

**BLIND ENTREPRENEURS INITIATIVE**

**THE BLITZ**

**Summer, 2017**

You have to love these lazy, hazy, crazy days of summer don’t you? You think things will slow down so you can enjoy some ice tea out on the patio. Instead, someone hits the accelerator and the Randolph-Sheppard Program is thrust into warp speed ahead. It’s hard to keep up. There has been so much going on that it’s hard to know where to start. But you have to start somewhere so here we go.

***Register Now for the Music City BLAST*** – BLAST is just 6 short weeks away. Registration is still open so hurry and sign up. It will be a Music City BLAST September 12-15 at the Nashville Airport Marriott Hotel. We will be returning to the site of the 2011 BLAST. Nashville is a fun city and we plan on making it a fun and informative experience for everyone who attends. Plan on being there in time for the pre-conference breakout sessions that start at 1:00 CDT on Tuesday, September 12th. We have great sessions planed on how to improve the bottom line, theft prevention, micromarkets, office coffee services, SSDI, writing business plans, jail commissaries and more. We have invited Jesse Hartle of RSA to do a session for members of Committees of Blind Vendors. If you are a rest area vendor, you will want to attend a special meeting on Tuesday afternoon at 5:00 PM to discuss the pending threat of commercialization. We have some awesome general sessions planned highlighted by a half-day session being conducted by Bonnie Knutson and William Donohue of the Michigan State University Executive Leadership Development Program. And don’t leave early. We are saving many of our Randolph-Sheppard specific issues for Friday morning so we can have a thorough discussion. You don’t want to miss the Music City BLAST. Register now by going to our website at <http://blindmerchants.org/blast-only-2017-registration/> .

***Rest Area Commercialization Ramping Up***  – In the last issue of The Blitz, we reported about HR 1990 that was introduced by Congressman Banks that would allow states to commercialize the interstate rest areas. NABM representatives met with the Congressman’s office as well as the co-sponsor Congressman Courtney of Connecticut. President Trump released his proposed budget for FY 2018 and although no money was appropriated for such a project, the budget document stated the Administration supported the idea conceptually. From everything we hear, a rest area commercialization proposal will be included in the President’s much-anticipated trillion-dollar infrastructure bill. If this is true, Randolph-Sheppard proponents will have a serious challenge in defeating it. But the National Association of Blind Merchants and the National Federation of the Blind feel the community is up to the challenge.

*The Strategy* – In order to preserve these locations for blind entrepreneurs, it will take a grassroots effort. That includes:

* In the next few days, you hear about a website NABM President Nicky Gacos has agreed to set up so you can send letters of concern to your members of Congress. It will be similar to the one we did last year when you helped us flood the Department of Defense with over 4,700 comments when it proposed rules that would have devastated opportunities for blind vendors on military bases. Rest areas commercialization would affect far more blind people so we anticipate having even more letters sent to Congress. Be on the look out for that notice in a matter of just a few days.
* Members of Congress will be taking their summer break in a couple of weeks. They will be back home in their states listening to constituents. They will undoubtedly hear a lot about Obamacare, immigration, tax reform, etc. We need to make sure they hear from you about the prospects of rest area commercialization. The issue may not be on their radar screen yet which is a good thing. The first they hear about it needs to come from us so we can help shape their opinions early on. When they are home, we want you to make an appointment and go talk with them in person. Go to their town hall meetings. Make sure they know who you are and how this bill could impact your life. In the next few days, we will be getting talking points out to help you.
* NABM and the NFB will continue to talk with the relevant committees in Congress and will continue to be part of the coalition that opposes rest area commercialization. We will be working on media stories, op-eds, and more in order to tell our story.
* We are already planning another D.C. Fly In for next spring. Rest area commercialization won’t be our only topic but it will be one of the most important.
* And finally, you should attend BLAST to be part of the discussions on this issue as we develop future strategies.

***Another Word on Commercialization*** - You will recall from the last issue of The Blitz that we reported the New York Department of Transportation was pushing the envelope by setting up self-checkout stores at a few rest areas rather than selling products through vending machines as required by the law. The Federal Highway Administration intervened and told NYDOT that the micromarkets violated current law but agreed to let them continue to operate 2 sites until the FHWA could put out guidance. With the change in administrations, that guidance has not been issued and there is no timeline for when it will. We recently heard that now Minnesota wants to follow suit. When we heard about New York, NABM President Nicky Gacos wrote to the FHWA expressing concern. When we heard about Minnesota, Gacos requested a meeting with the FHWA. The FHWA was well aware of our issues and they complimented us on the job we were doing educating key players on the issue. The central issue here is whether or not a micromarket is a vending machine because only sales through vending machines are permissible without a change in the law. The FHWA could choose to define “vending machine” in a way that allows micromarkets at the rest areas. NABM and the NFBEI do not support such a definition.

***Department of Defense: No Sign of Détente –*** Although there’s not a lot of bad news to report, the battle with the Department of Defense continues with no end in sight. It is a senseless battle with DOD seemingly thumbing its nose at the law. Here are a few developments:

* *No Movement on DOD Reg*s – We have passed the one year mark since DOD published proposed regulations that would have severely limited opportunities for blind entrepreneurs to manage military dining contracts. The rules have not been finalized and do not appear to be close. Their website says they are still being edited so there has apparently been no decision to drop the effort. Not playing it safe, advocates continue to solicit support from members of Congress. One or our blind entrepreneurs in Texas, Harvey Johnson, has been successful in getting Congressman Pete Sessions of Texas involved. He has written letters to both DOD and to the Department of Education. He is a strong ally.
* *Fort Campbell* – The Federal Court case is over and the State of Kentucky prevailed. The Randolph-Sheppard priority applies to dining facility attendant services (DFA). It appears the Army is prepared to accept the inevitable and has agreed to directly negotiate with the SLA for the provision of the DFA services. Congrats to the SLA.
* *Fort Sill* – In the last issue, I mistakenly stated we were still waiting on the decision in the Fort Sill arbitration case. We had actually received that decision prior to that issue of The Blitz going to press. And the good news is it was one of the strangest decisions we have gotten to date. The panel held that the Randolph-Sheppard priority definitely applies to DFA services. We think the panel got it right.
* *Fort Riley* – The Kansas SLA had challenged the Army’s attempt to award a contract to AbilityOne asserting that the Randolph-Sheppard priority did not apply since the contract had been changed from full food to DFA. Just like at Fort Sill, Fort Campbell, and Fort Stewart, an arbitration panel had a different opinion ruling that the priority does apply. It was just one more victory for the good guys.
* *Vending at Issue* – Kentucky isn’t satisfied with one victory in the troop dining case. It thinks the Army should comply with the Act and allow blind vendors to manage traditional vending facilities as well. The Army has taken the position that the priority does not apply because no building at Fort Knox has more than 100 employees. This of course is a mischaracterization of what the law says and the Kentucky SLA has filled for arbitration. Florida is doing the same thing. The SLA there is going after the vending at Tyndall and Eglin Air Force bases. The Florida SLA remains aggressive in pursuing opportunities that rightfully belong to blind. Kudos to the Kentucky and SLA’s. Creating vending facilities on military bases has been a priority for NABM and the NFBEI and we would like to see every state with a military base follow Kentucky’s lead.
* *More Arbitrations in Process* – We said there are no signs of detente. There are cases at various stages of the process in at least 6 different states. We applaud the SLA’s that are fighting the fight on behalf of blind entrepreneurs but call on DOD to end the madness and comply with the law.
* *Marine RFP Coming Soon* – It is expected that the Marines will be issuing an RFP any day now for its two multi-state troop dining contracts. One contract will cover bases in California and Arizona and the other will cover the Marine bases on the East Coast. We anticipate the RFP will come out with a Randolph-Sheppard priority. California and Arizona are working together to submit a joint bid and have selected Don James and FSIG as its teaming partner. South Carolina and North Carolina are working together with South Carolina taking the lead on the East Coast bid. We congratulate the states for working together on this endeavor and are confident that Randolph-Sheppard has a legitimate chance of getting one or both contracts.

***NABM/NFBEI Fly-In a Huge Success-*** NABM sponsored its second D.C. Fly In in May and it was a huge success. 80 blind entrepreneurs, advocates, and other stakeholders showed up to let their voices be heard. The Fly In was supported by the National Federation of the Blind’s National Center which provided much needed logistical support and boots on the ground. We focused on the four following issues:

1. Rest area commercialization
2. DoD rulemaking
3. Traditional Randolph-Sheppard facilities on military bases
4. Department of Veterans Affairs

We focused on bringing in blind entrepreneurs who had members on key committees with jurisdiction over these issues. We believe tangible progress was made on several of these issues. If you are interested in learning more about the issues and our positions, go to <http://blindmerchants.org/nabm-enjoys-productive-fly/> . The Fly In was so successful, plans are already underway for one next year.

**American Heart Association Declaring War on Randolph-Sheppard? –** Although there has been no formal declaration, it sure seems like the American Heart Association has declared war on Randolph-Sheppard. And it has changed its battle tactics to a more effective strategy. At first, the AHA was attempting to get bills introduced in state legislatures. However, once the blindness community and vending industries learned of such proposed pieces of legislation, they were able to mobilize and beat back these efforts. However, the AHA is now going state by state working behind closed doors to get governors to issue executive orders regarding healthy vending on state properties. On the surface it must sound like a good idea to governors. Who isn’t in favor of a healthy workforce? But they are not aware of the impact such actions have on blind entrepreneurs and they are being sold a bill of goods in terms of the health benefits of such an executive order. The dangerous thing is that the state BEP’s are not involved in many of these discussions. In fact, they may not even know conversations are taking place. The Louisiana Governor recently signed such an order and the SLA and blind entrepreneurs knew nothing about it until NABM and the NFBEI shared the already signed EO with them. That’s not a reflection on the SLA nor the blindness community. It is testament to the strategies of the AHA which apparently does not want public debate on their issues. Combine the AHA efforts with the different sugar and beverage tax initiatives we are facing, one can’t help but feel paranoid. The Cook County beverage tax just withstood a legal challenge so our vendors in Chicago will be paying a penny and a half tax on every ounce they sell. Seattle approved a 1.75 cent per ounce on sugary drinks. There are similar efforts underway in other municipalities. When such taxes are proposed, blind entrepreneurs must get involved in the political system and fight the taxes. NAMA is fighting against them and could use your help.

***There’s Good News and Bad News When It Comes to State Laws*** – Well do you want the good news or bad news first? Let’s start with the good. Oregon blind entrepreneurs were successful in getting their Little Randolph-Sheppard Act updated and strengthened. They strengthened the priority and cleared up some ambiguities. The bad news is the Oklahoma legislature voted to remove the priority blind entrepreneurs had to manage inmate commissaries. The SLA had only one commissary but it was a large one at the Tulsa County Jail and the Sheriff there was successful in getting the law changed. The blindness community, including the Oklahoma NFB affiliate and blind entrepreneurs, rallied to oppose the bill but it wasn’t’ enough. Here is a link to a story about the Oregon bill: [https://www.thelundreport.org/content/bipartisan-bill-passes-house-revamp-state’s-blind-vending-program](https://www.thelundreport.org/content/bipartisan-bill-passes-house-revamp-state's-blind-vending-program)

***Merchants Meet at National Federation of the Blind National Convention*** – Approximately 75 persons attended the NABM division meeting held in conjunction with the annual convention of the National Federation of the Blind in Orlando in July. In all, almost 2,500 people attended the NFB convention. President Gacos had an impressive and relevant agenda for those who attended the merchants meeting. NABM elected 2 new board members at the meeting. They are:

Zach Snow – Georgia

Melba Taylor – Maryland

Congratulations to both. Congratulations also to Melba for starting an NABM Division in Maryland.

***NAMA News –*** NAMA continues to recognize the value blind entrepreneurs bring to their organization and the working relationship between NABM and NAMA just gets stronger. That is due in large part to the fact NABM President Nicky Gacos sits on the NAMA board of directors.

* + *NAMA OneShow –* The RSA Management Group and NABM sponsored a half-day training for Randolph-Sheppard entrepreneurs who attended the NAMA OneShow in Las Vegas in April There was a great turnout as approximately 60 people participated.
  + *NAMA Fly In* –NAMA hosted its “NAMA Takes The Hill” event in July. There was a strong Randolph-Sheppard presence at the gathering. The 3 issues focused on calorie disclosure, deregulation, and tax reform. Blind entrepreneurs also took the opportunity to discuss Randolph-Sheppard issues with their members of Congress. In all, over 300 people attended the fly-in which was NAMA’s third.

***RSA News –*** Our federal partners at the Rehabilitation Services Administration are adjusting to the change in administrations but continue to stay busy on Randolph-Sheppard issues. NABM and the NFB met with the Acting Assistant Secretary in June to discuss Randolph-Sheppard areas of concern. Those included:

* RSA’s reluctance to intervene when it knows federal agencies are violating the Randolph-Sheppard Act;
* RSA’s position on military dining;
* RSA’s failure to provide guidance on important issues; and,
* The lack of staff support for Randolph-Sheppard

It was a very productive meeting and it will produce some fruit. Also, on the RSA front:

* *RSA Commissioner* – The President has not nominated anyone for the RSA Commissioner’s job yet. We were saddened to hear that Ed Anthony, RSA Deputy Commissioner and Acting RSA Commissioner, was resigning in June. We wish him well. We were happy that a veteran like Carol Dobak was appointed to serve as interim in both positions until they can be filled.
* *Arbitration Archives* ***–*** After strong encouragement from both NCSAB and NABM, RSA will soon be putting on its website archives of arbitration decisions. There has been a need for a long time for a clearinghouse so people researching cases could read the actual decisions in these cases and not just the summaries in the Federal Register. It will take some time for them to get the decisions up but they are starting with some of the more recent ones. Thanks to Jesse Hartle and Company for finally making this happen.

***NCSAB News*** – The National Council of State Agencies for the Blind met in Bethesda in April following the meeting of the Council of State Administrators of Vocational Rehabilitation. CSAVR sponsored training for state attorneys and Terry Smith was one of the presenters on Randolph-Sheppard arbitrations. Then NCSAB did a full day of training on Randolph-Sheppard. Again, NABM and the NFBEI participated.

**What To Do About Food Trucks** – As the popularity of food trucks grows; we are getting lots of questions about how food trucks fit into the Randolph-Sheppard priority. First, let’s start with the basics. A food truck meets the definition of a “vending facility”; therefore, the SLA has the priority. If a federal entity wants food trucks on its property, it must first offer the opportunity to the SLA. The SLA and blind entrepreneur can then either arrange for a third party to provide the service with a commission going to the blind entrepreneur or figure out a way to allow the blind entrepreneur to operate a food truck. We understand the challenges of SLA’s buying food trucks but it is a much better option and creates far more income potential for the blind entrepreneur. If the SLA declines the opportunity, it has little ground upon which to base a challenge.

***Need Assistance with Social Security?*** – A few months back, NABM President Nicky Gacos announced a new service we were providing to blind entrepreneurs who were having difficulty with Social Security over their SSDI. We are utilizing the services of Michael Dalto who is a nationally know Social Security expert. The response has been overwhelming. We are two months into the six-month pilot project and we are getting many inquiries. If you have questions about your SSDI or are having issues with the Social Security Administration, we can help. Contact Nicky Gacos at [nickycolorado@netscape.net](mailto:nickycolorado@netscape.net) or call him at 1-888-687-6226 and press Extension “4”.

***President Gacos Keeping Good Company*** – In the last issue of The Blitz, you saw NABM President Nicky Gacos pictured with New York Governor Andrew Cuomo and actor Robert De Niro. He stepped it up recently. Go to [www.blindmerchants.org](http://www.blindmerchants.org) and you will see him pictured with former Vice President Joseph Biden. Gacos doesn’t involve himself in partisan politics but this again shows the stature of the National Association of Blind Merchants when its President is at the same functions as such high-level politicians.

***Dates to Remember***

* September 12-15, 2017 – BLAST, Nashville, Tennessee
* November 15-17, 2017 – National Council of State Agencies for the Blind Fall Conference – Greenville, South Carolina

***On the Road Again –*** The last few months have been busy travel months. NABM and the NFBEI were in North Carolina, Maine, Ohio Missouri, and Arizona for annual BEP meetings. Terry Smith was in Delaware doing a program evaluation and in Pennsylvania working on rules. Toss in the NAMA OneShow, 2 fly-ins, and a national convention, a lot of miles were logged.

***Use a Micro Chips to Pay for Your Snacks –*** Here’s an article you futurists may want to read. A Wisconsin company is giving its employees the option of implanting a microchip under their skin which they can then use to pay for food and do other things. Check it out at [***http://www.abc10.com/mobile/article/news/nation/wisconsin-company-to-install-rice-sized-microchips-in-employees/459086081***](http://www.abc10.com/mobile/article/news/nation/wisconsin-company-to-install-rice-sized-microchips-in-employees/459086081)

***You Can Still Hel*p** – Do you like what NABM/NFBEI are doing to advocate for the program on a national level and to assist individual state programs and blind entrepreneurs? Do you enjoy reading The Blitz and being kept informed about what is going on in the Randolph-Sheppard community? If so, we can use your financial support. Over half of our support comes from the NFBEI subscriptions but we count on donations to make up the rest. If you would like to contribute to the cause, we would welcome your donation. You can donate by sending a check to:

National Association of Blind Merchants

7450 Chapman Highway, #319

Knoxville, TN 37920

Make the check payable to NABM and write “NFBEI” in the memo portion of the check. Your support is greatly appreciated.

You can also donate by going to our website at [www.blindmerchants.org](http://www.blindmerchants.org) and we have a new way you can contribute. We can do bank drafts if you want to sign up for monthly giving. Contact Terry Smith if you are interested in setting up bank draft donations

If your state is one of the 14 that doesn’t subscribe to the services of the NFBEI, we’d welcome your involvement. Terry Smith would be happy to discuss the services with you.

***Share Your News with Everyone***- Help us keep everyone informed about what is happening around the country. Let us hear from you. Tell us what is going on in your state. What is happening in one state affects what is going on in another, and the NFBEI is the vehicle to keep everyone updated on what is going on out there.

***GET THE BLITZ-READ THE BLITZ-SHARE THE BLITZ***

**PLEASE FEEL FREE TO SHARE THE BLITZ WITH OTHERS AND DISTRIBUTE ON YOUR LISTSERVS. WE WANT ALL BLIND ENTREPRENEURS, BEP ADMINISTRATORS, and OTHER STAKEHOLDERS TO KNOW WHAT THE NFBEI IS DOING**

*The National Federation of the Blind knows that blindness is not the characteristic that defines you or your future. Every day we raise the expectations of blind people, because low expectations create obstacles between blind people and our dreams. You can live the life you want; blindness is not what holds you back.*