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September 23, 2016, 01:48 pm

# Who put the anti-small business language in 2017 NDAA?

By Lloyd Chapman



COMMENTS 0

I would like to know specifically who put the three provisions in the 2017 National Defense Authorization Act (NDAA) that would essentially dismantle federal small business programs. Who thought it was a good idea to make the Comprehensive Subcontracting Plan Test Program (CSPTP) permanent?

The Pentagon comes up with a program 27 years ago to "test" if **eliminating all transparency** and penalties for non-compliance with small business subcontracting goals is actually going to "**increase subcontracting opportunities for small business**" for Pentagon prime contractors. Did I mention they have been testing that theory for 27 YEARS!

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The Pentagon finally **admitted** in 2015 the CSPTP had actually reduced subcontracting opportunities for small businesses and requested it not be renewed. Congress renewed it anyway. A legal opinion by Professor Charles Tiefer stated, "**The program is a sham and its extension will be seriously harmful to vital opportunities for small business to get government contracting work... Let it expire.**"

Why has the Pentagon **refused to release** even a single piece of paper that has been submitted to the CSPTP in 27 years? Why did I have to go to federal court just to get the reports that were submitted to the CSPTP by Sikorsky?

I know my reputation in Washington is that of a conspiracy nut so let's see what Federal District Court Judge William Alsup **said about me** in my case against the Pentagon's 27-year old test program. "So it would be more like a David and

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case against the Pentagon's 27 year old test program. So it needs to move into a David and Goliath. You get to come in there and be the underdog again against the big company and against the big government... They are trying to suppress the evidence."

Let's take a look at **another quote** from Judge Alsup in another hearing in the case won against the Pentagon. "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, (here comes my favorite part) and here is the United States covering it up." Ouch. "Covering it up"?

Why would anyone on the Senate Armed Services Committee recommend a program be made permanent that needed "covering it up"? Why would anyone on the Senate Armed Services Committee want to make a program permanent that involved, "They are trying to suppress the evidence"?

Let's move on to the other anti-small business job killing provisions in the 2017 NDAA, the **exclusion** of small businesses from foreign contracts. Why? The **Small Business Act** says 23% of "all" contracts. I think the word all is pretty clear. I don't think the word "all" is ambiguous.

Is the problem in America that we're just creating too many new jobs? Is it that unemployment is just was too low so we need to reduce federal contracts to small businesses to get that under control?

How about the worst and final anti-small business job killing provision? Allowing the **inclusion if first and second tier subcontracts** to be included toward the 23% small business prime contracting goal. This provision would essentially create a loophole that would allow the Pentagon and its prime contractors to completely fabricate compliance with the 23% federal small business contracting goals.

Do we really need more loopholes to cheat small businesses? Isn't it enough the SBA has created their blatantly illegal "**grandfathering policy**" so billions in federal contracts to Fortune 500 defense contractors can be reported as small business contracts? Hasn't the federal government cheated American's 28 million small businesses enough with the SBA's "**exclusionary rule**" where they **can claim** small businesses received 23% of all federal contracts by excluding the vast majority of federal acquisition from their calculations?

Today under federal law, the 98% of all U.S. firms that have less than 100 employees, that are responsible for over 50% of the private sector work force and 50% of the GDP and **over 90% of the net new jobs** are supposed to receive a measly little 23% of all federal contracts.

That means the **2% of all firms in the U.S. can rake in 77%** of all the money the federal government spends. Think about that. 77% of every dollar the federal government spends to just 2% of the firms in the United States. Can't the corporate giants be happy with that?

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

*The views expressed by authors are their own and not the views of The Hill.*



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