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The Honorable Harry Reid
Majority Leader, United States Senate
United States Capitol, S-221
Washington, DC 20510

Dear Majority Leader Reid:

We write to express our concern about a provision that unfairly targets the construction industry in the Manager's Amendment to *The Patient Protection and Affordable Care Act*. This provision singles out—unfairly and inequitably—small businesses in the construction industry. While the healthcare bill mandates that all small businesses with 50 employees or more provide healthcare insurance to their employees, this provision discriminatorily requires that small businesses in the construction industry with as few as five employees provide health care insurance to their employees.

As the smallest employers in the housing and construction industry have arguably been hit the hardest during this economic downturn, it is most egregious and unfair that this legislation singles out one industry and subjects that industry to far greater fines and regulations than it does to any other labor sector of our economy. Therefore we, the undersigned, respectfully request that this provision be removed from the Manager's Amendment and any final health care legislation.

This requirement is an expensive new mandate for this struggling industry that will impact 35 percent of all small construction firms and cost the construction industry jobs and billions in lost productivity. Currently, the construction industry faces a staggering 22.7 percent unemployment rate, double that of our economy as a whole. One million jobs have been lost, resulting in one out of five construction workers being unable to find work. This provision has been inserted into the Senate passed healthcare bill without any justification for how it could benefit Americans or why it was necessary to target the construction industry and appears to be written solely at the behest of a powerful constituency group. Furthermore, this provision was dropped in the bill at the last minute and was neither debated on the Senate Floor nor reviewed by any Senate committee or subcommittee.

While a court may uphold this provision if constitutionally challenged, Congress has an independent responsibility to enact legislation that does not offend basic principles of fairness and equality. This particular provision, which severely impacts just one industry, without any

legitimate governmental purpose, violates fundamental principles of equity that are at the heart of our system of government. Moreover, the inclusion of a provision singling out an individual sector of the construction industry for disparate treatment only buttresses the case for full and open transparency as the final bill is drafted.

We ask that you remove this provision from the Manager's Amendment, as it will add yet another burden on an industry that already faces a 22.7 percent unemployment rate and more than \$200 billion in lost economic activity in the past year alone. This provision will only further hurt an industry that is struggling to survive.

Sincerely,

Lisa Mulvaney

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