of operation, or administrative practice of any Navajo Nation Entity.

SECTION EIGHT. EXCLUSIONS

This legislation is directed at the industrial development of Data Centers and the commercial advancement of generative artificial intelligence infrastructure within the Navajo Nation. It is not intended to, and shall not be construed to, restrict the following:

A. The personal, household, educational, or business use by Diné people and by residents of the Navajo Nation of consumer computing devices, telephones, internet services, and commercially available software, including software incorporating artificial intelligence features;

B. The internal administrative, clerical, financial, records, telehealth, distance education, emergency management, dispatch, or public safety information technology operations of any Navajo Nation Entity, Navajo Nation Chapter, school, college, court, health care facility, or public safety agency serving the Navajo Nation, including on-premises server rooms, computer rooms, network closets, and disaster recovery systems that support only the operations of that entity and are not offered as a commercial computing, colocation, or artificial intelligence compute service to third parties;

C. Telecommunications and broadband network infrastructure, including central offices, fiber routes, network equipment shelters, cabinets, huts, wireless facilities, microwave and satellite facilities, and edge caching equipment necessary to deliver telephone, internet, and broadband service to Diné households, schools, clinics, businesses, and government facilities, including facilities funded through the broadband investments approved by the Navajo Nation Council;

D. The continued operation, maintenance, repair, and like-for-like replacement of any computing or data facility owned and operated by the Navajo Tribal Utility Authority or another Navajo Nation Entity and in service as of the effective date of this legislation, provided that such facility is used to support the utility, governmental, health, educational, public safety, and community broadband functions of the Navajo Nation, and provided further that no such facility shall be expanded, repurposed, or made available for commercial colocation or third-party artificial intelligence compute during the Moratorium Period without the prior written approval of the Navajo Nation Council;

E. Non-commercial academic and research computing at Diné College, Navajo Technical University, and Navajo Nation schools, provided the facility is not offered

as a commercial service and does not meet the definition of a Hyperscale Data Center; and

F. Study, research, analysis, public education, and consultation undertaken pursuant to Section Nine of this legislation, and the receipt of unsolicited information by a Navajo Nation Entity, provided that the receipt is logged and reported under Section Five(E) and that no negotiation, encouragement, or Development Activity follows.

SECTION NINE. DINÉ DATA CENTER AND EMERGING TECHNOLOGY WORK GROUP

A. There is hereby established the Diné Data Center and Emerging Technology Work Group, which shall be staffed by the Navajo Nation Division of Natural Resources with legal support from the Office of Legislative Counsel and the Navajo Nation Department of Justice.

B. The Work Group shall consist of the following members or their designees:

1. Chairperson of the Resources and Development Committee, who shall serve as Chairperson of the Work Group;
2. Council Delegate designated by the Naabik'íyáti' Committee;
3. Attorney General of the Navajo Nation;
4. Executive Director of the Navajo Nation Environmental Protection Agency;
5. Executive Director of the Division of Natural Resources;
6. Director of the Navajo Nation Department of Water Resources;
7. Chairperson of the Navajo Nation Water Rights Commission;
8. Director of the Navajo Land Department;
9. Historic Preservation Officer of the Navajo Nation;
10. General Manager of the Navajo Tribal Utility Authority;
11. Executive Director of the Division of Economic Development;
12. Representative designated by Diné College;
13. Representative designated by Navajo Technical University; and
14. Representative of the Navajo Youth Advisory Council.

C. The Work Group shall:

1. Compile and maintain a public inventory of all Data Center proposals, inquiries, and Development Activity affecting the Navajo Nation, including proposals located outside the Navajo Nation whose water, air, transmission, or cultural resource impacts reach Navajo Nation lands or Diné communities;
2. Assess the water, groundwater, surface water, and water rights implications of Data Center development, in coordination with the Navajo Nation Water Rights Commission, and specifically assess the effect of any such development on the Nation's pending settlement and adjudication positions;
3. Assess the electrical load, generation, transmission, distribution, reliability, and rate implications for Diné ratepayers, including the effect on the Nation's unelectrified households and on the cost of extending service to them;
4. Assess air quality, noise, waste heat, light, chemical, and public health implications, and the cumulative burden borne by Diné communities from prior and ongoing extractive activity;
5. Assess land use, grazing, homesite, cultural resource, sacred site, and Traditional Cultural Property implications;
6. Assess fiscal implications, including realistic employment projections, revenue projections net of incentives and infrastructure cost, decommissioning and reclamation liability, and the experience of other jurisdictions that have repealed data center tax incentives;
7. Develop and recommend to the Navajo Nation Council a comprehensive regulatory framework, including a data center use classification, siting and setback standards, water and energy standards, noise and air standards, decommissioning and reclamation bonding, transparency and anti-non-disclosure provisions, Chapter and community consent requirements, community benefit requirements, Navajo preference in employment requirements, and an Indigenous data sovereignty framework;

8. Conduct not fewer than five (5) public hearings, one in each Agency, conducted in the Navajo language with English interpretation, and receive written comment from Diné citizens and Chapters; and
9. Submit a written interim report to the Resources and Development Committee and the Naabik'íyáti' Committee not later than one hundred eighty (180) days after the effective date of this legislation, and a final report with recommended legislation to the Navajo Nation Council not later than three hundred sixty-five (365) days after the effective date of this legislation, with annual reports thereafter until the Moratorium Period ends.

D. The Work Group shall conduct its business in meetings open to the Diné public, shall post its materials publicly, and shall not enter into or accept any non-disclosure agreement. Each meeting of the Work Group shall include an opportunity for public comment. The Work Group shall alternate the location of its meetings among the Chinle, Eastern, Fort Defiance, Northern, and Western Agencies.

E. Members of the Work Group shall receive no additional compensation for participation in the Work Group and shall pay for any travel expenses through their internal budgets.

SECTION TEN. DURATION; NO AUTOMATIC EXPIRATION; AMENDMENT OR REPEAL

A. The Moratorium Period shall commence on the effective date of this legislation and shall continue indefinitely. This legislation shall not expire by operation of time, by the passage of any deadline, by the submission of any report, or by the action or inaction of any Navajo Nation Entity.

B. The moratorium declared by this legislation may be lifted, narrowed, suspended, waived, or amended only by legislation enacted by the Navajo Nation Council following review by the Resources and Development Committee and the Naabik'íyáti' Committee, and only after the Council has received the final report of the Work Group required by Section Nine and has held a public hearing on the proposed change.

C. No exemption, exception, variance, or waiver from this legislation shall be granted by any Navajo Nation Entity, official, or employee. The Navajo Nation Council reserves to itself alone the authority to authorize any exception, and any such authorization shall be by legislation specific to the proposed facility.

SECTION ELEVEN. DIRECTIVES

A. The Office of the President and Vice President is requested to circulate this legislation to the Divisions and Departments of the Executive Branch.

B. The Navajo Nation Department of Justice is directed to review all existing agreements, instruments, correspondence, and commitments of the Navajo Nation relating to Data Centers or generative artificial intelligence; to report the results of that review to the Resources and Development Committee and the Naabik'íyáti' Committee within ninety (90) days of the effective date; and to take all lawful action to terminate or void instruments inconsistent with this legislation.

C. The Navajo Nation Environmental Protection Agency, the Division of Natural Resources, the Navajo Land Department, the Department of Water Resources, the Minerals Department, and the Historic Preservation Department are directed to decline to accept, process, or act upon any application, submission, or request inconsistent with this Action, and to transmit any such submission to the Work Group and to the Resources and Development Committee.

D. The Division of Economic Development is directed to remove from all marketing materials, websites, site selection databases, prospectuses, and economic development presentations any offering, listing, or representation of Navajo Nation land, water, or power as available for Data Center development, and to certify completion in writing to the Resources and Development Committee within sixty (60) days.

E. The Navajo Tribal Utility Authority is directed to decline to accept or process any interconnection request, load study request, or service application for a Data Center, and to report to the Resources and Development Committee any such request received.

F. The Office of the Speaker is directed to transmit a certified copy of this legislation, upon its enactment, to the President of the Navajo Nation, to all Navajo Nation Chapters, to all Navajo Nation enterprises, to the Navajo Nation Washington Office, to the Bureau of Indian Affairs Navajo Regional Office, to the Departments of the Interior and Energy, to the Environmental Protection Agency, to the Federal Energy Regulatory Commission, to the Governors and Legislatures of the States of Arizona, New Mexico, and Utah, to the Arizona Corporation Commission and the New Mexico Public Regulation Commission, to the City of Page, Arizona, to the Congressional delegations of Arizona, New Mexico, and Utah, to the National Congress of American Indians, and to the Native Nations Center for Tribal Policy Research at the University of Oklahoma.

G. The Navajo Nation Council supports the resolution of the LeChee Chapter opposing the sale of land near Page, Arizona for Data Center development, and directs the Navajo Nation Department of Justice and the Navajo Nation Washington Office to take all appropriate action, including participation in federal and state permitting and rate proceedings, to protect Diné water, air, land, and ratepayer interests affected by that project and by comparable projects in the region.

H. The Navajo Nation Washington Office and the Office of the Attorney General are directed to advocate before the Congress of the United States and the Executive Branch of the United States for: the express recognition of tribal land use and siting authority in any national artificial intelligence policy framework, on terms no less protective than those afforded to state zoning authority; the preservation of tribal consultation and environmental review obligations notwithstanding categorical exclusions established under Executive Order 14318 and the Council on Environmental Quality guidance of April 9, 2026; ratepayer protections that reach tribal utility customers; and the exclusion of tribal trust and restricted lands from any federal land site identification for data center development absent the express prior consent of the affected tribal nation.

I. The Navajo Nation Washington Office is further directed to monitor and report on federal legislation addressing data centers, including measures that would establish

a national moratorium, and on any federal effort to preempt tribal or state authority over the siting of such facilities.

J. The Navajo Nation Council extends its recognition to the Seminole Nation of Oklahoma, the Cherokee Nation, and the Muscogee (Creek) Nation for their leadership on this question and directs the Naabik'íyáti' Committee to pursue coordinated intertribal advocacy on data center siting, tribal consultation, ratepayer protection, and Indigenous data sovereignty.

SECTION TWELVE. EXTERNAL ENGAGEMENT AND PROJECTS ADJACENT TO THE NAVAJO NATION

The Navajo Nation Council hereby declares that Data Center development located outside the territorial jurisdiction of the Navajo Nation but drawing upon the same aquifers, watersheds, airsheds, transmission systems, or cultural landscapes as the Navajo Nation directly and substantially affects the rights, interests, and resources of the Navajo Nation, and requires government-to-government consultation with the Navajo Nation.

SECTION THIRTEEN. ENFORCEMENT

A. Any lease, permit, right-of-way, easement, contract, memorandum of understanding, letter of intent, term sheet, option, non-disclosure agreement, interconnection agreement, or other instrument entered into in violation of this legislation is void *ab initio*, is unenforceable against the Navajo Nation, and confers no right, interest, or expectation upon any party.

B. The Navajo Nation Department of Justice is authorized and directed to seek injunctive and declaratory relief, and any other appropriate remedy, in the courts of the Navajo Nation against any Entity or person violating or threatening to violate this legislation.

C. Any non-member Entity that undertakes Development Activity within the territorial jurisdiction of the Navajo Nation in violation of this Legislation shall be subject to exclusion from the Navajo Nation in accordance with Navajo Nation law, and to the

cancellation of any Navajo Nation business regulatory license or business site lease held by that Entity.

D. Violation of this legislation by an official or employee of the Navajo Nation shall constitute grounds for disciplinary action, including removal, in accordance with the Navajo Nation Personnel Policies Manual and applicable Navajo Nation law, and shall be reported to the Ethics and Rules Office.

E. Any Diné citizen, Chapter, or grazing permittee may report a suspected violation of this legislation in writing to the Resources and Development Committee, which shall transmit the report to the Navajo Nation Department of Justice for review and written response within forty-five (45) days.

SECTION FOURTEEN. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Supreme Court of the Navajo Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder of this legislation shall remain the law of the Navajo Nation.

SECTION FIFTEEN. EFFECTIVE DATE

This legislation shall become effective in accordance with 2 N.N.C. §§ 221(A), (B), and 1005(C)(10)-(11).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0279-26 **SPONSOR: Titus J. Nez**

TITLE: **An Action Relating to the Resources and Development and Naabik'íyáti Committees and the Navajo Nation Council; Declaring an Indefinite Moratorium on Generative Artificial Intelligence Technology and Data Center Development of Any Size Within the Navajo Nation; Prohibiting Related Inquires, Discussions, Negotiations, Agreements, Development Activities, and Land, Water, Energy, and Regulatory Approvals; And Establishing the Diné Data Center and Emerging Technology Work Group**

Date posted: **November 13, 2026 at 8:17 PM**
for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. *§374 et. seq*.