



THE SECRETARY OF THE INTERIOR
WASHINGTON

Order No. 3394 Amendment No. 1 (*Amended material bolded and italicized*)

Subject: Establishment of New Department Leadership Team and Temporary Redelelegation of Authority

Sec. 1 **Purpose.** The purpose of this Order is to facilitate the prompt and effective accession of the Biden administration's leadership team into key roles in the Department of the Interior (Department). It specifically identifies those officials who will provide policy leadership and temporarily redelegates authority for the vacant Presidentially appointed and Senate-confirmed (PAS) positions to ensure they have the necessary decision-making authority.

Sec. 2 **Authority.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and in compliance with the Federal Vacancies Reform Act (FVRA).

Sec. 3 **Background.** The transition between Presidential administrations routinely results in a significant number of vacant PAS positions. As PAS positions are the most senior policy leadership positions in the Executive Branch, these vacancies create a corresponding lack of senior policy leadership, which needs to be promptly filled.

The FVRA prescribes the methods by which an official can become Acting in a vacant PAS position, generally limited to either automatic assumption of the First Assistant to the PAS position or to designation by the President. With the transition, the First Assistant positions have all become vacant and thus will not have an Acting PAS official, although there is an Acting Secretary pursuant to Presidential designation.

The FVRA accommodates the possibility that no official will be eligible to be Acting in a particular PAS position by providing that only an Acting official can perform functions and duties of the position that are required by statute or regulation to be performed by the applicable PAS officer "and only that officer." The FVRA thus allows for the delegation of the authority to perform the functions and duties of a PAS position to another official, provided that any function or duty that is expressly not delegable or otherwise explicitly made exclusive to the PAS position may not be delegated.

As authorized by law in Reorganization Plan No. 3 of 1950, the Department operates on a system of authority delegated from the Secretary to subordinate officials, with the presumption that authority will be delegated to the lowest appropriate level. Accordingly, there are few non-delegable exclusive functions of PAS positions. This Order therefore is intended to ensure uninterrupted policy direction, management, decision-making, and execution of the duties of the

vacant PAS positions during the Presidential transition, pending Senate confirmation of new non-career officials, by identifying and appointing the new team and delegating to them the necessary authority.

Sec. 4 Establishment of Leadership Team. The following officials are assigned to provide policy leadership and direction, as well as granted decision-making authority associated with the duties and responsibilities of the identified PAS position. Furthermore, I hereby approve the appointment of each individual to her or his position of record in the Department, in compliance with the Appointments Clause of the United States Constitution.

- a. Assistant Secretary – Indian Affairs: Bryan Newland, Senior Advisor to the Secretary*
- b. Director, Bureau of Land Management: Nada Culver, Senior Advisor to the Secretary*
- c. Director, United States Geological Survey: **David Applegate**, Associate Director for Natural Hazards

The Leadership Team continues to include Robert Anderson, Rachael Taylor, Laura Daniel-Davis, Tanya Trujillo, Shannon Estenoz, Maria (Camille) Touton, and Martha Williams. Those officials have transferred to positions to which there exists a current delegation, either as found in the Departmental Manual (DM) or a succession memorandum, of the decision-making authority of the associated PAS position. These transfers make the delegation of decision-making authority via this Order unnecessary. Consequently, those officials have been removed from the delineation above and will operate, as necessary, pursuant to the other delegations.

Sec. 5 Delegation. The officials noted above are hereby delegated the authority necessary to perform all functions, duties, and responsibilities of their respective positions that are not required by statute or regulation to be performed only by a PAS official in that position. The authority delegated herein may be further delegated by the designee as necessary, consistent with 200 DM 1, *Delegation of Authority*, and all applicable statutes and regulations.

The availability of an official named herein to perform the responsibilities of the associated PAS position shall be applied to mean that no vacancy or absence exists for purposes of an applicable Succession Order issued under 302 DM 2, *Designation of Successors for Presidentially-Appointed, Senate Confirmed Positions*. This Order does not otherwise affect the delegations made in those Succession Orders, which shall be operative in the event of a vacancy or absence of an individual named above, and for any PAS positions not listed herein.

Sec. 6 Limitations. This Order is not intended to, nor does it in law or fact, create an Acting official in the associated PAS position. In compliance with the FVRA, the Secretary must perform any functions or duties required by statute or regulation to be performed only by a Senate-confirmed official occupying the position. This delegation does not supersede existing delegations of authority to or from the various vacant PAS positions to subordinate officials,

including those expressed in the Department Manual or Bureau or Office internal delegation system.

Sec. 7 Expiration Date. This Order is effective on March 5, 2021, at 12:00 p.m. Eastern Standard Time. It will automatically expire when each vacant PAS position is filled by a Senate confirmed appointee, upon the subsequent designation of Acting officials, or a subsequent delegation to alternate officials. In the absence of the foregoing actions, it will terminate on May 31, 2021, unless extended, modified, or revoked.

A handwritten signature in blue ink, reading "S. de la Vega", followed by a long horizontal flourish.

Scott A. de la Vega
Acting Secretary of the Interior

Date: MAR 05 2021