



To the Honorable Members of the United States House Subcommittee on Workforce Protections and the Subcommittee on Civil Rights and Human Services, I thank you for the opportunity to testify at this hearing. My name is Anil Lewis and I am the Executive Director for Blindness Initiatives at the National Federation of the Blind. I live in Atlanta, Georgia.

I appreciate this opportunity to participate in this joint hearing to add my voice to those considering phasing out the use of subminimum wages and supporting the transition to competitive integrated employment for workers with disabilities. In November 2019 I had the opportunity, honor, and privilege to testify in support of the phase out of Section 14(c) of the Fair Labor Standards Act before the United States Commission on Civil Rights (USCCR) (See Appendix A). My testimony today will grant me an opportunity to apologize, explain, clarify, and offer a charge.

Like many individuals who support Section 14(c) today, there was a time that I believed it was the moral, compassionate strategy to implement in order for those that are less fortunate to achieve the benefits of “work,” and to give them something to do besides staying at home. For that, I apologize, because now I understand that [Compassion Can Be Discrimination](#) cloaked in sympathy and good intentions.

Fortunately, I came to realize that the real problem was not the incapacity of the people with disabilities, but rather the lack of knowledge of the training and tools that could be utilized to assist individuals with disabilities acquire the skills to become employed in a competitive integrated work environment. I outline this transition in more detail in my USCCR testimony, but let me simply state that I transitioned from working with the handicapped to working with people with disabilities. As long as I perceived them as unfortunates with no real employable skill set and my moral obligation, the work I did may have made me feel better, but did nothing for them. However, once I viewed them as people, with the same desires, ambitions, and capacity for employment with the right to a true quality of life; not only did I feel better, they felt better because I became aware of what is possible. Securing competitive integrated employment for even the most significantly disabled, which seemed to be an impossibility then, has come to be not only possible, but an imperative now. Section 14(c) of the Fair Labor Standards Act, by allowing the lawful payment of subminimum wages to workers with disabilities, interferes with this imperative, so my challenge is explaining why you should support the effort to phase out Section 14(c).

Many have previously provided data and examples of how the Section 14(c) provision is false and ineffective, so I will add that information to the end of this testimony (See Appendix B). Moreover, many have testified and given examples of success stories, but that has not resulted in consensus support toward the phase out of Section 14(c). Many have pleaded or offered impassioned requests to eliminate what they consider to be an exploitive, discriminatory piece of legislation, and although this has resulted in some phase out in the use of the subminimum wage certificates, we have still not made the conscious decision to phase out the law.

My USCCR testimony explains why this is personal to me. The adverse impact the subminimum wage provision has had on my family is real. The low expectations promoted and supported by Section 14(c) denied my brother the education and training he deserved, placed an undue burden of guilt on my mother, and offered unnecessary employment barriers for my sister and myself. Of course, mine is only one of many hundreds of thousands of families adversely impacted by this piece of legislation. Although the emotion expressed in my USCCR testimony is real, I recognize that the emotion keeps us from recognizing the true flaw in this “well intended” piece of legislation.

I will refrain from referring to the use of the subminimum wage provision as exploitation because many, as I did in the past, perceive it as the only opportunity for individuals with significant disabilities to achieve some semblance of employment. I previously believed that some people with disabilities, especially those with significant disabilities, were incapable of competitive integrated employment. My belief in their incapacity was not based on any lived or learned experience. I had no training or experience working with this population to provide training and supports that would enable them to live, work, and play in their communities. I was simply driven by my compassion to create a safe caring environment for these poor unfortunate souls . . . God’s work.

Thank God for those that did and continue to believe in the capacity of people with disabilities, because they demonstrate to me, time and time again, that I was wrong. Even individuals I was absolutely convinced had no ability to work, were provided the training and supports to achieve better than subminimum wage employment. I came to have a new belief based in fact, not just emotion. Again, I apologize for my late awakening, and ask, should others continue to be unintentionally harmed as a result of the lack of knowledge possessed by those well intended individuals whose goal is to help?

Rather than referring to Section 14(c) as discriminatory, can we all agree that it’s antiquated? After all, Section 14(c) was established in 1938 and based on the low expectations and lack of knowledge about the true capacity of people with disabilities that existed at that time. This body has subsequently passed decades of progressive civil rights legislation, like the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, and the Americans with Disabilities Act (ADA), which have improved the education, training, and employment opportunities for people with disabilities (See Appendix A for more information). As a result, we continue to move forward, toward true equity for people with disabilities. Although our understanding of the capacity of people with disabilities has drastically improved over the years, Section 14(c) is in direct conflict with this progress. In fact, attempts to improve Section 14(c) have gone counter to the intent of subsequent, more enlightened disability legislation. Amendments to Section 14(c) have lowered the wage floor so that people can be paid pennies per hour. Regulations have made it easier for entities to secure subminimum wage certificates with less oversight. All of which has resulted in the development and perpetuation of a business model that serves as a disincentive to the promotion of tools and strategies to support competitive integrated employment.

I was honored to serve as a Presidential appointee to the AbilityOne Commission. I believed, and still have hope, that this work has the potential to be the incubator of best practices that will lead to more strategies to promote the competitive integrated employment of people with disabilities. While I served, we were able to adopt a Declaration Against the Use of Section 14(c) within the

AbilityOne program. There has been a rational, incremental progression toward the surrendering of subminimum wage certificates by AbilityOne participating nonprofits. However, there are a few that continue to use their priority access to government contracts to employ the use of the subminimum wage certificates rather than meeting their obligation to find ways to gainfully employ people with disabilities.

During my last meeting as a member of the AbilityOne Commission, the Executive Director of SourceAmerica, one of the Central Nonprofit Agencies responsible for providing oversight and technical assistance to AbilityOne participating nonprofits, gave a report that highlighted their Pathways program, which results in real employment outcomes for individuals with significant disabilities. However, the presentation on this program was dwarfed by the emphasis placed on their sheltered employment work. I asked, why didn't they place more emphasis on the Pathways model than the subminimum wage programs? The answer was that Pathways is costly and more difficult. We understand that it is not easy, and we understand that it may be more costly, but that is on the front end. With each "costly" investment in the development of an innovative employment strategy or tool that will allow someone with a significant disability to achieve a better employment outcome, we learn more and create opportunities that would not otherwise exist. Moreover, through the continued improvement and replication, we will refine the processes, reduce the cost of the program, reduce dependency on public assistance programs, and develop best practices that promote the competitive integrated employment of people with disabilities.

I have grown, and I am no longer angry at those who, as I once was, are driven by a misguided compassion to do what they feel is right. However, it is overwhelmingly frustrating to have to continue to justify the right for people with disabilities, like myself, to have the same opportunities freely offered and available to others.

My frustration is shared by the tens of thousands of members of the National Federation of the Blind, an organization that knows blindness is not the characteristic that defines you or your future. Every day we raise expectations for blind people because we realize it's those low expectations that create the true obstacles between blind people and our dreams. You can live the life you want; blindness is not what holds you back. This knowledge is shared by tens of thousands of others that have come to know that people with disabilities, with the proper training and support, can be competitive employees worthy of a competitive wage.

I recognize that the competitive employment of people with disabilities seems counterintuitive to those who have come to believe that these individuals do not have the capacity to work in competitive integrated environments. The entrenched belief in the incapacity of people with disabilities defies reason. One of the most difficult calls I have ever had was a discussion with the mother of a young man with significant disabilities. Her son was dismissed from a sheltered workshop that had discontinued their subminimum wage program. Unfortunately, the nonprofit did not implement the best strategies developed by entities like the Vermont Conversion Institute, and simply closed the shop, leaving the son with nothing to do. In talking with the mother, I attempted to explain to her that it would not be very difficult to provide some assistance that would make it possible for her son to obtain competitive integrated work. However, she simply did not believe me. I know that this was a result of years of conditioning by a system that made her believe her son did not have the capacity for competitive work, and that at least he was safe and had

something to do in the sheltered shop. As a result, both she and her son were prohibited from reaching their full potential, and we as a society were deprived of their active engagement and full participation.

The Transformation to Competitive Integrated Employment Act has specific provisions to prevent this scenario from happening to others by creating a technical assistance center and by identifying public and private sector resources that can be used by employers to facilitate a smooth transition to transform their subminimum wage employees to competitive integrated employment. In addition, the legislation will award grants to states to assure that all Section 14(c) subminimum wage programs in the state will have the resources to transition to competitive integrated employment by the end of the five-year grant period. Moreover, the legislation provides for two cycles of three-year grants awarded directly to Section 14(c) certificate holders, in order to serve the same function. Finally, the bill phases out subminimum wages over a five-year period, providing ample time for employees being paid subminimum wages to transition to competitive integrated employment.

I understand that most supporters of Section 14(c) believe it to be a means of offering opportunities that would otherwise not exist (See Appendix B). They are driven by their heart to help those without the capacity to achieve a better life experience. I believe we should be led by our hearts, but guided with emotional intelligence. I encourage you to seek out those who not only believe these individuals have capacity but continue to demonstrate it. It is not enough for us to feel good about what we are doing, if what we do denies others the same good feeling. We cannot pass laws to change people's hearts, nor should we try. Legislation can be used to continue to support institutionalized, antiquated thinking or it can be used to create a framework for innovation and evolution. I charge you all, on behalf of the multitudes of people adversely impacted as a result of this misguided compassion, to pass H.R. 2373, the Transformation to Competitive Integrated Employment Act.

Appendix A

November 15, 2019

U.S. Civil Rights Commission

A briefing on the civil rights implications of the Fair Labor Standards Act Section 14(c) Subminimum Wage Certificate Program on people with disabilities.

Testimony of Anil Lewis, Executive Director of Blindness Initiatives for the National Federation of the Blind

To the honorable members of the U.S. Civil Rights Commission, and distinguished panelists, I continue to grow ever hopeful that we will be able to eliminate the historic violation of the fundamental civil rights of workers with disabilities that have been subjected to the legalized discriminatory practice set forth in Section 14(c) of the Fair Labor Standards Act (FLSA).

I appreciate the questions presented by the Commission in preparation for this briefing. The talent possessed by members of the various panels will undoubtedly offer compelling data, demonstrate effective strategies, and offer a number of success stories that address the questions. I agree that answering the questions should move us closer to a commitment to striving for competitive integrated employment opportunities for all people with disabilities. However, this will only be the case if we start with the belief in the capacity of all people with disabilities to be competitively employed in integrated work environments. Otherwise, regardless of the data provided, the effective strategies demonstrated, or the number of the success stories told, there will always be the underlying fallacy that Section 14(c) is necessary in order to help those that are unable to obtain competitive integrated employment.

With respect to the ills of Section 14(c), I have the lived experience to be able to speak from the perspective of a family member, consumer of services, service provider, and advocate.

My older brother became blind as a result of retinitis pigmentosa (RP) in high school and unfortunately was not taught Braille, independent travel, or other alternative skills of blindness as part of his secondary educational curriculum. He graduated high school and attempted to obtain a post-secondary degree, but without the pre-requisite skills to be successful in this environment, he was only able to complete one semester of his studies. Subsequently, the state vocational rehabilitation (VR) system attempted to assist him in obtaining gainful employment, but still did not encourage or support training in the alternative skills of blindness that would have allowed him to be competitive with his sighted peers. The initial job placement the VR “professionals” arranged for my brother was as a file clerk. Using thick magnifying glasses, and a bright hand-held lighted magnifier, he was responsible for filing and retrieving files from various filing cabinets throughout the office. Needless to say, he was not successful, and this opportunity lasted for only a very short period of time. Thankfully, he was able to obtain Social Security benefits that afforded him a minimal income for basic necessities.

This continuum of systemic failures that prohibited my brother from acquiring skills that would allow him to be independent and gainfully employed had a direct negative impact on my brother’s

self-confidence and self-concept, and left him dependent on public benefits. Moreover, my mother, who had already been dealing with an inappropriate sense of guilt and an overwhelming sense of helplessness became more desperate to find any solution that would provide my brother with a sense of value and worth. Unfortunately, the solution was the Georgia Industries for the Blind (GIB), which at that time was a sheltered workshop that paid employees a piece rate based on the FLSA Section 14(C) Special (Subminimum) Wage Certificate.

This noncompetitive segregated environment was not designed for skills acquisition and did not present opportunities for upward mobility. In fact, the supervisors/managers, with no expertise in blindness, actually encouraged employees not to exceed an income that would adversely impact their Social Security Administration (SSA) benefits. Yet, the external perception was that this was a wonderful institution, which offered blind people an opportunity to experience the benefits of “work,” and gave them something to do besides staying at home. Without offering additional details, my brother never achieved more.

My sister lost her sight to RP in college. She also attempted to obtain a college degree without receiving blindness skills training, and only completed a year of college. She went to work at GIB with my brother. Fortunately, her VR counselor, which had experience and training in working with blind consumers, provided her training in the use of computer access technology that allowed her to obtain a job as a customer service clerk for a mail-order catalog company. She was able to advance and secure other more gainful employment opportunities in other fields. She is now employed as a Financial Budget Analyst for the U.S. General Services Administration.

I became blind in 1989 as a result of RP at age twenty-five. Working my way through college, I had already had several various jobs by this point in my life, which afforded me an opportunity to acquire a host of transferrable job skills. Yet, when I became blind, I thought my destiny was GIB. Luckily, for me, I was exposed to successful blind individuals and blindness professionals that educated and supported me toward the acquisition of alternative skills of blindness, Braille, cane travel, access technology, and independent living skills. As a result of proper education and training, my sister and I have been able to improve our quality of life and achieve competitive integrated employment.

It is extremely important to note that it was not blindness that resulted in my brother’s inability to obtain competitive integrated employment. In fact, I maintain that his ability to manipulate figures in his head and process other information without the benefit of being able to use Braille to read or write things down; his ability to get to whatever destination he desired without the ability to effectively and independently use a cane; and his ability to enlist the assistance of others to ensure that he completed other necessary tasks for his well-being demonstrated that he had the intellect and capacity to achieve so much more. He, like my sister, myself, and everyone else, simply needed the training and tools to be successful.

The failure of the education and vocational rehabilitation system is what prohibited my brother from achieving a competitive integrated employment outcome, not his blindness. The legal ability for an employer to support this systemic failure through the existence of subminimum wage

workshops that are marketed as wonderful environments to allow those considered “less capable” to participate in “work” presented his most significant barrier and resulted in the termination of his desire to achieve more.

In full disclosure, I participated in the perpetuation of the FLSA Section 14(C) fallacy that people with disabilities could not be competitively employed by helping run an extended workshop while employed as a Job Placement Specialist at a community rehabilitation center in Atlanta, Georgia. We had blind consumers performing work under contracts for various letter mailing campaigns and small assembly tasks that generated significant revenue for the center. We brought donors, public officials, and employers on tours of the center stating we were providing work readiness training. We received donations, legislative support, but no employment opportunities resulted from our workshop efforts. However, once I received the proper training on how to effectively prepare and assist blind individuals with obtaining employment; and we finally made the decision to close the workshop, we were successful in employing all but one of the fifteen to twenty individuals in the workshop.

In addition to my receiving training on strategies and best practices for facilitating the employment of people with disabilities, the reason for our success was that we evolved as an organization. We changed our philosophy and implemented new strategies. It was nothing revolutionary. We discontinued exploiting the consumers as tools for marketing and fundraising. We set higher expectations for the consumers and ourselves, evaluated the strengths and interests of our consumers, provided specific job skills training, and proactively implemented a job placement strategy that demonstrated how the acquired talents of our consumers met the needs of the employer.

Most entities that cling to the FLSA Section 14(c) as a necessary tool for them to survive have not made this evolution. They may have a sincere desire to help improve the quality of life of people with disabilities, but desire is not a substitute for training and expertise. We should not adversely limit the potential of hundreds of thousands of people with disabilities because their custodians feel that they are providing opportunities that would otherwise be unavailable. Contrary to these assertions, there are other real opportunities to be pursued other than subminimum wage segregated employment or languishing at home. Many individuals with disabilities previously deemed unemployable by the institutions that profit on this falsehood, have obtain competitive integrated employment when exposed to trained professionals with the skill and desire to provide them with the proper training and support.

For more than fifty years of the implementation and enforcement of the Section 14(c) subminimum wage provision, it was considered reasonable to employ a blind person at subminimum wage rates. Although blindness is still a factor, and the disability itself has not changed, today, it is considered unthinkable to do so. Blindness was never a reasonable justification to allow the use of this discriminatory practice. In fact, Section 14(c) only prolonged our ability to be afforded the basic right to a fair minimum wage, and continues to deny that right to people with other disabilities. Section 14(c) perpetuates the perception that having a disability is equivalent to lacking capacity, and discourages the development and implementation of innovative strategies that enable people with all disabilities to be competitive.

With so many examples of successful entities that have evolved into the contemporary businesses that do not require the use of the FLSA Section 14(c) subminimum wage certificate, it is obvious that it is the business managers, not the workers with disabilities that lack the skills to be competitively employed. Yet, rather than requiring entities charged with the responsibility of employment of people with disabilities to have trained staff with expertise (that can use effective contemporary strategies used to assist people with disabilities obtain competitive integrated employment) we afford them the opportunity through Section 14(c), to mitigate their inexperience by allowing them to compensate for this inexcusable lack of talent by legally paying their workers with disabilities subminimum wages.

We continue to hold harmless those entities that lack the talent and expertise to train and support people with disabilities. We continue to diminish the harm being done to those subjected to these segregate environments with phrases like “the soft bigotry of low expectations.” We must openly and honestly admit that there are strong harmful results to the institutionalization of anyone within an environment that eventually convinces them that they have reached their full potential. Moreover, we mask the systemic failures that cause this harm by convincing the parents and family members that it is the disability that prohibits success, and not the lack of professional intervention and implementation of proven strategies to facilitate competitive integrated employment.

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. As the nation’s oldest largest civil rights organization of blind people, we have always known that the use of subminimum wage was unfair, discriminatory and immoral. We work to ensure that blind people will be able to receive the proper training and education that allows us to live the lives we want by advocating within the public systems charged with the responsibility to educate and rehabilitate the blind. We also innovate, execute, and disseminate best practices for projects and programs that teach fundamental blindness skills, as well as, those that teach strategies and techniques that enable blind people to be proficient in the areas of science, technology, engineering and mathematics. We truly believe that given the proper training and opportunity that blind people can compete on terms of equality in all areas. Our belief is what drives our innovation.

Customized Employment and the Discovery process are examples of successful innovative strategies for the competitive integrated employment of people with disabilities; that have been developed and implemented when those that believe in the capacity of people with disabilities and are supported through initiatives from the U.S. Department of Labor (USDOL) Office of Disability Employment Programs (ODEP). These strategies have created competitive integrated employment opportunities for individuals with developmental disabilities that would have remained housed in segregated subminimum wage environments.

These strategies are not the ultimate answer to the question of how do we assist every person with a disability obtain competitive integrated employment. However, they are examples of the types of strategies that can and will emerge if we continue to set higher expectations and continue to believe in the capacity of every person with a disability to be employed. Microsoft has engaged in a proactive effort to recruit, train, and support employees with autism in competitive work

environments. This untapped resource of talent would have gone unrecognized if we continued to support environments that labeled them incapable and hid them from the world. Innovative strategies have not, and will not, emerge from segregated subminimum wage work environments. Non-competitive segregated environments are simply not incubators for best practices for creation of opportunities or strategies. If we acquiesce, and continue to refuse to eliminate the discriminatory provision found in Section 14(c) of the FLSA, we obstruct the development of additional innovative strategies, and the systems may never improve.

We have spent, and continue to waste far too much time discussing how to fix Section 14(c). It needs to be eliminated. It is a failed piece of legislation founded solely in the belief that people with disabilities cannot obtain competitive integrated employment, written by those who do not possess the training, skills, or expertise to do so. It is important to note that the FLSA provides for the employment of individuals at subminimum wages in other specified categories such as student-learners (vocational education students), as well as full-time students employed in retail or service establishments, agriculture, or institutions of higher education. If there are those that still feel subminimum wage employment is necessary, then they should be required to meet the expectations set forth in those sections of the FLSA, which offer greater accountability through measurable objectives and time limitations, not sanctioned discrimination based on disability.

I appreciate the opportunity to offer my comments. I sincerely hope that we can eliminate the discriminatory provision of Section 14(c) of the FLSA, thereby incentivizing a sense of urgency toward the development of innovative strategies that lead toward the competitive integrated employment of every American citizen, including those with disabilities.

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Appendix B

Alaska, Maryland, New Hampshire, and Vermont have all phased out the subminimum wage for people with disabilities. Washington, Oregon, and Hawaii have also passed legislation that will soon phase-out subminimum wages for people with disabilities. In addition, Texas recently adopted a law which requires community rehabilitation programs in the state to develop “a plan to increase the wages paid to its workers with disabilities to the federal minimum wage not later than September 1, 2022.”

Since 2015, the number of people with disabilities being paid subminimum wages has consistently decreased (as reported by US DOL), while the employment rate of people with disabilities has consistently increased, save for 2020 when employment rates dropped across the board due to the pandemic (as reported by the US Bureau of Labor Statistics). Any argument that eliminating subminimum wage jobs for people with disabilities hurts the overall employment rate of people with disabilities is simply not true.

Supplemental Material

December 2020 *Braille Monitor* article summarizing a National Council on Disability report from October 2020.

[AbilityOne and Section 14\(c\): Dinosaurs of Disability Employment Policy](#)

National Council on Disability Report – October 14, 2020

[Policies from the Past in a Modern Era: The Unintended Consequences of the AbilityOne Program & Section 14\(c\)](#)

[Letter from President Riccobono to Congressional Leaders Regarding the Transformation to Competitive Employment Act \(October 5, 2020\)](#)

US Commission on Civil Rights Report – September 17, 2020

[Subminimum Wages: Impacts on the Civil Rights of People with Disabilities](#)

National Council on Disability Report – October 11, 2018

[National Disability Employment Policy – From the New Deal to the Real Deal: Joining the Industries of the Future](#)

Appendix C

[Compassion Can Be Discrimination: Sign the Petition Against Subminimum Wages](#)

by Anil Lewis

Braille Monitor

June 2013

From the Editor: Anil Lewis was born in 1964 in Atlanta, Georgia. Lewis was diagnosed at age nine with retinitis pigmentosa, although his vision was fairly unaffected until 1989. He has a master's in business administration in computer information systems and a master's in public administration from Georgia State University. He has developed a job placement program for people with disabilities, represented people with disabilities in a law office, and has been president of the Georgia affiliate of the National Federation of the Blind. Today he lives in Baltimore, Maryland, and is the director of advocacy and policy at the National Federation of the Blind Jernigan Institute. He works with the NFB's governmental affairs team to eliminate subminimum wages and the antiquated notion that blind and disabled people cannot be productive members of society. He is also the proud father of Amari, his bright, ambitious son. Reprinted from <<http://www.thejewishweek.com/blogs/new-normal/compassion-can-be-discrimination-sign-petition-against-subminimum-wages>>.

Most theological references to people with disabilities portray us as broken people in need of healing, who are dependent on the benevolence of others. Also most faith traditions have a moral imperative to seek salvation by caring for the less fortunate; and people with disabilities, being deemed less fortunate, are therefore tokens for that salvation. The false perception of brokenness, coupled with the misapplied moral edict, results in a "compassionate discrimination" that limits the potential of every person with a disability.

Compassionate discrimination, like other types of discrimination, springs from ignorance and deprives us all of the value each person and group of people have to offer. But unlike the abusive treatment of slaves resulting from racial discrimination and unlike the chauvinistic treatment of women resulting from gender discrimination, compassionate discrimination is cloaked in sympathy and good intentions. The segregation of African-Americans in educational, employment, and living environments is unlawful and universally censured—no questions asked, no exceptions. Conversely, the segregation of people with disabilities in school, work, and home is justified as the creation of safe environments where we are nurtured and protected.

The 20 to 30 percent wage disparity between male and female employees is considered a discriminatory practice in the workplace. But, perversely, the disparity between an executive's \$500,000 salary and the 22-cent-per-hour wage of the worker with a disability is considered reasonable. Work at such wages is even promoted as an opportunity for the disabled worker to experience the tangible and intangible benefits of work. Given this confused moral perspective, it is almost understandable why public policies have been developed that continue to limit people with disabilities from reaching our full potential.

In 1938 policymakers, acting on a laudable desire to integrate people with disabilities into the workforce, made a huge mistake when they enacted Section 14(c) of the Fair Labor Standards Act

www.dol.gov/elaws/esa/flsa/14c/. That provision authorizes the U.S. Department of Labor to issue Special Wage Certificates to employers, permitting them to pay workers with disabilities less than the federal minimum wage. As a result of the erroneous belief, commonly held in 1938 but long since disproved, that people with disabilities cannot be productive employees, employers are permitted to pay workers with disabilities subminimum wages that are supposedly based on our productivity. This denial of fundamental wage protections to workers with disabilities, although masked as a compassionate offering of a work opportunity that would otherwise not be available, leaves over 300,000 people with disabilities employed at subminimum wages, some as low as three cents per hour.

A person with a disability is not less valuable than any other person, and, although employing that person may require the use of nontraditional training and employment strategies, a worker with a disability is not inherently less productive than a nondisabled worker. Section 14(c) is a poor public policy that perpetuates compassionate discrimination and harms people with disabilities by denying us proper education and training opportunities and by prohibiting most of us from obtaining competitive, integrated employment.

It is true that over 70 percent of people with disabilities are unemployed, but current segregated subminimum-wage work environments have proven that they are not the solution to this dilemma. We must understand that it is not the disability itself that causes this circumstance. It is the lack of understanding about the true capacity of people with disabilities that results in the misperception that we cannot be productive. Once this misperception has been embraced, it is difficult if not impossible for us to obtain real opportunities to demonstrate that we have that capacity. Rather than challenging the mistaken status quo, society's "compassionate" remedy is to continue to create "safe," segregated living, educational, and work environments for people with disabilities.

In order to implement a real solution to the unemployment problem, we must remove the mask of compassion from the discrimination we face. We must eliminate the separate-but-equal environments, and we must repeal the discriminatory policies that are founded on the flawed assertion of incapacity. We can achieve this goal. Congressman Gregg Harper has introduced the Fair Wages for Workers with Disabilities Act of 2013 (H.R. 831) to repeal Section 14(c) of the Fair Labor Standards Act, and an online petition that you can sign to support the repeal of Section 14(c) can be found at <https://www.nfb.org/fair-wages-petition>.

We are not broken. Our disabilities are neither a curse from God nor penance for our sins. They are a manifestation of the life with which God has blessed us, and, although the vessels which contain them are different, we have the same needs, desires, and abilities as everyone else. People with disabilities are not passive recipients of benevolence; we are also benevolent. We clothe the naked, we feed the hungry, we care for the sick, and we demonstrate the capacity to believe, to have faith, and to worship God. We demand to be fully participating members of society, and we refuse to be reduced to the status of tokens for the salvation of others.