

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

MELBA TAYLOR, *et al.*,

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT  
OF EDUCATION, *et al.*,

*Defendants.*

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Case No.: 1:26-cv-00402-GLR

**BRIEF OF AMICI CURIAE  
MARYLAND, CALIFORNIA,  
NORTH CAROLINA, VIRGINIA,  
COLORADO, CONNECTICUT,  
DELAWARE, THE DISTRICT OF  
COLUMBIA, ILLINOIS, MAINE,  
MASSACHUSETTS, MICHIGAN,  
MINNESOTA, NEVADA, NEW  
MEXICO, NEW YORK, AND  
OREGON IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

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## STATEMENT OF INTEREST

Amici curiae Maryland, California, North Carolina, Virginia, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, New York, and Oregon (“the Amici States”) administer and oversee the Randolph-Sheppard Vending Facility Program (“the Program”) through their designated State Licensing Agencies (“SLAs”). Amici States have a substantial interest in the faithful implementation of the Randolph-Sheppard Act, which established the Program and, since its enactment in 1936, has expanded economic opportunities for blind residents of Amici States. Amici States and their blind residents are harmed by the Secretary of Education’s (“the Secretary”) decision to afford the Department of the Army a sweeping and improper exemption from the requirements of the Randolph-Sheppard Act.

The Randolph-Sheppard Act reflects a cooperative federal-state partnership through which States and the federal government work together to ensure that the employment opportunities Congress intended for blind individuals are realized in practice. The Act directs federal agencies and other instrumentalities in control of federal property to afford priority to blind vendors in operating facilities on federal property; assigns the Secretary authority to supervise the program at the federal level; and assigns SLAs responsibility for administering the Program on the ground in each State. 20 U.S.C. § 107(b). In reliance on this framework, Amici States have developed and maintained comprehensive programs to screen applicants; train and license new vendors; provide business counseling, management services, and upward mobility training for current vendors; work with federal and state entities to identify suitable vending facilities; ensure that facilities operate in compliance with health, safety, and contractual requirements; and provide ongoing oversight and support to licensed vendors, among other things. In turn, Amici States benefit from

the Program in the form of meaningful employment pathways for blind residents and Program-generated revenue that supports SLAs.

In Maryland, the Randolph-Sheppard Program is administered by the Business Enterprise Program for the Blind (“MDBEP”), a component within the Division of Rehabilitation Services of the Maryland State Department of Education. The Program began as MDBEP in the Division in 1990 and started as a component of Blind Industries and Services of Maryland as the Vending Program for the Blind since 1960. MDBEP currently oversees and administers the Program with respect to 60 facilities operated by 47 licensed blind vendors. MDBEP has four military dining facility contracts, including the House of Six Hats Dining Facility and Freedom Inn Dining Facility on Fort George G. Meade. Like other Amici State SLAs, MDBEP has helped to facilitate and has observed successful performance by Randolph-Sheppard Act vendors for many decades.

In California, the Program is administered by the Business Enterprise Program (“CABEP”) within the California Department of Rehabilitation of the California Health and Human Services Agency. CABEP oversees 51 licensed blind vendors, with 46 licensed blind vendors actively operating one or more facilities within the program’s network of 67 locations. CABEP operates four Army dining facility contracts at Fort Irwin, Fort Hunter Liggett, Parks Reserve Forces Training Area, and the Presidio of Monterey.

In North Carolina, the Randolph-Sheppard program is administered by the Division of Services for the Blind (“DSB”), a component within the Department of Health and Human Services. DSB oversees and administers the Business Enterprise Program, under which 38 licensed vendors operate 49 different sites. DSB currently has three military dining facility contracts, located at Fort Bragg, Womack Army Medical Hospital, and Base Elizabeth City.

In Virginia, the Program is administered by the Department for the Blind and Vision Impaired (“DBVI”). DBVI oversees and administers Virginia Enterprises for the Blind (“VEB”), a program under which 36 licensed vendors operate facilities throughout the Commonwealth, including on 10 different military bases. VEB currently has 15 vendors operating 29 facilities that provide various military food services, and additional facilities are currently under development.

Amici States’ interests are directly implicated by the Secretary’s decision exempting the Department of the Army from the Randolph-Sheppard priority based on her narrow authority to impose “limitation[s] on the placement or operation of a vending facility,” 20 U.S.C. § 107(b)(2). By statute, the Secretary’s authority to establish such “limitations” is narrow in scope, and it arises only where placement or operation of a vending facility “would adversely affect the interests of the United States,” the decision to limit the priority is “fully justified in writing” by the agency or department seeking the limitation, and the Secretary’s determination is published in the Federal Register along with supporting documentation. *Id.* § 107(b)(2). Curtailing the application of the priority when there is no lawful basis to do so inflicts concrete harm on Amici States by depriving their SLAs of priority access to federal opportunities on which they rely to place and support blind vendors, diminishing Program-generated revenue and constraining SLAs’ ability to carry out their Program responsibilities. At the same time, the decision deprives Amici States’ blind residents of meaningful employment opportunities and weakens the carefully calibrated federal-state partnership Congress established.

### **ARGUMENT**

The Secretary’s sweeping and improper curtailment of the Randolph-Sheppard Act priority exceeds the scope of the Secretary’s “limitation” authority and rests on findings that are inconsistent with Amici States’ extensive on-the-ground experience administering the Program.

Across jurisdictions and military installations, Amici States' SLAs and blind vendors have demonstrated that many Randolph-Sheppard dining facilities operate efficiently, meet contractual requirements, and deliver quality service within parameters set by agencies and military branches.

Under the Administrative Procedure Act, 5 U.S.C. §§ 551 – 559, 701 – 706, a court must set aside agency action that is “arbitrary [or] capricious” or “in excess of statutory jurisdiction, authority, or limitations.” *Id.* § 706(2)(A), (C), (D). The Amici States question whether the Secretary's action was within her lawful authority. They are not aware of any past instance in which the Secretary invoked her authority to permit a “limitation on the placement or operation of *a vending facility*” (singular) to establish a broad, categorical exemption from the requirements of the Act for an entire class of vending facilities controlled by an agency of the size and reach of the Department of the Army.

Moreover, the factual justifications and reasoning that the Secretary provided for her action are contrary to the experience of Amici States in administering the Program and are arbitrary and capricious. The Secretary relies on selective examples that do not reflect the Program's overall value and performance, as observed by Amici States. “Generally, an agency decision is arbitrary and capricious if ‘the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.’” *Sierra Club v. U.S. Dep't of Interior*, 899 F.3d 260, 293 (4th Cir. 2018) (quoting *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). A court must “vacate agency action if it is not ‘based on consideration of the relevant factors’ or where ‘there has been a clear error of judgment.’”

*Defenders of Wildlife v. U.S. Dep't of the Interior*, 931 F.3d 339, 345 (4th Cir. 2019) (quoting *Marsh v. Oregon Nat'l Res. Council*, 490 U.S. 360 (1989)).

A sweeping, Army-wide curtailment of the Randolph-Sheppard Act priority for the placement and operation of dining facilities cannot be “fully justified in writing,” 20 U.S.C. § 107(b)(2), where the U.S. Army apparently failed to present and the Secretary failed to account for the substantial, contrary experiences of Amici States, demonstrating the Program’s consistent and effective operation. These failures directly harm Amici States by limiting employment opportunities for their blind residents, eroding program-generated revenue, and weakening the States’ ability to carry out their Program responsibilities.

**I. AMICI STATES’ EXPERIENCE DEMONSTRATES COST-EFFECTIVE RANDOLPH-SHEPPARD ACT DINING OPERATIONS.**

In justifying her Army-wide curtailment of the Randolph-Sheppard Act priority based on “higher costs,” the Secretary described “an instance” where one dining facility contract under the Program substantially exceeded the cost of other technically acceptable proposals that did not have the priority. 34 CFR Part 395 Limitation of the Randolph-Sheppard Vending Facility Program Priority for the Department of the Army, 90 Fed. Reg. 60,078 (Dec. 23, 2025). That one instance is not representative of broader Program performance and is at odds with Amici States’ experience operating many Randolph-Sheppard dining facilities at reasonable cost.

**A. Amici States’ SLAs Routinely Achieve Cost-Effective Operations.**

Amici States’ decades of experience administering the Randolph-Sheppard Program demonstrate that dining facilities operated under the Act can and do function at reasonable, competitive costs. Randolph-Sheppard dining facilities do not operate in a vacuum with respect to costs. Rather, blind vendors working on federal properties operate within many of the same

cost and pricing constraints imposed on all food service providers, including constraints established by the Department of Defense and its military departments.

Labor costs at Randolph-Sheppard dining facilities are not set at the sole discretion of blind vendors but are instead governed by federal labor standards incorporated into the underlying contracts and, in some instances, by applicable collective bargaining agreements. Where dining facility services are procured through federal contracts, vendors must generally comply with the McNamara-O'Hara Service Contract Act of 1965, 41 U.S.C. §§ 6701 – 6707, which requires contractors performing services on federal contracts exceeding \$2,500 to pay prevailing wage rates and fringe benefits. Those wage determinations are binding and establish minimum compensation levels for covered employees, largely standardizing a significant component of operating costs across contractors. Where a collective bargaining agreement applies, the Act requires contractors to honor the wages and benefits set forth in the agreement, further constraining labor costs of both blind vendors and any other vendor who might operate on federal property. *See Id.* § 6703. Randolph-Sheppard vendors must conduct operations in accordance with applicable federal requirements and the terms of agency solicitations and contracts. SLAs oversee vendors' compliance with these obligations, ensuring that vendors adhere to federally mandated cost structures. Labor costs in Randolph-Sheppard dining facilities are thus largely determined by federal law, not the discretion of vendors, and the Secretary had no basis for suggesting that the Program inherently produces unreasonable labor costs.

Food and other subsistence costs at Randolph-Sheppard military dining facilities likewise are not driven primarily by vendor preference but are often determined by the military's own supply systems. In Amici States' experience, the U.S. Army and other military branches often furnish subsistence items through centralized procurement programs, such as the Defense

Logistics Agency Troop Support Subsistence Prime Vendor Program, that provide food and related products through pre-negotiated contracts with national distributors and approved local vendors. *See generally* Dep't of Def. Instruction 1338.10, <https://perma.cc/VH92-HX9E>. These programs provide a single point of contact for food supplies, shifting the responsibility of managing large inventories from vendors or the federal government to commercial distributors. Randolph-Sheppard vendors then use the Defense Logistics Agency's systems to place food orders. In many cases, the military prescribes menus, portions, and nutritional requirements as well, further limiting variability in food expenditures. Because core inputs are set or largely controlled by the federal government, Randolph-Sheppard vendors do not have the ability to inflate (or reduce) subsistence costs and operate within the same cost structures as other providers.

SLAs also play an active and legally mandated role in ensuring that Randolph-Sheppard vendors operate efficiently and control costs. The Randolph-Sheppard Act requires SLAs to administer the Program in accordance with federal regulations, including by providing training, supervision, and ongoing support to licensed vendors. *See* 34 C.F.R. § 395.11. Those responsibilities include equipping vendors with the tools to manage labor, inventory, and operations in a cost-effective manner, and monitoring performance to ensure compliance with contractual and regulatory requirements. Amici States' SLAs assist blind vendors in, among many other things, developing staffing models, implementing standardized practices across facilities, and addressing operational challenges that could affect costs. For example, through Business Enterprise Consultants, CABEP analyzes monthly operating reports to compare vendor performance to statewide averages for similar facility types and provides individualized recommendations to help vendors maintain appropriate staffing levels, control labor costs, and operate within sustainable facility performance across the program.

SLAs also retain oversight authority to intervene where necessary to ensure that facilities remain financially viable and compliant with contractual expectations. This structured system of SLA supervision and support further undermines the Secretary’s suggestion that Randolph-Sheppard Act dining facilities operate without cost discipline. To the contrary, Randolph-Sheppard vendors are trained, monitored, and assisted in meeting the same constraints that govern other federal dining operations.

**B. The Secretary’s Contrary Conclusion Arbitrarily and Capriciously Relies on Anecdotes Rather than Systemic Evidence.**

The Secretary’s reliance on one example of alleged cost concerns to support her decision to significantly curtail the Randolph-Sheppard priority on U.S. Army installations nationwide—while failing to grapple with the Program’s structure, the role of SLA oversight, and the role of federal labor rules and procurement procedures in controlling costs—is arbitrary and capricious.

Even assuming the Secretary’s sweeping, Program-wide curtailment of the priority of the Department of the Army could fit within her “limitation” authority—which is doubtful—it is improper to take such a sweeping action based on one isolated anecdote rather than comprehensive analysis. The Secretary improperly relied on purported cost outliers, without accounting for important aspects of the problem that were available to her, including uniform federal constraints on labor and subsistence costs or the statutory and regulatory frameworks requiring SLA training, supervision, and cost management. This failure reflects precisely the kind of selective and incomplete reasoning that the APA forbids. *See Sierra Club*, 899 F.3d at 294 (holding that the National Park Service acted arbitrarily and capriciously in approving a natural gas pipeline when it did not explain “likely inconsistencies” and ignored “important aspects” of the problem).

At most, the Secretary’s reasoning might justify curtailing the priority at specific facilities. It does not justify what the Secretary has done here. The Randolph-Sheppard program operates

across numerous military installations nationwide, encompassing a wide range of facility sizes, service models, and operational conditions. Yet the Secretary's position does not reflect a rigorous evaluation of this full body of experience. The Secretary did not grapple with aggregate cost data or the many instances in which Randolph-Sheppard facilities met or exceeded contractual cost expectations. Instead, the Secretary drew her conclusion based on an isolated instance. Treating this instance as representative of the Program as a whole is fundamentally flawed.

**II. AMICI STATES' EXPERIENCE DEMONSTRATES THAT RANDOLPH-SHEPPARD ACT VENDORS PERFORM EFFECTIVELY.**

In purporting to justify her curtailment of the Randolph-Sheppard Act priority, the Secretary also cites "performance issues," laying out an unspecified number of "examples" related to nutrition, sanitation, and food safety in brief, vague parentheticals. The Secretary's reliance on scarcely described, purported performance deficiencies fails to reflect the broader reality of the Randolph-Sheppard Act program and is arbitrary and capricious.

**A. Amici States' Randolph-Sheppard Act Vendors Consistently Deliver High-Quality Services.**

Amici States' extensive on-the-ground experience confirms that many Randolph-Sheppard Act vendors deliver high-quality dining services across federal and military installations, including U.S. Army properties. That experience thus calls into question whether the Secretary considered all important aspects of the issue before making her decision.

Amici States' SLAs are responsible for training, licensing, and overseeing vendors, and the SLAs closely monitor performance through contract compliance reviews, customer feedback, and coordination with federal partners. In military dining, the military unit, including the U.S. Army, sets out strict requirements for service and performance through comprehensive regulations and directives. Blind vendors do not operate independently; they strictly follow the Army Food Program, detailed field manuals, and rigorous occupational and environmental health food service

sanitation standards. *See, e.g.*, U.S. Army, Army Food Program, <https://perma.cc/W3QT-HRYY>; Dep't of the Army, Tactics, Techniques, and Procedures for Garrison Food Preparation and Class I Operations Management, FM-10-23-2 (1993); Dep't of the Army, Technical Bulletin, Tri-Service Food Code (Mar. 2019), <https://perma.cc/5YC7-CJM8>. The U.S. Army conducts comprehensive oversight and monitoring to ensure efficiency, safety, and compliance with other requirements. This includes continuous monitoring by quality assurance evaluators, who use performance requirements summaries for daily random and planned sampling of all tasks. Furthermore, installation medical authority personnel conduct regular sanitation inspections, and Army food management teams execute scheduled evaluations. The Secretary failed to consider whether these existing procedures resolve purported performance issues.

Moreover, the Amici States' SLAs have overseen many blind vendors who meet the demanding standards for food quality, sanitation, timeliness, and customer satisfaction, often in complex, high-volume environments such as military dining facilities. These outcomes reflect Congress's carefully designed cooperative system in which vendors operate as small business owners with strong incentives to perform, supported by SLAs that provide ongoing training, technical assistance, and oversight. Some SLAs conduct quarterly facility inspections to evaluate operational performance, sanitation practices, marketing activities, and safety conditions. The success of this structure explains why the Randolph-Sheppard Act Program has operated across the country for nearly a century without sweeping carveouts of the sort that the Secretary approved.

Randolph-Sheppard Act vendors and the facilities they operate in Amici States have repeatedly received awards and commendations for excellence in food service, management, and customer satisfaction from the military branches themselves, evidence that was available to and should have been considered by the Secretary. For example, the U.S. Army has consistently

evaluated Maryland’s four dining facilities’ performances as “Exceptional” in quality, schedule, cost control, and management. In 2005 and 2013, the vending team at Fort George G. Meade was the runner-up in the Department’s Philip A. Connelly Program, an annual competition established in 1958 to recognize excellence in Army food service. In 2011, the Fort Meade vending team won the Connelly Award under the large Garrison operation. That same year, a Maryland-based contractor received a Commander’s Certificate of Appreciation. Amici North Carolina’s experience is similar. Recent performance views reflect that North Carolina vendors operating facilities on U.S. Army installations are consistently “meeting expectations,” the highest possible rating, with respect to quarterly sanitation review. North Carolina-based vendors have been awarded the Connelly Award for Excellence at Fort Bragg, most recently in 2025. In California, a state-licensed vendor received the Captain Edward F. Ney Memorial Award—the highest honor awarded to shore and afloat galleys for outstanding food service performance—and a prestigious five-star rating for Best Navy Galley for the San Diego Naval Base Galley. Virginia’s State Licensing Agency profiles vendors, highlighting their impressive careers on its website. *See Va. Dep’t of the Blind and Vision Impaired, VEB Vendor Profiles* (last visited Apr. 22, 2026), <https://www.dbvi.virginia.gov/VendorProfiles.htm>.

These honors are based on rigorous comparative evaluations across a range of operations, including those of commercial contractors outside the Program. Amici States’ experience aligns with these recognitions: our vendors frequently exceed baseline contractual obligations, earning high performance ratings and continued trust from federal partners.

**B. Isolated Performance Issues Would Not Justify Army-Wide Curtailment of the Randolph-Sheppard Act Priority.**

Even if there were isolated performance issues at particular dining facilities, they would not justify the imposition of Army-wide restrictions on the Randolph-Sheppard Act priority. The

Program operates across a wide range of installations, each with distinct operational demands, staffing conditions, and contractual requirements. As with any large-scale food service system, vendors may occasionally encounter challenges and isolated performance issues may arise. But the existence of occasional issues does not establish a systemic problem, nor does it justify sweeping action untethered to the Program's broader record. Put simply, a program serving hundreds of military facilities nationwide cannot be fairly evaluated based on outlier examples.

Indeed, the Randolph-Sheppard Act itself anticipates and addresses performance concerns through built-in oversight and corrective mechanisms that run through SLAs. SLAs are responsible for training, supervising, and, where necessary, intervening to address vendor performance issues, while federal agencies retain contractual tools to enforce compliance with performance standards. The Secretary's decision does not reflect meaningful consideration of these mechanisms or explain why they would be inadequate to address the cited concerns. That omission alone should warrant setting aside the Secretary's decision, because an agency acts arbitrarily where it fails to consider less drastic alternatives or disregards aspects of the regulatory framework directly responsive to the identified problem. *See, e.g., City of Columbus v. Cochran*, 523 F. Supp. 3d 731, 770 (D. Md. 2021) (stressing that "it is well established that an agency has a duty to consider responsible alternatives to its chosen policy and to give a reasoned explanation for its rejection of such alternatives" (quoting *American Radio Relay League, Inc. v. FCC*, 524 F.3d 227, 242 (D.C. Cir. 2008))).

Nor can a handful of selective performance issues justify an Army-wide curtailment of the Randolph-Sheppard Act priority where, as Amici States have observed, many Program vendors have demonstrated consistent, high-quality performance at numerous installations. The APA requires a rational connection between the facts found and the choice made and forbids agencies

from drawing sweeping conclusions based on unrepresentative data. *See Sierra Club*, 899 F.3d 260 at 294. Here, the Secretary's reliance on isolated examples to categorically curtail the priority disregards the localized nature of performance concerns and fails to account for installations where vendors have demonstrably excelled. *Cf. Roe v. Department of Def.*, 947 F.3d 207, 225–28 (4th Cir. 2020) (policy categorically barring servicemembers diagnosed with human immunodeficiency virus from deploying to certain theaters without considering current medical literature and expert opinions about treatment and transmission risks was likely arbitrary and capricious).

**III. THE SECRETARY'S DECISION HARMS THE STATES AND UNDERMINES THE PURPOSES OF THE RANDOLPH-SHEPPARD ACT.**

**A. The Secretary's Decision Deprives Amici States of Revenue and Undermines Their Contracting Advantage.**

The Secretary's sweeping curtailment of the Randolph-Sheppard Act priority on U.S. Army installations jeopardizes critical revenue on which Amici States rely to support their SLAs and undermines the contracting advantage that Congress established for SLAs' benefit.

Under the Randolph-Sheppard Act, SLAs generate revenue from operating vending facilities, including proceeds from contracts for large-scale Army dining facilities. SLAs generally allocate this revenue to licensed blind vendors, and SLAs are funded by federal and state unassigned vending income and set-aside charges assessed to blind vendors, which are established by the SLAs. *See* 34 C.F.R. § 395.9. Consistent with state and federal law, many SLAs use and rely upon program-generated funds to maintain and purchase new equipment and to fund vendor fringe benefits, such as retirement. For example, in Maryland, the Fort George G. Meade facility contract's base year value is \$1,824,000. Set-aside funding from this contract generates about \$3,000 per year for the State. In California, facilities contracts for Fort Irwin, Fort Hunter Liggett, Camp Parks and the Presidio of Monterey generated total program funding through set-asides and federal matching funds of approximately \$226,126 in fiscal year 2024-2025, accounting for

approximately 11% of CABEP's total annual set-aside revenue. In North Carolina, set-aside funds from contracts at Fort Bragg and Womack Army Hospital generated \$84,774 and \$19,681, respectively, in 2025. For SLAs, this revenue supports essential functions, including training, equipment purchases, maintenance, compliance monitoring, and program administration. Without it, Amici States' SLAs' programs are likely to suffer.

Additionally, even for Amici States for which the Secretary's action did not harm an existing contract, the Secretary's decision effectively eliminates a contracting advantage set out by regulation that SLAs would otherwise rely on for future contracts. The Randolph-Sheppard Act and its implementing regulations permit federal agencies to engage in direct negotiations with an SLA for the award of contracts for the vending facilities (including Army dining facilities), as an exception to the ordinary competitive contracting process. *See* 34 C.F.R. § 395.33(d). This pathway is available as long as the SLA can provide high quality food at a reasonable cost. *Id.* This framework allows SLAs to compete for and secure contracts without being displaced by traditional procurement processes. It thus ensures that blind vendors have meaningful access to high-value opportunities. By approving an Army-wide curtailment of the Randolph-Sheppard Act priority, the Secretary effectively strips SLAs of this unique avenue for contracting going forward, forcing them out of direct negotiations and into a position where they may be excluded from consideration altogether. The curtailment thus not only reduces immediate revenue but also destabilizes program funding given the uncertainty about future contracts.

**B. The Secretary's Decision Reduces Employment Opportunities for Blind Residents, Undermining Amici States' Efforts to Promote Independence and Economic Mobility.**

Amici States are also harmed because the Secretary's decision reduces their blind residents' access to the very employment opportunities the Randolph-Sheppard Act was designed to secure.

The Randolph-Sheppard Act creates a pathway to stable, income-generating work through the operation of vending facilities on federal property, with the priority serving as the mechanism to ensure opportunities are available in practice. The Program does not just create jobs; it invests in the careers of blind vendors, offering ongoing training so that they grow and develop professionally. As such, the Program yields broader social and economic benefits, including reduced reliance on public assistance and increased participation in our communities. The Secretary's restriction disrupts the pursuit of these goals and frustrates Congress's intent to promote independence and economic mobility among blind individuals. *See* 20 U.S.C. § 107(a) (explaining that the Randolph-Sheppard Act was enacted “[f]or the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting”); *cf.* Pub. L. 93-516, tit. II, § 203, 88 Stat. 1623 (Dec. 7, 1974) (setting out Congress's findings when it amended the Randolph-Sheppard Act in 1974 to “insure the continued vitality and expansion” of the program). By curtailing the priority, the Secretary leaves Amici States' blind residents with diminished prospects for career development and advancement and financial stability.

This reduction in opportunity undermines Amici States' efforts to promote independence and economic mobility among blind residents. Through SLAs, the Amici States have invested substantial resources in recruiting, training, and preparing individuals to operate vending facilities. Those efforts depend on the availability of federal opportunities, including Army dining facilities. The Secretary's actions disrupt established operations by removing the Randolph Sheppard priority for a substantial portion of federal vending facilities, reducing revenue that supports training and Program administration and threatening the long-term stability of a program that has operated successfully for nine decades.

**CONCLUSION**

Plaintiffs' motion for summary judgment should be granted.

Date: April 24, 2026

Respectfully submitted,

ANTHONY G. BROWN  
Attorney General of Maryland

/s/ Virginia A. Williamson

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VIRGINIA A. WILLIAMSON (Bar No. 31472)  
JAMES C. LUH (Bar No. 31776)  
Assistant Attorneys General  
Office of the Attorney General  
200 St. Paul Place, 20th Floor  
Baltimore, Maryland 21202  
vwilliamson@oag.maryland.gov  
(410) 576-6584

Attorneys for Amicus Curiae  
State of Maryland

ROBERT BONTA  
Attorney General of California  
1300 I Street  
Sacramento, CA 95814

JEFF JACKSON  
Attorney General  
State of North Carolina  
114 W. Edenton St.  
Raleigh, NC 27603

JAY JONES  
Attorney General of Virginia  
202 North Ninth Street  
Richmond, Virginia 23219

PHILIP J. WEISER  
Attorney General of Colorado  
Office of the Attorney General  
Colorado Department of Law  
1300 Broadway, 10th Floor  
Denver, CO 80203

WILLIAM TONG  
Attorney General of Connecticut  
165 Capitol Avenue  
Hartford, CT 06106

KATHLEEN JENNINGS  
Attorney General of Delaware  
Delaware Department of Justice  
820 N. French Street  
Wilmington, DE 19801

BRIAN L. SCHWALB  
Attorney General of the District of Columbia  
400 6th St. NW  
Washington, DC 20001

KWAME RAOUL  
Attorney General  
State of Illinois  
115 S. LaSalle Street  
Chicago, IL 60603

AARON M. FREY  
Attorney General of Maine  
6 State House Station  
Augusta, ME 04333

ANDREA JOY CAMPBELL  
Attorney General of Massachusetts  
One Ashburton Place  
Boston, MA 02108

DANA NESSEL  
Attorney General of Michigan  
P.O. Box 30212  
Lansing, Michigan 48909

KEITH ELLISON  
Attorney General of Minnesota  
102 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

AARON D. FORD  
Attorney General of Nevada  
100 North Carson Street  
Carson City, NV 89701

RAÚL TORREZ  
Attorney General of New Mexico  
New Mexico Department of Justice  
408 Galisteo Street  
Santa Fe, New Mexico 87501

LETITIA JAMES  
Attorney General of New York  
28 Liberty St.  
New York, NY 10005

DAN RAYFIELD  
Attorney General of Oregon  
1162 Court Street NE  
Salem, OR 97301