

March 29, 2021

Speaker Pelosi
House of Representatives
H-232, The Capitol
Washington, DC 20515

Majority Leader Schumer
Senate
S-221, The Capitol
Washington, DC 20515

Minority Leader McCarthy
House of Representatives
H-204, The Capitol
Washington, DC 20515

Minority Leader McConnell
Senate
317 Russell Senate Office Building
Washington, DC 20510

Dear Speaker Pelosi, Majority Leader Schumer, Minority Leader McCarthy, and Minority Leader McConnell:

The National Disability Rights Network (NDRN) writes to strongly encourage you to ensure that any effort to increase the federal minimum wage includes a phase out of section 14(c) of the Fair Labor Standards Act, a provision that permits employers to pay some people with disabilities even less than the minimum wage. There can be no compromise on this provision as it is unacceptable that we would raise the minimum wage for some workers while maintaining the outdated and discriminatory practice of paying some workers with disabilities sub-minimum wages.

NDRN is the voluntary membership association for Protection & Advocacy (P&A) and Client Assistance Program (CAP) agencies. The P&A and CAP agencies are a nationwide network of congressionally mandated, cross disability organizations operating in every state, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands). There is also a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations located in the Four Corners region of the Southwest.

Section 14(c) is incompatible with both the Americans with Disabilities Act (ADA), which establishes economic self-sufficiency for people with disabilities as a goal, and the Workforce Innovation and Opportunity Act (WIOA) of 2014 which prioritizes competitive integrated employment, where people with disabilities work in mainstream jobs alongside, and are paid comparable wages to, co-workers without disabilities. By maintaining section 14(c), the federal government is doing nothing more than endorsing the perpetuation of a life of poverty and dependency for people with disabilities who are paid sub-minimum wages.

NDRN and the P&A/CAP Network have long [advocated](#) for an elimination of sub-minimum wages and segregated employment for people with disabilities. We documented our concerns with segregated work, sheltered environments, low wages for people with disabilities and the massive breakdown between good federal and state policies and their implementation and oversight in two reports: [Beyond Segregated and Exploited](#) and [Segregated & Exploited](#). Additionally, concerns about sub-minimum wages were also documented in the award winning film [Bottom Dollars](#). The evidence over the years has shown that full employment of people with disabilities is not only possible but probable if high expectations are set and individuals are provided the supports and services they need. We cannot assume that classes of people, including those with even the most significant disabilities, are incapable of participating in full, competitive, and integrated employment. While we must raise the federal minimum wage, any legislation to do so that fails to address poverty for people with disabilities currently perpetuated through section 14(c) cannot become law.

Legislation already exists that addresses our concerns. Bills such as the Raise the Wage Act of 2021 would raise the federal minimum wage and phase out section 14(c). Again, we reiterate our position that there can be no federal minimum wage increase without a 14(c) phase out and we strongly encourage you not to compromise one for the other. We look forward to working with you to raise the wage for all workers, including those with disabilities. Please contact Cyrus Huncharek, Senior Public Policy Analyst, at cyrus.huncharek@ndrn.org should you wish to discuss this matter further or have any questions.

Sincerely,



Curtis L. Decker
Executive Director

CC: House of Representatives
Senate