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Health Care Reform Legislation Targets Construction Industry

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The United States Congress and the Obama Administration have been strongly advocating for reform of America's health care delivery system. Whatever your opinion of the so-called "public option," or requiring all citizens to purchase health insurance under penalty of fine, construction companies should be aware of new language that specifically targets their industry. The Senate health care legislation, H.R. 3590, the [Patient Protection and Affordable Care Act](#), contains a potentially devastating provision.

H.R. 3590 requires employers with 50 employees or greater to provide health care for their employees or face penalties. However, a provision added to the manager's amendment to the Senate bill (SEC. 10106. AMENDMENTS TO SUBTITLE F(2)(D), on page 76 of the [manager's amendment](#)) reduced this threshold to only five employees specifically and solely for the construction industry, which means that many residential homebuilders, small construction companies and subcontractors would be subject to a penalty for not providing health insurance coverage to their workers. Professions affected by this amendment also include plumbers, electricians, carpenters,

roofers, dry wall contractors and masons, among others.

All other small businesses in the country with 50 or fewer employees will have an exemption without penalty, while construction companies are arbitrarily singled out for different treatment.

The [National Association of Home Builders](#) is working with U.S. Senators to strike this provision from the legislation during the upcoming House-Senate conference committee negotiating process.

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