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April 26, 2016, 03:01 pm

Congress should investigate Pentagon cover up in FOIA cases

By Lloyd Chapman

COMMENTS 1

I think Congress should investigate why a federal judge has accused the Pentagon, and some of its largest prime contractors, of trying to **cover up** and **suppress evidence** of what appears to be a significant case of corruption and fraud at the Pentagon.

In December of 2014, I won my latest **Freedom of Information Act lawsuit** against the **Pentagon**. I had requested small business subcontracting reports submitted by Sikorsky Aircraft to the Pentagon's 26 year-old Comprehensive Subcontracting Plan Test Program (**CSPTP**).

I believe the information I requested would prove the Pentagon and its major prime contractors used the CSPTP to circumvent the Small Business Act and cheat American small businesses **out of trillions** of dollars in subcontracts over the last 26 years. The **Pentagon's violent objection** to the release of what should be very benign information seems to **confirm my suspicions**.

In a November 6, 2014 hearing, Federal District Court Judge William Alsup stated, "The Purpose of the Freedom of Information Act is so the public can see how our government works. Congress passed this law to make the small businesses have access to some of these projects, and **here is the United States covering it up.**"

After I won the case in December, the **Pentagon** and **Sikorsky** appealed the case to the 9th Circuit Court of Appeals. This was a surprising move from the Pentagon since the 9th Circuit **ruled over 25 years** ago the Pentagon could not withhold small business subcontracting data from the Freedom of Information Act.

In a January 20, 2015 hearing, Judge Alsup stated, "So it would be more like a David and Goliath. You get to come in there and be the **underdog again against the big company** and against the big government." Judge Alsup went on to say, "They are trying to suppress the evidence."

Yet, the small business subcontracting reports have yet to be released. So what exactly is the Pentagon trying to **cover up**? Why are they trying to suppress the evidence?

Not one member of Congress has ever seen **any reports or data** on the CSPTP since the program began in 1989.



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Under the guise of "increasing subcontracting opportunities" the CSPTP did just the opposite. The 26-year-old test program eliminated all transparency and **removed any penalties** for prime contractors which failed to reach their small business subcontracting goals.

I have been fighting the Pentagon to end corruption and fraud against small businesses for over 25 years. I have been compared to a modern day **Cesar Chavez** for small businesses and recognized as one of **the four strongest voices** for small businesses in Washington. This summer, I will begin to release a series of **documentaries** of the history of corruption and fraud in federal small business contracting programs.

Earlier this month, the **Pentagon refused** to comply with another of my **Freedom of Information Act** requests for small business subcontracting reports submitted by British Aerospace and Engineering. Clearly the Pentagon and its prime contractors have something to hide.

The **Small Business Act**, which mandates a minimum of 23% of all federal contracts be awarded to small businesses, is the single largest government economic stimulus program for the middle class. The Pentagon's campaign to thwart this federal law has caused significant financial harm to the American middle class and the nation's **28 million small businesses**. The Pentagon's **anti-small business agenda** needs to end now.

I think it is time for Congress to end the 26-year-old mystery of the Pentagon **Comprehensive Subcontracting Plan Test Program**. Congress should hold hearings, and the Pentagon should be forced to make all the reports submitted to the CSPTP publicly available.

I am confident Congress will discover the CSPTP is a **sham** and should be eliminated immediately.

Chapman is President and Founder of the American Small Business League



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