



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3406

Subject: Establishment of a Diversity, Equity, Inclusion and Accessibility Council

Sec. 1 Purpose. The Biden-Harris Administration has issued numerous Executive Orders (EOs) establishing Federal priorities to embed equity and racial justice across Federal agencies, policies, and programs, and to deliver reform so that people across America have the opportunity to fulfill their potential. These EOs are designed to ensure that the Federal Government, as the Nation’s largest employer, must be a model for diversity, equity, inclusion, and accessibility. Across the Government, including the Department of the Interior, efforts to advance diversity, equity, inclusion, and accessibility must be prioritized for both citizen-facing mission delivery, and internally, to allow the Department to recruit, hire, develop, promote and retain our Nation’s best talent that reflects the diversity of the American people. By advancing equity across the Department, we can create opportunities for the improvement of communities that have been historically underserved, which benefits all Americans. The purpose of this Order is to establish a Diversity, Equity, Inclusion, and Accessibility (DEIA) Council that will ensure that that the Department prioritizes action on the advancement of DEIA and further its implementation of the DEIA EOs.

Sec. 2 Authorities. This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended. Other authorities for this Order include, but are not limited to, Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e et seq.), the Rehabilitation Act, as amended (29 U.S.C. 791 et seq.), the Age Discrimination in Employment Act, as amended (29 U.S.C. 633a), Administrative Procedure Act (5 U.S.C. 551 et seq.), Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681 et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et seq.), Executive Order (EO) 13985 “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (January 20, 2021), EO 13988 “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation” (January 20, 2021), EO 14020 “Establishment of the White House Gender Policy Council” (March 8, 2021), and EO 14035 “Diversity, Equity, Inclusion and Accessibility in the Federal Workforce” (June 25, 2021).

Sec. 3 Definitions. For the purpose of this Order, the Department adopts the following definitions issued by the White House in EO 14035:

- a. The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, who have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. In the context of the Federal workforce, this term includes individuals who belong to

communities of color, such as Black and African American, Hispanic and Latino, Native American, Alaska Native and Indigenous, Asian American, Native Hawaiian and Pacific Islander, Middle Eastern, and North African persons. It also includes individuals who belong to communities that face discrimination based on sex, sexual orientation, and gender identity (including lesbian, gay, bisexual, transgender, queer, gender non-conforming, and non-binary (LGBTQ+) persons); persons who face discrimination based on pregnancy or pregnancy-related conditions; parents; and caregivers. It also includes individuals who belong to communities that face discrimination based on their religion or disability; first-generation professionals or first-generation college students; individuals with limited English proficiency; immigrants; individuals who belong to communities that may face employment barriers based on older age or former incarceration; persons who live in rural areas; veterans and military spouses; and persons otherwise adversely affected by persistent poverty, discrimination, or inequality. Individuals may belong to more than one underserved community and face intersecting barriers.

- b. The term “diversity” means the practice of including the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.
- c. The term “equity” means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment.
- d. The term “inclusion” means the recognition, appreciation, and use of the talents and skills of employees of all backgrounds.
- e. The term “accessibility” means the design, construction, development, and maintenance of facilities, information and communication technology, programs, and services so that all people, including people with disabilities, can fully and independently use them. Accessibility includes the provision of accommodations and modifications to ensure equal access to employment and participation in activities for people with disabilities, the reduction or elimination of physical and attitudinal barriers to equitable opportunities, a commitment to ensuring that people with disabilities can independently access every outward-facing and internal activity or electronic space, and the pursuit of best practices such as universal design.

Sec. 4 **Background.** At the time of this Order, the Administration has issued more than ten Executive Orders related to Diversity, Equity, Inclusion, and Accessibility, representing both internal and externally facing priorities:

- EO 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”
- EO 13988, “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation”
- EO 14003, “Protecting the Federal Workforce”
- EO 14008, “Tackling the Climate Crisis at Home and Abroad”

- EO 14020, “Establishment of the White House Gender Policy Council”
- EO 14021, “Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity”
- EO 14031, “Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders”
- EO 14035, “Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce”
- EO 14041, “White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity Through Historically Black Colleges and Universities”
- EO 14045, “White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics”
- EO 14049, “White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Native Americans and Strengthening Tribal Colleges and Universities”
- EO 14050, “White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans”

Acknowledging the inextricable link between customer experience and the American public’s experience, the *Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce, November 2021* states that “the Government must design and deliver services with a constant focus on the lived experiences of the people it serves.”

On January 20, 2021, President Biden issued EO 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.” Among other provisions, EO 13985 set forth the role of the Federal Government in advancing equity for all. “Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity.” In March 2022, the Department will issue its Equity Plan that includes an initial focus on advancing equity and improving access to 1) Recreation on DOI-managed lands and waters, 2) Contracts for businesses with characteristics that align with the definition of underserved communities, and 3) Tribal discretionary grants.

On January 20, 2021, President Biden also issued EO 13988, “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.” Among other provisions, EO 13988 set forth the Administration’s policy to “prevent and combat discrimination on the basis of gender identity or sexual orientation, and to fully enforce Title VII and other laws that prohibit discrimination on the basis of gender identity or sexual orientation.” By June 25, 2023, the Department will review its orders, regulations, guidance documents, policies, programs, and other agency actions (together, “agency actions”) to ensure that they are consistent with the policy of equal treatment under the law, regardless of gender identity or sexual orientation.

On March 8, 2021, President Biden issued EO 14020, “Establishment of the White House Gender Policy Council.” Among other provisions, EO 14020 affirmed that “[a]dvancing gender equity and equality is a matter of human rights, justice, and fairness.” EO 14020 also established a Gender Policy Council within the Executive Office of the President to work across executive departments and agencies (agencies) to advance gender equity and equality and provide a

coordinated Federal response on issues that have a distinct impact on gender equity and equality. By July 31, 2022, the Department must develop an agency action plan that supports the National Strategy on Gender Equity and Equality.

On June 25, 2021 the Administration issued EO 14035, “Diversity, Equity, Inclusion and Accessibility in the Federal Workforce.” This Executive Order requires all agencies to take an inward look at the demographic make-up of their workforce through a DEIA lens and determine where and how programs and initiatives can be improved upon to advance DEIA. The Department must develop a DEIA Strategic Plan by March 23, 2022.

Sec. 5 The DEIA Council. A Departmental Diversity, Equity, Inclusion and Accessibility (DEIA) “Council” is hereby established. The Council will establish executive and operational leadership across the Department to coordinate the development and implementation of Departmental policies, programs and initiatives that support the Department’s efforts to advance DEIA both internal to the Agency and external to citizens who benefit from our important missions. The goal of the Council is to ensure, consistent with the Administration’s EOs, that equity is embedded in agency decision-making processes, and not siloed within one office or internal teams. Council members should serve as leaders of work that is occurring enterprise-wide within and across the Department’s Departmental Offices and its Bureaus.

“Integrating a commitment to DEIA across the agency may require leaders to rethink how they do business, including working across traditional siloes, identifying and collaborating with new partners, challenging long-held assumptions and processes, and demonstrating a willingness to try new approaches.” – Government-Wide Strategic Plan to Advance DEIA in the Federal Workforce, November 2021

The DEIA Council shall be led by the Assistant Secretary – Policy, Management and Budget (AS-PMB) and co-chaired by Senior Executive leaders on a rotating basis. In the first year of its existence, the co-chair roles will be filled by the Director and Chief Diversity Officer – Office of Diversity, Inclusion and Civil Rights, and the Deputy Assistant Secretary – Human Capital and Diversity/Chief Human Capital Officer. Council membership will consist of: AS-PMB Deputy Assistant Secretaries, Bureau Directors, the Director – Employment and Labor Law Unit, Office of the Solicitor, and Directors of Office of the Secretary component offices as identified by the AS-PMB. The Department’s Chief Data Officer, Statistical Official, Evaluation Officer, and others will comprise an Evidence-Based Advisory Council that will facilitate and guide data-based decision-making.

- a. The DEIA Council will serve as an Operational Council to develop and implement the Department’s DEIA priorities and related strategic plans. The DEIA Council will ensure that management initiatives – both policy and operational – to support related efforts are coordinated, ongoing, and in alignment with the Department’s overall strategic goals and commitments. The Council is responsible for:
 - (1) identifying policies and/or revisions to existing policies or practices that are needed, and making recommendations on how diversity, equity, inclusion and

accessibility may be prioritized in policymaking and budget processes and decisions in accordance with the Executive Orders related to equity;

- (2) supporting the development and use of the best available data, tools and resources to assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to those policies and program systemic barriers to full and equal access to the Department's services, facilities, benefits, and procurement and contracting, and employment opportunities for underrepresented groups;
- (3) ensuring decision-making processes include input from Department employees at all levels of the Department and are informed by stakeholder engagement and consultation processes, as appropriate;
- (4) ensuring progress reporting and consultation between agencies and the Executive Office of the President on agency equity-assessment efforts, and participating in interagency policy committees and an interagency learning community on equity, and informing OMB's study of equity assessment tools;
- (5) identifying clear roles and processes for each Bureau/Office;
- (6) recommending such other actions as may be necessary to fulfill the goals of this Order;
- (7) encouraging the development of a corporate and strategic sense of purpose within the Department for the incorporation of EEO, diversity, equity, inclusion, and accessibility across the Department through the implementation of the Department's Equity Plan and DEIA Strategic Plan;
- (8) providing a forum for collaboratively identifying and resolving intra-Departmental barriers to EEO, diversity, equity, inclusion, and accessibility;
- (9) providing a forum for collaboratively identifying and promoting policy and operational best practices for integrating EEO, diversity, equity, inclusion and accessibility across the Department, consistent with the Equity Plan, DEIA Strategic Plan and related White House Executive Orders and Initiatives;
- (10) working with Program Assistant Secretaries and heads of bureaus and offices to ensure timely implementation and coordination of the Department's Equity Plan, DEIA Strategic Plan and related White House Executive Orders and Initiatives;
- (11) identifying specific Departmental management and administrative improvements that may be applicable to bureau and office crosscutting initiatives for the effective implementation of the Department's Equity Plan, DEIA Strategic Plan and related White House Executive Orders and Initiatives;

- (12) identifying crosscutting areas for Departmental initiatives and strategies to implement the Equity Plan, DEIA Strategic Plan, Executive Orders and Initiatives;
- (13) serving as a forum for setting priorities and discussing the implications of strategies and initiatives including funding, human capital, information management and technology, enterprise acquisitions, and other issues to ensure the cohesive and consistent implementation of the Department's Equity Plan, DEIA Strategic Plan, and related White House Executive Orders and Initiatives;
- (14) encouraging Assistant Secretaries, bureaus, and offices to develop an effective governance structure and sound, coherent management and administrative policies for the implementation of the Department's Equity Plan, DEIA Strategic Plan and related White House Executive Orders and Initiatives; and
- (15) fostering effective and efficient administrative communications within the Department to devise, ease, and improve current or implement new policies, processes, and initiatives for the implementation of the Department's Equity Plan, DEIA Strategic Plan and related White House Executive Orders and Initiatives.

Sec. 6 Implementation. The Assistant Secretary – Policy, Management and Budget is responsible for implementing all aspects of this Order. This responsibility may be delegated to the Principal Deputy Assistant Secretary – Policy, Management and Budget as appropriate.

Sec. 7 Effect of this Order. This Order is intended to promote and advance justice, diversity, equity, inclusion, and accessibility throughout the Department. This Order and any resulting report 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 provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 8 Expiration Date. This Order is effective immediately and will remain in effect until it is amended, superseded, or revoked, whichever occurs first.


Secretary of the Interior

Date: **FEB 17 2022**