

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 4, 2019

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C. Street NW
Washington DC 20240

Dear Secretary Bernhardt:

On September 25, 2019, the Committee on Natural Resources (Committee) sent the Department of the Interior (DOI) a letter requesting documents and information regarding the proposed reorganization of the Bureau of Land Management (BLM).¹ In that letter, the Committee specifically requested “the Department’s disparate impacts analysis for this planned reorganization” demonstrating how the relocation or attrition of affected staff “will not disproportionately impact any protected classes of employees.” Such documentation was provided to Congress during the reorganization of agencies within the U.S. Department of Agriculture.^{2,3}

While BLM falls short on diversity metrics across a broad range of demographic groups, one of the most alarming statistics is that there are only 312 Black/African-American employees nationwide at the agency, less than 3.5 percent of the BLM workforce, according to the U.S. Office of Personnel Management’s federal workforce database, FedScope.⁴ While this alone is cause for concern, the proposed BLM relocation could exacerbate this disparity. Of the 312 Black/African-American BLM employees nationwide, 41 percent are headquartered in Washington, D.C.

A significant number of BLM’s Black/African-American employees may have already been asked to relocate to Grand Junction or other western offices. Many of the positions targeted for relocation will be moved to states and communities where the total Black/African-American population is significantly smaller. Given DOI’s persistent struggle to increase diversity in its workforce, further isolating Black/African-American employees by asking them to choose between uprooting their lives and their families and moving to areas with a sparse Black/African-American population or terminating their BLM employment is counterproductive and unacceptable. These numbers alone drive major concerns about the potential disparate impact of the reorganization, potential concerns that extend to all protected classes of employees.

¹ Grijalva, Raúl M. (2019, September 25). Letter to Mr. David Bernhardt, Secretary, U.S. Department of the Interior.

² U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, “Proposed Selection of ERS Positions to Relocate Outside the National Capital Region.” (June 12, 2019).

³ U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, “Proposed Selection of NIFA Positions for Relocation.” (June 12, 2019).

⁴ U.S. Office of Personnel Management, “Federal Workforce Data: FedScope,”
<https://www.fedscope.opm.gov/diversity.asp> (Accessed Data Cube for December, 2018 on December 3, 2019)

If there is a disparate impact on any protected class of employees, the agency would be exposed to significant legal liability that could rival the cost of the entire relocation. DOI could be sued by its own employees under Title VII of the Civil Rights Act of 1964. Legal remedies could include lost wages and benefits as well as a directive to stop or reverse the relocation of the agency.


Without an analysis showing the proposed reorganization would not have a disparate impact, or would serve a legitimate, non-discriminatory business need, BLM's vulnerability to a successful lawsuit would increase dramatically. It would be reckless for DOI to fail to perform such an analysis.

The potentially disparate impact is one of the many concerns our Committee has with DOI's reorganization, which is why we have repeatedly requested the reorganization be halted until adequate documentation and justification for these moves are provided.⁵

Please provide any disparate impact analysis for the DOI reorganization and/or the BLM relocation, along with any estimate of legal exposure DOI faces, or confirm that neither has been done, by December 11, 2019.

If you have any information regarding this request, please contact the Subcommittee on Oversight and Investigations staff at (202) 225-6065. Thank you for your attention to this matter.

Sincerely,



Raúl M. Grijalva
Chair
Committee on Natural Resources

⁵ Grijalva, Raúl M. (2019, November 14). Letter to Mr. David Bernhardt, Secretary, U.S. Department of the Interior. Retrieved from <https://naturalresources.house.gov/imo/media/doc/19-11-14Concerns.pdf>