



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3411

**Subject:** Revocation of Secretary's Order No. 3402, *COVID-19 Vaccine Mandate for Educators at Bureau of Indian Education-Operated Schools*

**Sec. 1 Purpose.** Consistent with Executive Order No. 14099, *Moving Beyond COVID-19 Vaccination Requirements for Federal Workers*, which revoked the COVID-19 vaccination mandate for Title 5 Federal employees, and informed by Department of Health and Human Services (HHS) and Centers for Disease Control and Prevention (CDC) guidance ending the COVID-19 Public Health Emergency, this Order revokes Secretary's Order No. 3402, *COVID-19 Vaccine Mandate for Educators at Bureau of Indian Education-Operated Schools*.

**Sec. 2 Authorities.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), and the authority provided in 25 U.S.C. § 2012, Indian Education Personnel, and its implementing regulations at 25 C.F.R. Subchapter E, Education (Subpart E).

**Sec. 3 Background.** In September 2021, the highly transmissible B.1.617.2 (Delta) variant of COVID-19 had become the predominant strain of the virus in the United States and rapidly inflicted a wave of hospitalizations and death. This public health crisis was particularly harmful to Tribal communities, which were disproportionately affected by COVID-19. Meanwhile, the Department of the Interior (Department) remained committed to its mission to protect the health and safety of children in Bureau of Indian Education (BIE) schools while ensuring that they receive the benefits of a good education. Guided by the best available data and CDC recommendations that educational institutions take action to provide for the vaccination of teachers and staff, Secretary's Order No. 3402 required BIE educators, as defined under 25 U.S.C. § 2012(o)(2), to (1) become vaccinated against COVID-19 by October 15, 2021; and (2) provide proof of such vaccination in accordance with procedures established by their school leader, consistent with guidance issued by their Education Program Administrator. On September 9, 2021, the President issued Executive Order No. 14042, which required COVID-19 vaccination for Federal contractors, and Executive Order No. 14043, which required COVID-19 vaccination for Federal Civil Service employees, to protect the health and safety of critical workforces serving the American people throughout the COVID-19 pandemic.

Thanks to the important work of dedicated public servants and developments in testing and therapeutics, COVID-19 death rates have declined by 93 percent from September 2021, and new COVID-19 hospitalizations have declined by 83 percent. Addressing COVID-19 remains a public health priority, and the Department remains committed to supporting the health, safety, and well-being of its staff and the communities it serves. While vaccination remains an important tool to protect individuals from serious illness and death, significant progress has been made in

the fight against the COVID-19 pandemic, and the nation is transitioning away from the emergency phase. Based upon recent guidance from HHS, CDC, and other public health experts, the President issued Executive Order No. 14099 on May 15, 2023, which revoked the vaccination requirements of Executive Order Nos. 14042 and 14043. Consistency with the guidance of public health experts and the approach taken across the Federal Government leads the Department to reach the same decision.

**Sec. 4 Revocation of Vaccination Requirements.** Secretary's Order No. 3402 is revoked. BIE educators, as defined under 25 U.S.C. § 2012(o)(2), are no longer required to be vaccinated against COVID-19 and no longer required to provide proof of such vaccination in accordance with procedures established to implement Secretary's Order No. 3402. BIE policies, procedures, and guidance adopted to implement Secretary's Order No. 3402 may no longer be enforced and shall be rescinded consistent with applicable laws, rules, and regulations.

**Sec. 5 Responsibilities.**

- a. Assistant Secretary - Indian Affairs (AS-IA). The AS-IA, or delegated authority, is responsible for:
  - (1) Ensuring the issuance of any necessary implementing guidance within 30 days of the issuance of this Order.
  - (2) Providing any funding necessary to ensure the implementation of this Order in compliance with applicable laws, rules, and regulations.
  - (3) Notifying and communicating with Tribes and other stakeholders to enhance understanding of and further compliance with this Order.
- b. Director, Bureau of Indian Education. The Director, BIE, is responsible for:
  - (1) Rescinding BIE policies, procedures, and guidance adopted to implement Secretary's Order No. 3402, consistent with applicable laws, rules, and regulations.
  - (2) Ensuring that implementing guidance is promptly transmitted to the BIE's Education Program Administrators (EPAs), with instructions for the EPAs to take appropriate steps to implement the revocation of Secretary's Order No. 3402 for the BIE-operated schools within their respective areas of responsibility.
  - (3) Monitoring implementation of this Order.
- c. Education Program Administrators. EPAs are responsible for:
  - (1) Working with their associated school leaders to take appropriate steps to implement this Order, consistent with any necessary implementing guidance,

at their respective schools, including issuing or updating employee handbooks as necessary.

- (2) Implementing this Order, consistent with any necessary implementing guidance, in compliance with applicable legal requirements, including but not limited to privacy protections and relevant collective bargaining provisions, if applicable.

**Sec. 6 Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provision of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 7 Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are implemented and completed, or until it is amended, superseded, or revoked.



Secretary of the Interior

Date: July 3, 2023