

Congress of the United States

Washington, DC 20515

December 22, 2003

VIA FACSIMILE & FIRST-CLASS MAIL

The Honorable Hector V. Barreto
Administrator
Small Business Administration
409 Third Street, S.W.
Washington, D.C. 20416

Re: Hardship Exceptions for Employees Reassigned to Herndon, VA

Dear Administrator Barreto:

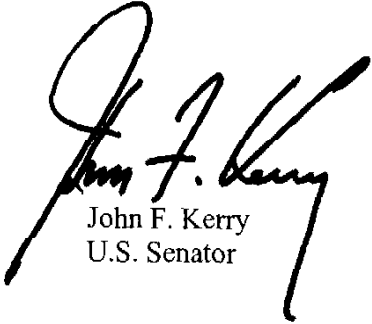
We are writing to ask you to reconsider your decision not to provide hardship exceptions as part of the procedure for staffing the Agency's new 7(a) Loan Liquidation/Purchasing Center in Herndon, Virginia. As you may be aware, some of the employees who have received directed reassignments to the Herndon Center have serious health conditions or family obligations that make relocation from their community a hardship. For example, one employee is awaiting a liver transplant and needs to stay close to the hospital, and several employees have written to the Agency to request a hardship waiver because they care for family members who are ill, dependent upon them, and cannot be relocated without serious adverse effects on their health.

According to the Office of Personnel Management, each agency or department has the discretion to approve hardship exceptions for its employees who are subject to directed reassignments. We, therefore, ask that you show compassion for these loyal employees and their families and grant them waivers from their directed reassignments. To date, your staff has informed us by email that there will be no hardship exceptions. However, as you probably know, there is precedent at the SBA for hardship waivers. Under the Clinton Administration, former SBA Administrator Aida Alvarez granted a hardship waiver to at least one Central Office employee to care for a sick relative. To protect that employee's privacy in this letter since he is still in the employ of the Agency, we will not use his name, but will be happy to provide it to you or your staff upon request. The Agency could use his case as a standard for assessing the situation of employees who have requested hardship waivers from the Agency.

As you know, these employees are suffering great anxiety right now because they are faced with moving over the holidays or being jobless off the SBA payroll next month. The employees who most recently received their directed reassignment must respond to the Agency by New Year's Eve with their decision. Given the time constraints, please respond in writing by close of business on Tuesday, December 23rd, whether you will approve hardship waivers for the

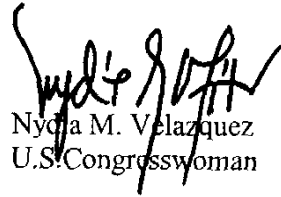
employees who have received directed reassignments to staff the Herndon Center, if their individual cases demonstrate hardship. Please fax the response to the attention of Patricia Forbes, Senate Democratic Staff Director and Chief Counsel, and Michael Day, House Democratic Staff Director at the following fax numbers: 202-228-1474 and 202-225-7209, respectively.

Thank you for your prompt attention and reply. May you and your family have a Merry Christmas and be blessed with good health and happiness in the new year.



John F. Kerry
U.S. Senator

Sincerely,



Nydia M. Velazquez
U.S. Congresswoman