



February 24, 2023

The Honorable Bernie Sanders  
Chair, Senate Committee on  
Health, Education, Labor & Pensions  
Washington, DC 20510

The Honorable Bill Cassidy, M.D.  
Ranking Member, Senate Committee on  
Health, Education, Labor & Pensions  
Washington, DC 20510

The Honorable Virginia Foxx  
Chair, House Committee on  
Education and the Workforce  
Washington, DC 20510

The Honorable Robert "Bobby" Scott  
Ranking Member, House Committee on  
Education and the Workforce  
Washington, DC 20510

Dear Chair Sanders, Ranking Member Cassidy, Chair Foxx, and Ranking Member Scott:

As the leading human rights organization for all individuals with Down syndrome, the National Down Syndrome Society (NDSS) strongly supports the passage of the Transformation to Competitive Integrated Employment Act, which would empower states, communities, and employers to phase out the use of mechanisms that allow individuals with disabilities to be paid less than the minimum wage. Through technical assistance and community investment, employers would be better able to provide competitive, integrated employment opportunities for individuals with disabilities.

Despite existing civil rights protections, thousands of Americans with disabilities are legally paid less than the minimum wage because of a provision in Section 14(c) of the Fair Labor Standards Act of 1938. Under 14(c), as it's commonly called, employers can apply for special certificates from the U.S. Department of Labor that allow them to undercut the minimum wage regarding this population.

According to a 2020 U.S. Commission on Civil Rights report, between 2017 and 2018 the average wage of a person with a disability working under such certificates was only \$3.34 per hour.<sup>1</sup> While the provision was originally intended to afford people with disabilities otherwise-unavailable opportunities to work, after more than 80 years, the continued use of these 14(c) certificates is anachronistic and fails to recognize the rights of people with disabilities or value the contributions they make to their workplaces, communities, or American society in general.

The Center for Disease Control and Prevention (CDC) reports that 25.5 percent of the US population has a disability.<sup>2</sup> Furthermore, adult members of the disability community have over \$504 million in disposable income, according to the American Institute for Research.<sup>3</sup> Including individuals with disabilities in everyday work life will positively impact not only the individuals themselves, but the

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<sup>1</sup> US Commission on Civil Rights. (2020). Subminimum Wages- Impacts on the Civil Rights of People with Disabilities. US Commission on Civil Rights. Retrieved 2023, from <https://www.usccr.gov/files/2020/2020-09-17-Subminimum-Wages-Report.pdf>.

<sup>2</sup> Centers for Disease Control and Prevention. (2023) Disability and Health Data System. Retrieved 2023, from <http://dhds.cdc.gov>

<sup>3</sup> Yin, Michelle, et al. (2020). The Purchasing Power of Working-Age Adults with Disabilities ... American Institute for Research. Retrieved 2023, from <https://www.air.org/sites/default/files/Purchasing-Power-of-Working-Age-Adults-Disabilities-Ruderman-July-2020-508.pdf>.



country's economy as a whole. Individuals with disabilities want to work, be paid fairly for their efforts, and take part in our economy.

By phasing out the use of the subminimum wage, this bill affirms that employees with disabilities have the right to work in competitive integrated employment settings alongside their colleagues without disabilities and to be paid at least minimum wage for their work. This belief has sparked legislative change in states across the country, and passage of the Transformation to Competitive Integrated Employment Act will build off these efforts and help eliminate discrimination across the country.

NDSS envisions a world in which all people with Down syndrome have the opportunity to enhance their quality of life, realize their life aspirations and become valued members of welcoming communities. We urge Congress to take action to phase out subminimum wage for individuals with Down syndrome and other disabilities, and we thank you for your leadership regarding this important piece of legislation.

Sincerely,

A handwritten signature in black ink that reads "Kandi Pickard". The signature is fluid and cursive, with a large loop at the end of the name.

Kandi Pickard  
President and CEO  
National Down Syndrome Society