THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0282-26 **SPONSOR: Shawna Ann Claw**

TITLE: **An Action Relating to the Naabik'íyáti Committee; Supporting the Proposed Extension of the Build America, Buy America Manufactured Products Waiver for Indian Tribes and Requesting a Longer Extension; And Approving the Navajo Nation's Comments on the Proposed Extension**

Date posted: **November 13, 2026 at 8:34 PM**

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address 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*.

LEGISLATIVE SUMMARY SHEET
Tracking No. 0282-26

DATE: November 13, 2026

TITLE OF RESOLUTION: AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE PROPOSED EXTENSION OF THE BUILD AMERICA, BUY AMERICA MANUFACTURED PRODUCTS WAIVER FOR INDIAN TRIBES AND REQUESTING A LONGER EXTENSION; AND APPROVING THE NAVAJO NATION'S COMMENTS ON THE PROPOSED EXTENSION

PURPOSE: This legislation, if approved, would support the proposed extension of the Build America, Buy America manufactured products waiver for Indian Tribes, request a longer extension, and approve the Navajo Nation's comments on the proposed extension and authorize their submission.

FINAL AUTHORITY: Naabik'íyáti' Committee

VOTE REQUIRED: Simple Majority Vote

This written summary does not address amendments as may be proposed before the Budget and Finance Committee. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: dl 11-17-26
Website Posting Time/Date: _____
Posting End Date: 11-18-26
Eligible for Action: 11-19-26

Naabik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

Shawna Ann Claw

Primary Sponsor

Tracking No. 0282-26

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE PROPOSED EXTENSION OF THE BUILD AMERICA, BUY AMERICA MANUFACTURED PRODUCTS WAIVER FOR INDIAN TRIBES AND REQUESTING A LONGER EXTENSION; AND APPROVING THE NAVAJO NATION'S COMMENTS ON THE PROPOSED EXTENSION

WHEREAS:

A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council empowered to coordinate with all committees the appearance and testimony of the Navajo Nation before federal, state and other non-Navajo government entities, and to review and continually monitor the programs and activities of federal departments through the intergovernmental relationships between the Navajo Nation and those departments. 2 N.N.C. §§ 700(A), 701(A)(7) and 701(A)(8).

B. The Build America, Buy America Act, enacted in the Infrastructure Investment and Jobs Act, Pub. L. 117-58, requires that the iron, steel, manufactured products and construction materials used in infrastructure projects funded with federal financial assistance be produced in the United States, and section 70914 of the Act allows a federal agency to waive that requirement where applying it would be inconsistent with the public interest.

C. On January 10, 2025, the Department of the Interior and other participating federal agencies issued the General Applicability Public Interest Waiver to Indian Tribes for a term of five years, and its manufactured products element applied to federal financial assistance obligated to Tribes through September 30, 2026.

D. Eight federal agencies led by the Department of the Interior have proposed to extend the manufactured products element of that waiver through December 31, 2026. The proposed extension was published in the Federal Register on October 23, 2026, 91 Fed. Reg. 66,871, Docket No. DOI-2026-0232, with comments due November 23, 2026, and is attached as **Exhibit A.**

E. The United States has a trust responsibility to the Navajo Nation and obligations under the Treaty of 1868, and it must honor those obligations, including through meaningful government-to-government consultation, whenever it acts in ways that affect the Navajo Nation and its people.

F. The agencies explain that compliance with the manufactured products requirement continues to pose implementation challenges in Tribal communities. Because the extension cannot take effect until after the comment period closes, however, it would provide relief for only a few weeks, and it would not cover manufactured products purchased between October 1, 2026 and its effective date.

G. The Navajo Nation and its enterprises carry out water, power, housing, broadband and other infrastructure projects with federal financial assistance from the participating agencies, often far from suppliers, and a lapse in the waiver can stall projects that are already funded.

H. The Navajo Nation has developed written comments on the proposed extension, which (i) support the extension; (ii) ask the agencies to extend the waiver through at least September 30, 2027, and preferably for the remaining term of the General Applicability Public Interest Waiver to Indian Tribes; (iii) ask that the extension apply to purchases made on or after October 1, 2026; and (iv) ask the agencies to consult with Tribes before allowing the waiver to expire and to use the information they gather to build supplier capacity, attached as **Exhibit B.**

I. It is in the best interest of the Navajo Nation to support the proposed extension, to approve and adopt the comments within **Exhibit B**, and to authorize their submission to the Secretary of the Interior for inclusion in the record of Docket No. DOI-2026-0232.

NOW THEREFORE, BE IT RESOLVED:

A. The Navajo Nation hereby supports the proposed extension of the manufactured products waiver of the General Applicability Public Interest Waiver to Indian Tribes, approves and adopts the comments of the Navajo Nation on the proposed extension, attached as **Exhibit B**, and authorizes the submission of those comments to the Secretary of the Interior for inclusion in the record of Docket No. DOI-2026-0232.

B. The Navajo Nation calls on the participating agencies to extend the manufactured products waiver through at least September 30, 2027, and preferably for the remaining term of the General Applicability Public Interest Waiver to Indian Tribes, and to apply the extension to manufactured products purchased with federal financial assistance awarded to Indian Tribes on or after October 1, 2026.

C. The Navajo Nation requests government-to-government consultation before the participating agencies allow the manufactured products waiver to expire.

D. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Vice-President, the Speaker of the Navajo Nation Council, and their designees to take all steps necessary to advocate for the Navajo Nation's position with respect to this resolution.