

DEPARTMENT OF THE INTERIOR
and
Department of Agriculture
Department of Commerce
Department of Education
Department of Energy
Department of Housing and Urban Development
Environmental Protection Agency
Federal Emergency Management Agency

**General Applicability Public Interest Waiver to Indian Tribes – Proposed Extension of
Manufactured Products Waiver**

Summary

Agency: Department of the Interior (DOI); Department of Agriculture (USDA); Department of Education (ED); Department of Energy (DOE); Department of Housing and Urban Development (HUD); Environmental Protection Agency (EPA); Federal Emergency Management Agency (FEMA); and Department of Commerce (DOC) (hereafter “the Agencies”).

Proposed Extension of Waiver: The Agencies are proposing to issue an extension of the manufactured products element of the general applicability joint public interest waiver to Indian Tribes (issued on January 10, 2025). This extension would continue to waive the manufactured products requirements of section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) (Buy America Preference) for Federal Financial Assistance agreements awarded to Indian Tribes through December 31, 2026. Applicable recipients and subrecipients will be permitted to purchase non-compliant manufactured products, regardless of the Federal financial assistance amount. For Federal financial assistance issued prior to the effective date of the final waiver, the waiver would apply to funds not yet expended.

Waiver Type: Public Interest

Waiver Level: General Applicability, All Regions

Applicability: The waiver is applicable to Federal financial assistance obligated on or after the effective date of the final waiver, and before its expiration.

Length of the waiver: This extension would expire on December 31, 2026.

Justification for waiver extension: Compliance with the BABA manufactured products requirements continues to pose implementation challenges in Tribal communities. This extension of the manufactured products portion of the waiver is intended to allow infrastructure projects in Tribal communities to proceed while allowing Agencies time to examine further modifications to the waiver consistent with the President’s mandate for strengthening Made in America implementation. This extension is also intended to allow agencies additional time to move toward efforts to bring Tribal recipients into fuller alignment with BABA requirements,

including through strengthening and coordinating Agency guidance to tribes and refining compliance support, training, and technical assistance.

Solicitation for Comments: The proposed waiver was posted on each agency's public facing webpage, the Made in America website, and the Federal Register to satisfy the requirement to provide a period of not less than thirty (30) days for public comment on a proposal to modify or renew a waiver of general applicability. The Agencies seek public and industry comments from all interested parties, particularly regarding common, critical manufactured products in infrastructure projects; the availability of BABA-compliant vendors, including those that are Native enterprises; current and anticipated availability of domestic products; and current and future states of domestic production and supply chains. Relevant information and comments will help the Agencies understand the facts and impacts surrounding this waiver request. Comments can be sent to DOI_Grants_BuyAmerica_Waiver@ios.doi.gov or submitted via the Federal Register, docket DOI-2026-0232. Please reference "Indian Tribes" in the subject line of the email. The proposed waiver was posted on September 4, 2026, and the public comment period closes on October 4, 2026. Comments received on or prior to the public comment closing date will be reviewed and considered by the Agencies.