



Written by [Thomas R. Eddlem](#) on November 18, 2013

GOP “Keep Your Health Plan Act” to the Left of Bill Clinton’s Stance

The House of Representatives [passed](#) the “Keep Your Health Plan Act” by a [261-157 vote](#) November 15. The legislation would allow millions of Americans whose healthcare plans were cancelled under ObamaCare to renew their plans for one year. But the Republican-backed bill is actually to the left of the position held by former President Bill Clinton, who has called for a *permanent* repeal of this part of ObamaCare.



Clinton, despite having supported Obama’s Affordable Care Act (ACA), said in a November 12 [interview](#) that the federal government should not use minor changes in existing plans as an excuse to cancel existing healthcare plans. “I personally believe, even if it takes a change in the law, the President should honor the commitment the federal government made to those people and let them keep what they got.” The House-passed bill — which included [39 Democrats who broke ranks](#) to vote for the GOP-written bill — would only delay implementation of the ObamaCare regulations for pre-existing policies by one year. Four Republican congressmen voted against the House bill, [saying](#) the legislation did not go far enough in protecting people with existing insurance plans.

For his part, President Obama continues to claim that old policies are not being canceled, and that people can keep their old plans if they like them. He said in a [White House fact sheet](#) released November 14 that “Health plans that consumers had when the law was passed in 2010 are ‘grandfathered’ in and do not have to adopt most of the new consumer protections.” But Obama’s statement is misleading at best. The “grandfathering” is very limited in scope, and even minor changes in existing policies — such as even a small change in co-payments or deductibles — force ObamaCare regulations to kick in and existing policies to be canceled.

Obama has even caught flak from his most loyal leftist supporters in the establishment media for this false claim. “The Fact Checker” at the *Washington Post* reviewed Obama’s promises on keeping health care coverage at the time Congress was passing the ACA, and [gave Obama’s promises four “Pinocchios.”](#) the newspaper’s worst rating reserved for lies it calls “whoppers.”

In order to head off a Republican-led rebellion against the massive cancellation of existing healthcare plans, President Obama has [proposed](#) an autocratic solution: changing the law by presidential fiat, without getting approval from Congress. “HHS is using its administrative authority to ... allow insurers to renew their current policies for current enrollees without adopting the 2014 market rule changes. This will give consumers in the individual and small group markets the choice of staying in their plan or joining a new Marketplace plan next year. HHS will consider the impact of this transitional policy in assessing whether to extend it beyond 2014.”

But it’s unclear if the [text of the law](#) gives the president any power to use these kind of “administrative authority” in the absence of a new act of Congress. Under the [U.S. Constitution](#), the president has no



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power to make law, and “all legislative Powers herein granted shall be vested in a Congress.” And the Supreme Court has [ruled](#) that Congress may not delegate away its legislative powers to the executive branch.

President Obama — while denying he was canceling existing plans — has also made statements justifying the cancellation of these same existing plans. Obama [charged](#) November 7 that “what we know is, before the law was passed, a lot of these plans people thought they had insurance coverage and then they’d find out that they had huge out-of-pocket expenses.” But the reality is that ObamaCare-approved plans include huge “out-of-pocket expenses” every year — not just during those years when families use medical services — in the form of [skyrocketing premiums](#) to subsidize the high risk pool under Obamacare. Some people — especially healthy young men in the self-insurance market — have seen their premiums triple, with no corresponding changes in co-pays or deductibles. Obama’s administrative proposal would not allow insurance companies to sell grandfathered policies to new customers on the open market, while the House bill would allow insurance companies to seek out new customers with grandfathered plans. Because of this difference, the Obama administration has [pledged to veto](#) the House bill if it ever gets to the president’s desk (which is unlikely because of the Democratic-controlled Senate).

The unfolding Obamacare debacle is making the most vocal critics of the ObamaCare law look prophetic. Michigan Republican Congressman Justin Amash [quipped](#) back on September 15 on ABC’s *This Week With George Stephanopoulos* that delaying ObamaCare would be a favor to Obama. The ABC News panel laughed at Amash at the time. One has to wonder if they are laughing now. Likewise, Texas Republican Senator Ted Cruz’ [September 25 filibuster](#) against Obamacare also looks like prophesy in hindsight.

Photo of former President Bill Clinton: AP Images



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