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## United States Senate

COMMITTEE ON SMALL BUSINESS & ENTREPRENEURSHIP  
WASHINGTON, DC 20510-6350

September 10, 2002

The Honorable Harry Reid  
Chairman  
Select Committee on Ethics  
220 Hart Bldg.  
United States Senate  
Washington, D.C. 20510

**Attention: Eric Witiw**

Dear Mr. Chairman:

I am writing to obtain clarification of Senate Rule 29, Paragraph 5, as it pertains to information received from the Administration and when a Committee must hold it as confidential.

On July 9, 2002, I wrote to the U.S. Small Business Administration's (SBA) Administrator, Hector Barreto, requesting that he provide me, in my capacity as Chairman of the Senate Committee on Small Business and Entrepreneurship, with a copy of a study pertaining to women-owned small businesses required under P.L. 106-554. My office had received reports that the SBA had completed the required study, which is a necessary prerequisite to the implementation of an important program to assist women-owned firms, but subsequently deemed the study to be flawed and refused to release it.

On July 18, 2002, Administrator Barreto responded to my request for the study and provided me with a copy. However, every page of the document was stamped "confidential" and a request was made that the Committee not release the document. I find this highly troubling, as I believe the public, especially those waiting for the completion of this study, has the right to know its contents so that it may examine the SBA's conclusion that the study is flawed. Unless this document is made public, no such public scrutiny will take place.

Since the report in question is not the type of communication that would normally be considered confidential, as it does not contain information pertaining to national security, economic secrets, confidential business information, or personal information, I believe that it is not a confidential communication before the Committee, and is therefore suitable for release to and review by the public. Accordingly, I would like to know if there are any restrictions under Senate Rule 29, or otherwise, which would prevent the Committee from making the document public or using it during Committee business?

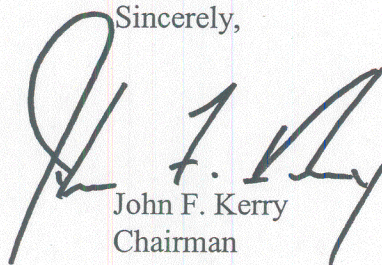
The Honorable Harry Reid

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Thank you for your time and attention to this important matter. I have enclosed a copy of the cover letter stating Administrator Barreto's reasons for requesting that the document in question be held confidential by the Committee. Please feel free to contact me, or John DaSilva of my Committee staff at (202) 224-5175, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. F. Kerry". The signature is stylized with a large initial "J" and a long, sweeping underline.

John F. Kerry  
Chairman

cc: The Honorable Pat Roberts, Vice Chairman