

# The Randolph-Sheppard Answer Key

1. A

The act states, "Priority shall be given to blind persons licensed by a State agency as provided in this chapter." The section continues by requiring that, "wherever feasible, one or more vending facilities are established on all Federal property to the extent that any such facility or facilities would not adversely affect the interests of the United States." Also, among the duties of the State Licensing Agency is the establishment of facilities where suitable.

2. D

The Act never requires the State Licensing Agencies to submit any reports to Congress, though each of the other choices is required. Though the SLAs are not required to do so, the Secretary of Education is in fact required to submit annual reports to relevant congressional committees, a responsibility carried out by the Commissioner of the Rehabilitation Services Administration.

3. A

The Secretary of Education [formerly the secretary of Health Education and Welfare during the 1974 amendments to the act] is to "insure that the Rehabilitation Services Administration is the principal agency for carrying out this chapter; and the Commissioner shall, within one hundred and eighty days after December 7, 1974, establish requirements for the uniform application of this chapter by each State agency designated under paragraph (5) of this subsection." The section concludes by stating that the secretary, "take such other steps, including the issuance of such rules and regulations, as may be necessary or desirable in carrying out the provisions of this chapter."

4. C

Of the suggested choices, C alone is a responsibility of the State Committee of Blind Vendors. The Act states that among the responsibilities of the Committee of Blind Vendors is "sponsorship, with the assistance of the State agency, of meetings and instructional conferences for blind licensees."

5. B

107d-1 of the Act indicates that B is the right answer and states, "The arbitration panel convened by the Secretary to hear grievances of blind licensees shall be composed of three members appointed as follows:

(A) one individual designated by the State licensing agency;

(B) one individual designated by the blind licensee; and  
(C) one individual, not employed by the State licensing agency or, where appropriate, its parent agency, who shall serve as chairman, jointly designated by the members appointed under subparagraphs (A) and (B)."

6. D

This is the only choice provided that is not a permitted use for a set aside. The other permitted use is "to guarantee a fair minimum return to all vendors discussed in the true false questions that follow.

7. C

The act states, "the term "satisfactory site" means an area determined by the Secretary to have sufficient space, electrical and plumbing outlets, and such other facilities as the Secretary may by regulation prescribe."

8. B

Of the choices offered, the state Licensing Agency cannot "Act on behalf of the blind licensee during arbitration," because to do so would often create a conflict as the SLA will frequently be the opposing party to the blind licensee.

9. A

The Act states, "In accordance with the provisions of subsection (b) of this section, vending machine income obtained from the operation of vending machines on Federal property shall accrue (1) To the blind licensee operating a vending facility on such property, or (2) In the event there is no blind licensee operating such facility on such property, to the State agency in whose State the Federal property is located." Subsection (b) then states, "100 per centum of all vending machine income from vending machines on Federal property which are in direct competition with a blind vending facility shall accrue as specified in subsection (a) of this section."

10. B

The act states, "50 per centum of all vending machine income from vending machines on Federal property which are not in direct competition with a blind vending facility shall accrue as specified in subsection (a) of this section," in other words, accrue to the agency for the vendors.

11. D

All of the offered choices A through C are provided in the act at 107a (a)(5) so D "all of the above is the correct answer.

12. E

Section 107d-4 of the act states "The Commissioner shall insure... that uniform and effective training programs, including on-the-job training, are provided for blind individuals, through services under the Rehabilitation Act of 1973. He shall further insure that State agencies provide programs for upward mobility (including further education and additional training or retraining for improved work opportunities) for all trainees under this chapter, and that follow-along services are provided to such trainees to assure that their maximum vocational potential is achieved." A B and C are included in this section of the Act making E the correct answer.

13. B

The act empowers the RSA commissioner to "... prescribe regulations to establish a priority for the operation of cafeterias on Federal property by blind licensees when he determines, ... that such operation can be provided at a reasonable cost with food of a high quality comparable to that currently provided to employees, whether by contract or otherwise." Therefore, B is the answer that best summarizes the requirement, though the wording of the Act is not precisely that of this answer choice.

14. C

The Act requires the State Licensing Agency "to provide for each licensed blind person such vending facility equipment,... as may be necessary," to operate a vending facility. The act also states that maintenance and replacement of equipment are acceptable uses of set aside funds. The regulations clearly state at 395.10, "The State licensing agency shall maintain (or cause to be maintained) all vending facility equipment in good repair and in an attractive condition and shall replace or cause to be replaced worn-out and obsolete equipment as required to ensure the continued successful operation of the facility."

15. B

"The Secretary shall pay all reasonable costs of arbitration under this section in accordance with a schedule of fees and expenses he shall publish in the Federal Register."

16. T

The Act states that the State Licensing Agency include as a responsibility of the Committee of Blind Vendors, "participation, with the State agency, in major administrative decisions and policy and program development."

17. T

The act states, "The Secretary... shall prescribe regulations to establish a priority for the operation of cafeterias on Federal property by blind licensees when he determines ... that such operation can be provided at a reasonable cost with food of a high quality comparable to that currently provided to employees, whether by contract or otherwise."

18. F

The exact opposite is true. The act states, "vending machine income obtained from the operation of vending machines on Federal property shall accrue (1) to the blind licensee operating a vending facility on such property, or (2) in the event there is no blind licensee operating such facility on such property, to the State agency in whose State the Federal property is located."

19. T

The Act permits a blind person to seek a hearing when dissatisfied and permits that individual in the event she remains dissatisfied, to, "file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 107d-2 of this title, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this chapter." Note the phrase, "except as otherwise provided in this chapter." The act permits the parties to appeal the case to the federal courts.

20. T

Several of these items were included in an earlier multiple-choice question and none of the items mentioned here are not allowed so T is the right answer.

21. T

107b-3 of the act states in its entirety, "The Comptroller General is authorized to conduct regular and periodic audits of all non-appropriated fund activities which receive income from vending machines on Federal property, under such rules and regulations as he may prescribe. In the conduct of such audits he and his duly authorized representatives shall have access to any relevant books, documents, papers, accounts, and records of such activities as he deems necessary."

22. F

In many instances, the vendor's grievance is against the State Licensing agency. On the other hand, the elected committee of blind vendors has as among its responsibilities, "receiving grievances of blind licensees and serving as advocates for such licensees."

23. F

Direct competition is defined, and as part of the definition the act states, "vending machines or facilities operated in areas serving employees the majority of whom normally do not have direct access to the blind vending facility shall not be considered in direct competition with the blind vending facility."

24. T

The act states, "The Commissioner shall insure, through promulgation of appropriate regulations, that uniform and effective training programs, including on-the-job training, are provided for blind individuals, through services under the Rehabilitation Act of 1973. He shall further insure that State agencies provide programs for upward mobility (including further education and additional training or retraining for improved work opportunities) for all trainees under this chapter, and that follow-along services are provided to such trainees to assure that their maximum vocational potential is achieved."

25. F

A clearly expressed duty of the elected committee is "participation, with the State agency, in the development and administration of a transfer and promotion system for blind licensees."

26. T

The Act states in Section 107b(3), "if any funds are set aside, or caused to be set aside, from the net proceeds of the operation of the vending facilities such funds shall

be set aside, or caused to be set aside, only to the extent necessary for and may be used only for the purposes of... (D) assuring a fair minimum return to operators of vending facilities." Question 6 describes the other permitted uses for set aside income.

27. F

The act states that among the obligations of the State licensing Agency is, "to provide for each licensed blind person such vending facility equipment... as may be necessary: PROVIDED, HOWEVER, that such equipment and stock may be owned by the licensing agency for use of the blind, or by the blind individual to whom the license is issued."

28. F

The Act states, "Each such license shall be issued for an indefinite period," but then continues by stating, "but may be terminated by the State licensing agency if it is satisfied that the facility is not being operated in accordance with the rules and regulations prescribed by such licensing agency."

29. F

State Licensing Agencies shall— provide to each blind licensee access to all relevant financial data, including quarterly and annual financial reports, on the operation of the State vending facility program

30. T

The act states that the "Commissioner may prescribe regulations imposing a ceiling on income from such vending machines for an individual blind licensee." The machines in question in this section are those where there is a blind vendor operating a facility on federal property.