



NATIONAL ASSOCIATION OF BLIND MERCHANTS

Create Opportunities for Blind Entrepreneurs

Require the VA to comply with the Randolph-Sheppard Act

The Department of Veterans Affairs has failed to create opportunities on most VA properties.

Pursuant to the priority afforded by the Randolph-Sheppard Act, blind entrepreneurs manage and operate vending facilities, including vending machines, micromarkets, C-Stores, and snack bars on thousands of federal properties. 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 3 of 153 VA hospitals although the law mandates there be at least one vending facility operated by the blind at each hospital.

The VA has refused to act affirmatively to comply with the Randolph-Sheppard Act, and has even taken actions to the contrary. The Department of Education has responsibility for administering the national Randolph-Sheppard Program. It 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. In response to an inquiry from Congressman Jolly, the Department of Education provided clear guidance on the VA's responsibilities. This guidance was provided to the VA but was ignored.

The VA developed new Randolph-Sheppard policy guidance in 2014, which is in direct conflict with the regulations promulgated by the Department of Education. 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.

Many state licensing agencies have reached out to local VA officials in an effort to survey their properties to determine the feasibility of establishing a vending facility as required by the law. These efforts have been largely rebuked. States have been frustrated by the VA's lack of effort to comply with the law. The most recent example is the new VA Hospital in Orlando. The new property includes millions of square feet in multiple buildings. The VA refused to provide an appropriate space for a blind vendor. It offered space in the parking garage for two vending machines refusing to allow a blind vendor to operate vending in the main buildings or the C-Store, coffee kiosk, or snack bar. As a result, the Florida state licensing agency will be forced to file for arbitration. Minnesota has also filed for arbitration which is an expensive and ineffective way to resolve such issues. The VA has lost every arbitration ever filed against it. Even more disheartening is the fact the VA usually refuses to abide by the decision of the arbitration panel forcing states to sue in federal court to force the VA to comply with the panel's decision. The VA's strategy is to fight one facility at a time rather than working with the Department of Education for a systemic solution.

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 VA will only abide by the law if forced to do so by Congress. NABM is asking that the following language be added to the VA 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 Department of Veterans Affairs. The Committee recognizes that the Veterans’ Canteen Service is also authorized to provide retail services on properties controlled by the Department of Veterans’ Affairs, and 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. The Committee directs the Department of Veterans Affairs to work with the Department of Education, which administers the Randolph-Sheppard Act, to develop protocol 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 and vision-impaired veterans to become Randolph-Sheppard business owners.”

For more information, contact:

Nicky Gacos, President, National Association of Blind Merchants
(908) 464-5359, nicky@blindmerchants.org

Terry Smith, Director, National Federation of the Blind Entrepreneurs Initiative
Phone: (865) 599-7148, tsmith@nfb.org