

**Ranking Member Robert C. "Bobby" Scott (VA-03) Remarks for the Record**

Full Committee on Education and Workforce Remote Hearing

*"Work, Dignity, and Choice in Disability Employment"*

Green Valley Enterprises, 1223 Madison Street, Beaver Dam, Wisconsin 53916

February 13, 2026, at 10:15 a.m.

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More than 35 years ago, the Americans with Disabilities Act (ADA) was enacted with overwhelming bipartisan support to ensure that people with disabilities have the right to fully participate in their communities, including the right to equal employment opportunities. Despite the civil rights protections afforded by the ADA, people with disabilities are still far less likely to be employed in competitive integrated employment than those without disabilities.

However, there has been notable progress in bringing workers with disabilities into the labor market over the past several years, with the employment-to-population ratio for disabled people ages 16-64 reaching 39.8 percent in November 2025, marking a significant improvement.<sup>1</sup>

The *Fair Labor Standards Act* (FLSA) sets a minimum wage floor for our nation's workers. Specifically, Section 14 (c) of the law authorizes the Department of Labor (DOL) to issue certificates to employers to allow them to pay workers with disabilities below minimum wage.

This exemption has come under increasing scrutiny. For example:

- In 2012, the National Council on Disability—an independent federal agency—called for the phase-out of 14(c).<sup>2</sup>
- In 2016, the Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities also recommended ending subminimum wage employment.<sup>3</sup>
- In September 2020, the U.S. Commission on Civil Rights issued a report finding that the 14(c) program does not meet the needs of people with disabilities and is inconsistent with the civil rights protections to which people with disabilities are entitled.<sup>4</sup>
- In a January 2023 report, the Government Accountability Office found that a majority of workers in the 14(c) program during 2019-2021 earned less than \$3.50 per hour, and only 14 percent earned more than the federal minimum wage.<sup>5</sup>

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<sup>1</sup> Allsup Employment Services Highlights Economic Opportunities Amid Record Employment Gains, January 28, 2026

<https://www.allsup.com/newsroom/allsup-employment-services-highlights-economic-opportunities-amid-record-employment-gains>

<sup>2</sup> National Council on Disability, *Report on Subminimum Wage and Supported Employment*, August 23, 2012,

<https://www.ncd.gov/report/national-council-on-disability-report-on-subminimum-wage-and-supported-employment/>

<sup>3</sup> Advisory Committee on Increasing Competitive Integrated Employment for People with Disabilities, *Final Report*, September 15, 2016, <https://www.dol.gov/agencies/odep/program-areas/cie/advisory-committee>

<sup>4</sup> US Commission on Civil Rights, *Subminimum Wages: Impacts on the Civil rights of People with Disabilities*, Sept. 17, 2020.

<https://www.usccr.gov/files/2020-09-17-Subminimum-Wages-Report.pdf>

<sup>5</sup> U.S. Government Accountability Office, *Subminimum wage program: DOL could do more to ensure timely oversight* (GAO-23-105116), January 2023. <https://www.gao.gov/assets/gao-23-105116.pdf>

- As of July 2025, 17 states have enacted legislation to eliminate subminimum wage and 14(c). Of these, 12 states have successfully phased out the use of 14(c) certificates, while five are in the process of phasing it out. In addition, three states and the District of Columbia have no active certificates.<sup>67</sup>

In the 119th Congress, I reintroduced the bipartisan *Transformation to Competitive Integrated Employment Act* (H.R. 411), along with Rep. Pete Sessions (R-TX), to gradually phase out the subminimum wages currently allowed under Section 14(c) of the FLSA. The bill facilitates this transition by providing states, service providers, subminimum wage certificate holders, and other agencies with the resources they need to create competitive integrated employment service delivery models and inclusive wraparound services for people with disabilities. In previous Congresses, I introduced this bill with Rep. McMorris-Rogers (R-WA).

The *Transformation to Competitive Integrated Employment Act* will:

- Create a competitive state grant program to assist states in transitioning all 14(c) certificate holders to models that support competitive integrated employment for individuals with disabilities. The grant program connects transitioning states to wrap-around services that will enable individuals to work in competitive integrated employment and thrive in their communities. States that successfully complete a grant will also be eligible for enhanced supported employment funding to build on and maintain a successful transformation.
- Create a competitive grant program for current 14(c) certificate holders in states that do not offer a state grant to transition their business models to support individuals with disabilities in competitive, integrated employment and access to wraparound services and supports.
- Immediately freeze the issuance of any new 14(c) certificates by DOL and phase out the use of existing 14(c) certificates over five years until employees are paid the federal minimum wage.
- Establish a technical assistance (TA) center to support all entities, including those not receiving transformation grants, in transitioning to competitive integrated employment. The TA center will disseminate information on best practices, lessons learned, and models for transition.
- Require reporting and evaluation on the progress supporting workers with disabilities in competitive integrated settings and the inclusive wraparound services they receive when not working.

These measures will support states and providers in the successful transition to competitive, integrated employment for thousands of workers with disabilities.

More than 35 years ago, the ADA ensured that disabled workers would be protected from workplace discrimination and entitled to reasonable accommodations to succeed in competitive, integrated employment. It is far past time to level the playing field for workers with disabilities by relegating the discriminatory and outdated practice of paying subminimum wages to the dustbin of history.

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<sup>6</sup> U.S. Government Accountability Office, *Employment Outcomes and Views of Former Workers in Two States*, April 2025. <https://www.gao.gov/assets/gao-25-106471.pdf> see also