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CREATE OPPORTUNITIES FOR BLIND ENTREPRENEURS

The United States Department of Veterans Affairs has failed to adhere to the Randolph-Sheppard Act. The Randolph-Sheppard Act mandates that all federal departments and agencies establish one or more vending facilities to be operated by blind entrepreneurs on all properties they control.¹ As a result, most buildings controlled by the General Services Administration, United States Postal Service, and other federal entities have vending facilities operated by the blind. Unfortunately, few such opportunities have been created at VA medical facilities. In fact, blind entrepreneurs operate vending facilities at only 4 of 153 VA hospitals; although the law mandates there be at least one vending facility operated by the blind at each federal property.

The VA has refused to act affirmatively to comply with the Randolph-Sheppard Act. In fact, it has taken actions to the contrary. The United States Department of Education has responsibility for administering the national Randolph-Sheppard Program.² The Department of Education has promulgated regulations that set forth the requirements of federal entities, including the VA, to provide space for vending facilities to be operated by the blind.³ In response to an inquiry from former Congressman Jolly in 2016, the Department of Education provided clear guidance on the VA's responsibilities.⁴ This guidance was provided to the VA but was ignored.

The VA developed new Randolph-Sheppard policy guidance in 2014. This policy guidance is in direct conflict with the regulations promulgated by the Department of Education.⁵ When this guidance was being developed, the National Association of Blind Merchants urged the VA to consult with the Department of Education as most federal entities have done when providing guidance to their employees. The VA defiantly refused to consult with the Department of Education. The result was a policy guidance that violates the Randolph-Sheppard Act in multiple ways.

The Departments of Veterans Affairs and Education must work together to resolve the current conflict and to bring the VA into compliance with the Randolph-Sheppard Act. The U.S. Department of Veterans Affairs will only abide by the law if compelled to do so by Congress. The National Association of Blind Merchants urges the committee to include the following language in the United States Department of Veterans Affairs appropriations bill:

“Compliance with the Randolph-Sheppard Act - The Committee is aware that the Randolph-Sheppard Act, which creates opportunities for blind business owners, including Veterans, to operate vending facilities on federal properties, is applicable to all properties controlled by the United States Department of Veterans Affairs. The Committee also recognizes that, under certain circumstances, the Veterans Canteen Service is authorized to provide retail services on properties controlled by the Department of Veterans Affairs. The Committee is also aware that the Department’s decisions regarding applicability of the Randolph-Sheppard Act to VA facilities have been found to be in violation of the law by multiple arbitration panels, and that the VA’s interpretation of its obligations under the Randolph-Sheppard Act do not appear to be consistent with guidance provided by the United States Department of Education. The Committee directs the Department of Veterans Affairs to work with the Department of Education, which administers the Randolph-Sheppard Act, to develop protocols on how the Randolph-Sheppard priority will be exercised on properties controlled by the Department of Veterans Affairs. The Department shall report to the Committee no later than one year from the date of enactment on the status of a new policy that complies with the Randolph-Sheppard Act. The protocol shall ensure that blind entrepreneurs are afforded an opportunity to establish a vending facility in every building controlled by the Department of Veterans Affairs that was constructed or renovated after January 1, 1975 as required by the Act. Additionally, the two departments are directed to explore ways to assist more blind Veterans to become Randolph-Sheppard business owners.”

URGE THE DEPARTMENT OF VETERANS AFFAIRS TO COMPLY WITH FEDERAL LAW

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¹ 20 U.S.C. § 107

² 20 U.S.C. § 107(b)

³ 34 C.F.R. § 395.30

⁴ Michael Yudin, U.S. Department of Education, Letter to Congressman Jolly, April 28, 2016

⁵ See VHA Directive 1037 Randolph-Sheppard Act Compliance, retrieved May 10, 2019,

https://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=2989