

Why is the Biden Administration Targeting the Severely Disabled?

The Department of Labor has proposed repealing an employment program for those with significant disabilities.

On December 3, the Department of Labor [issued](#) a Notice of Proposed Rulemaking that, if finalized, would eliminate 14(c), a provision of the Fair Labor Standards Act that allows some employers—mostly non-profit service providers—to pay some intellectually disabled employees a subminimum wage, based on specified metrics of productivity.

Participants at 14(c) programs perform diverse jobs, including recycling, shredding, and piecework, such as assembling kits or packaging items. Program administrators often break tasks into multiple steps to allow those with significant cognitive impairments to contribute. Wages are determined by a formula, which compares a participant's production rate to that of nondisabled workers. If nondisabled workers can assemble 100 widgets in an hour, and the prevailing hourly wage for that labor in that geographic area is \$15, for example, a 14(c) participant who completes 25 widgets in the same time period would earn \$3.75 per hour. Since skills can increase with practice, participants are re-tested every six months to ensure that their wages accurately reflect their capabilities. The agencies that host these programs not only provide training and supervision, but often take a holistic approach, offering onsite activities and community outings for interested participants.

That the department proposed to eliminate 14(c) was no surprise. After it [announced](#) its “comprehensive review” in September 2023, people on both sides of the issue expected the Biden administration to side with disability rights advocates, who have long attacked the subminimum wage as “unfair, inequitable, and inhumane.” Activist pressure has already prompted 16 states to close their 14(c) programs, with Illinois [poised](#) to be the 17th.

What is more surprising is the timing. The notice was anticipated in September, but its December publication, and the subsequently required 45-day comment period, means that the decision to finalize the proposed rule will fall to the Trump administration. Not only have prominent Trump allies like Congresswoman Elise Stefanik publicly [defended](#) 14(c), but Republican senators Tom Cotton and John Boozman submitted a letter to the DOL's acting secretary, advising her that the department lacks the authority to alter the program. “Any changes to the 14(c) certificate program rests with Congress and not DOL,” the senators wrote, before praising the program for “provid[ing] many vulnerable Americans with a sense of accomplishment and provid[ing] their families and caretakers with time to complete activities necessary for the functioning of their households.”

As a lifelong Democrat, I never thought I'd agree with Tom Cotton about much of anything. But he's right. When this issue is debated up in the ether, far removed from real people with disabilities, it mostly follows partisan lines. Democrats endorse disability rights advocates' demand to close 14(c) programs, and Republicans push back. But on the ground, actual adults with significant disabilities and their families strongly support 14(c), no matter their political affiliation. When the U.S. Commission on Civil Rights [examined](#) whether the subminimum wage should be eliminated in 2020, for example, almost all of the public comments (98 percent) backed preserving the program.

Similarly, when the DOL held listening sessions in fall of 2023, virtually all the parents and siblings who spoke implored the department not to end 14(c), citing the safe and structured environment, meaningful activity, and community of peers for their severely disabled loved ones that the program provides.

I am also a parent, but my 25-year-old profoundly autistic son Jonah is too impaired ever to work in a 14(c) program. I write about, research, and advocate on this issue because it exposes the ways in which America's disability-service system, at activists' behest, increasingly fails to meet the needs of the people it is intended to support.

Anti-14(c) activists generally offer three objections to these programs. First, and most vociferously, they [claim](#) that the subminimum wage “confines Disabled people to a lifetime of poverty.” This is a rhetorically effective argument—who supports the exploitation of disabled people?—and it might be compelling, if participants were expected to live off their wages. But subminimum-wage compensation typically represents a tiny fraction of these workers' financial support, which can total in the six figures and often includes Supplemental Security Income (SSI) and subsidized housing, transportation, and other programming.

Second, activists object to these programs' “segregated” character—that is, that they are disability-specific environments. This concern stems from a long history of forcing the disabled into institutional settings, even if they were capable and desirous of living and working in the community. Today, however, the system has swung so dramatically toward community placements that it can be extraordinarily difficult, if not impossible, to enter a disability-specific program like those authorized by 14(c). Many states have imposed onerous conditions, such as requiring interested individuals to reach a certain age, or to fail a set number of supported full-wage employment opportunities, before a 14(c) placement can even be considered. Additionally, 2014's Workforce Innovation and Opportunity Act mandates that all 14(c) participants be [offered](#) the chance to pursue competitive, integrated employment every year. Because of these guardrails and activist pressure, only about 40,000 people now participate in 14(c) programs, compared with over 120,000 just six years ago.

Opponents' final argument is that 14(c) programs “devalue” the labor of disabled people, whom, they claim, are *all* capable of working competitive, minimum-wage jobs, provided they have the proper support. As any parent of a severely disabled child knows, this is ridiculous. And it is this categorical rejection of severe cognitive impairment and all that it can entail—minimal or no ability to understand abstract concepts; restricted or no communication; lack of safety awareness; disruptive or even dangerous behaviors, including aggression, self-injury, and property destruction—that bewilders me most. In the DOL listening sessions, parents and siblings emphasized their disabled loved ones' debilitating symptoms. They were met not with empathy, but with the testimony of minimally impacted people with autism, who opened their remarks with phrases like, “As a disabled person, I . . .,” before rattling off their impressive degrees and work experiences. One of the Big Tech giants even sent a representative to call for 14(c)'s elimination, citing his company's success in recruiting autistic employees. The absurd implication seems to be: If only parents didn't set such *low expectations*, if only we provided *appropriate support*, then maybe our kids could be working in Silicon Valley!

In practice, the DOL chose to dismiss the lived experience of parents and the severely disabled and instead believe tech bros, staff at federally funded disability agencies and nonprofits, and articulate [self-advocates](#), offended at the very existence of programs that they would never need.

Again, the proposed rule is unlikely to be finalized. But it's still worrisome, because it illustrates the "ideological straitjacket" that Democratic congressman Seth Moulton argues has constrained his own party's response to current controversies and alienated a rising percentage of the electorate. While Moulton was speaking about trans issues, the phrase is especially apt for disability debates, which have been hijacked by zealots crusading for "inclusion." These activists have set their sights not only on the 14(c) program, but on *all* disability-specific environments, including autism classrooms and schools, congregate housing (such as farmsteads and campuses), and facility-based adult day services.

Inclusion is important, of course. And I firmly believe that any disabled person who wants to live and work in the community should get the support necessary to do so. But so-called "inclusive settings" aren't appropriate for or desired by everybody. Profoundly autistic adults like my son often struggle with dangerous behaviors that can require trained staff to manage safely. Those disabled adults may have significant sensory issues that make public spaces overwhelming. And virtually all of them have severe communication deficits that make expressing needs, answering questions, and following directions extraordinarily challenging.

The obvious, common-sense way to meet the disabled population's diverse needs is to support a wide range of service models that reflects the spectrum of impairments and preferences. Simply put, if 14(c) doesn't appeal to you—either as a disabled person or a parent choosing for an incapacitated child—then just don't use it.

But Moulton's "ideological straitjacket" precludes disability rights activists from taking such a catholic approach. They remain unmoved, not only by the experience of actual participants and their families, but by the lack of data to support their position. If it were true that everyone is capable of competitive, minimum-wage employment, then you would expect disabled workers to have made a significant migration into the typical workforce in states that eliminated the subminimum wage. But that's not what happened. In Washington state, only 17 percent of people with more severe disorders were able to find jobs, despite a \$50 million infusion into employment services. After Maine closed its 14(c) programs, utilization of non-employment day services (referred to by some parents as "glorified babysitting") increased by almost 500 percent. And following a two-thirds drop in 14(c) participation in Oklahoma, the number of intellectually and developmentally disabled adults sitting at home almost tripled.

As a Democrat, Moulton's stance gives me hope that ideological straitjackets may be loosening. While ideology may make for inspired grandstanding, it can also drive ineffective or even harmful policy choices. Democrats and Republicans alike have a chance to rebuke the proposed abolition of 14(c)—and, in doing so, the fevered ideology that has captured too much of disability politics.

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