

115TH CONGRESS
1ST SESSION

H. R. 1377

To amend the Fair Labor Standards Act of 1938 to better align certain provisions of such Act with Federal disability laws and policies intended to remove societal and institutional barriers to employment opportunities for people with disabilities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2017

Mr. HARPER introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to better align certain provisions of such Act with Federal disability laws and policies intended to remove societal and institutional barriers to employment opportunities for people with disabilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transitioning to Inte-
5 grated and Meaningful Employment Act of 2017”.

1 **SEC. 2. DISCONTINUANCE OF SPECIAL CERTIFICATES FOR**
2 **INDIVIDUALS WITH DISABILITIES.**

3 (a) NO ISSUANCE OF NEW SPECIAL CERTIFI-
4 CATES.—Beginning on the date of enactment of this Act,
5 the Secretary of Labor shall not issue any new special cer-
6 tificates under section 14(c)(1) of the Fair Labor Stand-
7 ards Act of 1938 (29 U.S.C. 214(c)(1)).

8 (b) CONDITIONS FOR RENEWAL OF CERTIFICATES.—
9 Beginning on the date of enactment of this Act, the Sec-
10 retary of Labor shall not renew any special certificate to
11 an employer previously provided such a certificate under
12 section 14(c)(1) of the Fair Labor Standards Act of 1938
13 (29 U.S.C. 214(c)(1)) unless the employer provides, on an
14 annual basis, to the Secretary the following information:

15 (1) Individualized assessments of each employee
16 paid subminimum wages under any such special cer-
17 tificate, including the wages earned, skills developed,
18 and qualifications required for employment with
19 such certificate holder at or above minimum wage
20 for that year.

21 (2) Individualized assessments of the employee
22 that identify how obstacles related to the disability
23 prevent each employee paid subminimum wages from
24 transitioning into available job opportunities that
25 pay at or above the minimum wage and the re-

1 sources provided to each such employee in order to
2 mitigate those disability-related obstacles.

3 (3) A transition plan for each such employee
4 that includes demonstrable benchmarks to facilitate
5 the placement of each such employee into employ-
6 ment opportunities that compensate for work at or
7 above the minimum wage.

8 (c) PUBLICATION.—The Secretary of Labor shall
9 make the information submitted under subsection (b) pub-
10 licly available and updated on the website of the Depart-
11 ment of Labor. Such publicly available information shall
12 not include any personally identifiable information regard-
13 ing any employee who is the subject of the assessments
14 and plans required under such subsection or who is paid
15 a subminimum wage pursuant to a special certificate de-
16 scribed in such subsection.

17 (d) DEFINITIONS.—As used in this Act—

18 (1) the term “minimum wage” means the min-
19 imum wage in effect under section 6(a)(1) of the
20 Fair Labor Standards Act of 1938 (29 U.S.C.
21 206(a)(1)); and

22 (2) the term “subminimum wage” means any
23 wage paid to any employee pursuant to a special cer-
24 tificate issued under section 14(c)(1) of the Fair

1 Labor Standards Act of 1938 (29 U.S.C. 214(c)(1))
2 that is less than the minimum wage.

3 (e) ENFORCEMENT.—Any employer that continues to
4 pay a subminimum wage to an employee without meeting
5 the conditions set forth in subparagraph (b) shall be
6 deemed to have violated a regulation or order of the Sec-
7 retary of Labor issued under section 14 of the Fair Labor
8 Standards Act of 1938 (29 U.S.C. 214).

9 **SEC. 3. REPEAL SPECIAL CERTIFICATE PROVISIONS.**

10 Effective on the date that is 6 years after the date
11 of the enactment of this Act, subsection (c) of section 14
12 of the Fair Labor Standards Act of 1938 (29 U.S.C.
13 214(c)) is repealed, and any outstanding special wage cer-
14 tificates issued under such subsection shall be revoked.

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