

ENERGY & ENVIRONMENT

Little climate aid for poor countries...  
10:18am

BALLOT BOX

Republican up narrowly in Alaska race  
10:17am

FINANCE

Feds force court to shutter bitcoin...  
10:55am

HEALTHCARE

CDC: Ebola cases could hit 1.4M by January  
11:01am

FLOOR ACTION

Murray bill educates public on emergency...  
10:54am

HOME | BLOGS | CONGRESS BLOG | BLOGS



**CONGRESS BLOG**  
THE HILL'S FORUM FOR LAWMAKERS AND POLICY PROFESSIONALS

Congress Blog

Congress Blog feed

September 22, 2014, 12:00 pm

## Pentagon test program a sham

By Lloyd Chapman

f 1 g+ t 2 in

COMMENTS 0

Nationally recognized expert on federal contracting law, Professor Charles Tiefer has just released a **new legal opinion** on a 25-year-old Pentagon test program Tiefer describes the **Comprehensive Subcontracting Plan Test Program (CSPTP)** as a "sham."

Tiefer is a professor of Government Contracts at the University of Baltimore Law School and the co-author of **GOVERNMENT CONTRACT LAW IN THE TWENTY-FIRST CENTURY**. He was also the Commissioner from 2008-2011 on the Congressionally chartered, independent Commission on Wartime Contracting in Iraq and Afghanistan.

ADVERTISEMENT

His legal opinion states, "To summarize: the Comprehensive Subcontracting Plan Test Program (CSPTP or "Test Program") (1) reduces vital opportunities for small business; and, (2) has a background of doubt and criticism. CSPTP is seriously harmful to small business. It should not have gotten its more than 20 years of extension as a never-tested "Test Program." Let it expire."

I couldn't agree more with Professor Tiefer. In fact, I think the CSPTP is probably the most anti-small business piece of legislation ever passed by Congress.

Prior to the implementation of the CSPTP in 1990, all Pentagon prime contractors were

required to submit small business subcontracting plans on all major prime contracts detailing how they intended to achieve their small business subcontracting goals.

They were also required to submit quarterly and annual summary small business subcontracting reports called SF 294's and SF 295's. These reports were publicly available and showed what the small business subcontracting goals were on the contracts and could be used to track a prime contractor's compliance with their small business subcontracting goals.

Prior to the implementation of the CSPTP, all Pentagon prime contractors could face "**liquidated damages**" for failing to make a good faith effort to achieve their small business subcontracting goals.

Twenty-five years ago when the CSPTP was implemented, all of these requirements were completely eliminated for participating Pentagon prime contractors. No more publicly available small business subcontracting plans, no more publicly available subcontracting reports and the elimination of all penalties for prime contractors that did not comply with their required small business subcontracting goals.

The CSPTP essentially removed all transparency regarding small business subcontracting programs and all penalties for non-compliance with small business subcontracting goals.

Did I mention that the stated goal of the CSPTP was to "increase subcontracting opportunities for small businesses?"

Who in their right mind could possibly believe eliminating all transparency and penalties in Pentagon small business subcontracting programs would ever "increase subcontracting opportunities for small businesses?"

The United States Congress sure did. They thought the CSPTP was such a great plan to help small businesses they renewed the "test program" over and over for 25 years. Both the House and Senate versions of the FY 2015 National Defense Authorization bill include a renewal of the CSPTP into its 28<sup>th</sup> year of testing until 2017.

In reality the CSPTP was never created to "increase subcontracting opportunities for small businesses." The CSPTP was created to create a colossal loophole in federal contracting law that allowed the Pentagon's largest and most politically influential prime contractors to completely ignore the Small Business Act and the small business subcontracting goals it mandated.

In 25 years the Pentagon has never released any information that the CSPTP ever "**increased subcontracting opportunities for small businesses.**" Why not? Because it hasn't. Quite the contrary, the Pentagon is refusing to comply with my Freedom of Information Act requests for any detailed information on small business subcontract goals submitted by firms participating in the CSPTP.

The CSPTP is one of the most shameful and disgusting examples of how our government actually operates. Corporate giants in the defense and aerospace industry were able to have the most anti-small business scheme in history approved by Congress for 25 years and now Congress wants to renew this "test program" until 2017. Unbelievable!

There is no way of knowing for sure exactly how damaging the CSPTP has been for the nation's 28 million small businesses and the middle class economy over the last 25 years. Was it a trillion dollars in federal subcontracts that small businesses were cheated out of? Could it have been even more?

Check Out Our Discount For Federal Employees

Get a Quote

**GEICO**

SIGN UP FOR THE HILL'S EMAILS AND ALERTS

Enter Your Email Address  **SIGNUP**

**MORE ECONOMY & BUDGET**

High cost of regulation should be election issue

Pentagon test program a sham

Uncertainty in Washington rolling small businesses

More Economy & Budget Headlines >  
Economy & Budget News RSS feed

**MOST POPULAR** **DISCUSSED**

**Pentagon to deploy 12 A-10s to...**  
The 122nd Fighter Wing will send 303 airmen, according to local reports.

**Juan Williams: Obama's October...**  
OPINION | Get ready for bombs bursting in air and this election's October...

**Supporters see role for A-10 in...**  
Supporters of the "Warthog" say the Pentagon should not scrap it.

**Obama's lawless immigration plan...**  
The elites in our society are overwhelmingly on the side of open borders.

**GOP finds ObamaCare opening**  
Republicans have been lifted by a pair of audits that found flaws with the...

**GOP's scorched-earth Kansas plan**  
Control of the Senate is potentially at stake, and the GOP is beginning to...

**RELATED VIDEOS**

By Taboola





I am suing the Pentagon in Federal District Court in San Francisco to force the release of subcontracting data submitted by participating prime contractors in the CSPTP. This data will no doubt prove the CSPTP was a fraud and a "sham." I know I will prevail because the 9th Circuit Court of Appeals ruled in 1994 that small business subcontracting data couldn't be withheld from Freedom of Information Act requests.

Even if Congress and President Obama decide to renew the most anti-small business legislation in American history into 2017, I expect to destroy it with my legal campaign and expose this staggering injustice against American small businesses in the courts.

Let me close with the final paragraph of Professor Tiefer's just released legal opinion on the CSPTP. "There is no doubt in my mind the CSPTP has significantly reduced subcontracting opportunities for small businesses. It should not have gotten its 25 years of extension as a never-tested "Test Program." Let it expire."

Chapman is president and founder of the American Small Business League.

Share on Facebook

Share on Twitter

FROM AROUND THE WEB



**A Brilliant Way to Pay Down Your Mortgage**  
Comparisons.org



**Economist: "U.S. Headed For Crisis Worse Than 2008"**  
Money Morning



**New Alternative to the Gym Grind**  
Self



**There Are 7 Types of English Last Names — Which One Is Yours?**  
Ancestry.com



**Top 12 Hard To Watch Movies**  
Moviemuseum



**Things Girls Say to Test Men**  
Glamour

YOU MAY LIKE



**Sen. Johnson: Gillibrand should 'name names'**



**How to engage ISIS, midterms a referendum on Obama**



**Protesters removed from Senate ISIS hearing**



**McKeon: Obama harmful to US troops referring**

RECOMMENDED STORIES

- [GOP lawmaker: Cruz walk off 'outrageous'](#)
- [McCain takes a pass on question about feud](#)
- [Perry hits back at Mexican president](#)
- [Chelsea Manning: US can't defeat ISIS with 'bombs and bullets'](#)
- [WH intruder is Iraq War vet](#)
- [Full video released of Cruz incident](#)

ALSO ON THE WEB

- [Better Off Without Them: 10 Cars Not Worth Ever Leaving the Lot \(Business Cheat Sheet\)](#)
- [A Campaign Ad That Can't Be Real... Even The GOP Isn't This Low Down and Dirty \(Blue Nation Review\)](#)
- [10 Worst Women To Ever Walk The Earth \(RantLifestyle\)](#)
- [Are You a Social Security Double-Dipper? Perhaps Not Much Longer \(AARP\)](#)
- [These 10 Cars and Trucks Prove Least Reliable According to Consumer Reports \(Business Cheat Sheet\)](#)
- [What Are My Death Benefits from Social Security? \(Smart Asset\)](#)

**The Hill Newspaper**  
Like 125,990

0 Comments The Hill Login

Sort by Best Share Favorite

Start the discussion...

Be the first to comment.

ALSO ON THE HILL

**Airstrikes against ISIS in Syria have begun**

777 comments • 13 hours ago  
Snuffalupagus — As time goes on the US is becoming a joke, thanks to liberal

**More than 1,000 protest corporate ties to climate crisis in NY**

20 comments • 15 hours ago  
merkluffuz — Occupy Wall Street in designer clothes.....yawn.....

**Range:** Bring back the draft

Lawmaker: We were warned about ISIS

**Gillibrand calls Arlington, Va., 'soulless'**

The energy BP produces in Alaska creates jobs across America.

More Videos

MORE FROM THE WEB

Sponsored:



- [U.S. Starts Massive Syria Strikes](#)
- [Do You Support U.S. Syria Strikes?](#)
- [Giuliani Warns of 'Lone Wolf' Terrorists](#)
- [Pew: Gay Marriage Support Levels Off](#)
- [Zeke Emanuel: Live to 75 and Die](#)
- [Is Your IRA/401k Protected With Gold IRA](#)
- [Discover New Car Insurance Trick for \\$9 per Week](#)
- [You Can Hold Precious Metals in an IRA](#)

What's This?

THE HILL BLOGS

- [BLOG BRIEFING ROOM](#)  
Iranian president calls Syria strikes...
- [CONGRESS BLOG](#)  
In combating ISIS, Obama risks...
- [CONTRIBUTORS](#)  
Hillary Clinton, Hispanics and 2016
- [TWITTER ROOM](#)  
Conn. Dem: Blame it on the allergies
- [TECHNOLOGY](#)  
Feds force court to shutter bitcoin...
- [ENERGY & ENVIRONMENT](#)  
Little climate aid for poor countries...

FOLLOW THE HILL



FEATURES

**THE HILL'S ON THE MONEY APP**  
[DOWNLOAD](#)

politics. The US used to be strong like ...


### GOP's scorched-earth Kansas plan

140 comments • 14 hours ago

 Jeff Hall — A 24-year old guy in a strip club?Wow! Stop the presses!

### Five sleeper races to watch in the House as Election Day draws near

9 comments • 15 hours ago

 H.R. Halderman Jr. — It will be interesting to witness on Election night, if ObamaCare affects these "Sleeper ...

 Subscribe  Add Disqus to your site

DISQUS

**THE HILL Archives** | [SENATE](#) | [HOUSE](#) | [ADMINISTRATION](#) | [CAMPAIGN](#) | [BUSINESS & LOBBYING](#) | [OPINION](#) | [CAPITAL LIVING](#)



[SUBSCRIBE](#)

#### HOME

- Senate
- House
- Administration
- Campaign
- Polis
- Business & Lobbying
- Sunday Talk Shows

#### POLICY

- Defense
- Energy & Environment
- Finance
- Healthcare
- Technology
- International
- Transportation

#### VIDEO

- Latest
- Campaign
- Defense
- Energy & Environment
- Finance
- Healthcare
- Technology
- Transportation
- International
- Sunday Shows
- Events

#### BLOGS

- Ballot Box
- Blog Briefing Room
- Congress Blog
- Floor Action
- In The Know
- Twitter Room

#### OPINION

- Brent Budowsky
- James Carville
- Lanny Davis
- John Feehery
- Judd Gregg
- David Hill
- Mark Mellman
- Dick Morris
- Markos Moultsas
- Bill Press
- A.B. Stoddard
- Juan Williams
- All Columnists
- Editorials
- Letters
- Op-Ed

#### CLASSIFIED

- Classifieds
- Jobs

#### RESOURCES

- The Hill Apps
- Mobile Site
- RSS
- People
- Outside Links

#### CONTACT US

- Contact
- Advertise
- Events

#### CONTRIBUTORS

- Contributors
- Become a Contributor



Home | Privacy Policy | Terms & Conditions | RSS | Contact | Advertise | Subscriptions  
 The Hill 1625 K Street, NW Suite 900 Washington DC 20006 | 202-628-8500 tel | 202-628-8503 fax  
 The contents of this site are ©2014 Capitol Hill Publishing Corp., a subsidiary of News Communications, Inc.