



February 23, 2021

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives  
1236 Longworth House Office Building  
Washington, DC 20515

The Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives  
2468 Rayburn House Office Building  
Washington, DC 20515

The Honorable Chuck Schumer  
Majority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510

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

The National Federation of the Blind supports and endorses Section 6 of the Raise the Wage Act, H.R. 603 / S. 53 introduced by Chairman Bobby Scott in the House and Senator Bernard Sanders in the Senate. Section 14(c) of the Fair Labor Standards Act permits employers to pay people with disabilities less than minimum wage. Section 6 would discontinue the issuance of Section 14(c) certificates upon its passage and gradually increase, over a period of five years, the minimum wage for disabled 14(c) employees until it was at least at the level of the federal minimum wage. We strongly support this section of the bill and we urge the United States Congress to immediately enact this provision into law.

Signed into law in 1938, Section 14(c) of the Fair Labor Standards Act permits employers, through the use of special certificates granted by the US Department of Labor, to pay “individuals whose earning or productive capacities are impaired by a physical or mental disability”<sup>1</sup> at a rate less than the statutory minimum. This is a discriminatory practice that the National Federation of the Blind has been fighting to end since our inception in 1940.

Furthermore, independent governmental agencies like the National Council on Disability (NCD) and the United States Commission on Civil Rights (USCCR) have both weighed in on this issue over the past year. In an October 2020 report titled *Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program & Section 14(c)*, NCD wrote “Since the passage of the Rehabilitation Act, disability-related statutes and policies have all sought to remedy

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<sup>1</sup> <https://www.dol.gov/agencies/whd/special-employment>

inaccessibility, inequity, and segregation,” and that Section 14(c) is now a “significant exception to the norms of modern disability policy.”<sup>2</sup>

Just one month before that, in September 2020, the USCCR, in a report titled *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities* published a list of recommendations regarding subminimum wages for people with disabilities. The first of these recommendations is that “Congress should repeal Section 14(c) with a planned phase-out period to allow transition among service providers and people with disabilities to alternative service models prioritizing competitive integrated employment.”<sup>3</sup>

Both the nation’s leading independent governmental agency on disability and the leading independent governmental commission on civil rights agree that the practice of paying subminimum wages to people with disabilities is an antiquated relic from our country’s past that needs to be abolished. Section 6 of H.R. 603, the Raise the Wage Act of 2021, would prohibit the issuance of new 14(c) certificates immediately upon its passage. Furthermore, Section 6 would gradually increase the wages of all individuals being paid subminimum wages under current 14(c) certificates over a five-year period until they matched or exceeded the federal minimum wage.

As the President of the leading membership organization of blind Americans, a blind person myself, and the father of two blind daughters, I strongly urge you to keep Section 6 of the Raise the Wage Act of 2021 included in the bill as it moves through Congress, whether as a standalone bill, or as a part of a larger piece of legislation. This section of the act will remove a piece of discrimination that has been codified into our national law and promote more equal economic opportunity for all Americans with disabilities.

Sincerely,



Mark A. Riccobono, President  
National Federation of the Blind

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<sup>2</sup> National Council on Disability, *Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program & Section 14(c)*, (Washington, DC: 2020), 26. [https://ncd.gov/sites/default/files/NCD\\_AbilityOne\\_508.pdf](https://ncd.gov/sites/default/files/NCD_AbilityOne_508.pdf).

<sup>3</sup> U.S. Commission on Civil Rights, *Subminimum Wages: Impacts on the Civil Rights of People with Disabilities*, (Washington, DC: 2020), 223. <https://www.usCCR.gov/files/2020-09-17-Subminimum-Wages-Report.pdf>.