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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. FORTENBERRY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2005.

I hereby appoint the Honorable JEFF FORTENBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

CANADA SUPREME COURT STRIKES BAN ON HEALTH INSURANCE PRIVATE

Mr. STEARNS. Mr. Speaker, earlier this month the Supreme Court overturned a law that prevented people from buying health insurance, that is, private health insurance, to pay for medical services available from and through Medicare, the publicly funded system. The ruling means that citizen residents can pay privately for medical service, even if the services are already covered under the state-provided health care system.

Now, what does that mean? Perhaps you did not see this ruling, but that is because it was not the United States Supreme Court and Medicare and "private contract" we are talking about. It was the Canadian Supreme Court and Canada's socialized health care program under Medicare and Quebec's ban.

Now, how did this come about? Well, a courageous Canadian doctor, Jacques Chaoulli, and his patient, 70-year-old Montreal businessman, George Zeliotis, waited for a hip surgery replacement, decided enough is enough, and challenged the constitutionality of the Canadian ban on private payment. He argued that long waiting lines and times for surgery contradicted the country's constitutional guarantee of "life, liberty and the security of the person." He argued that the wait was unreasonable, endangered his life, and infringed on his constitutional rights.

The Court split 3-3 over whether the ban on private insurance violates the Canadian Charter of Rights and Freedoms, something like our Bill of Rights, but agreed in striking the ban, saying that, "Access to a waiting list is not access to health care", in its ruling. They went on further to say, "The evidence in this case shows that delays in the public health care system are widespread, and that, in some serious cases, patients die as a result of waiting lists for public health care. The evidence also demonstrates that the prohibition against private health insurance and its consequences of denying people vital health care results in physical and psychological suffering that meets a threshold test of seriousness."

Now, my colleagues, while the ruling applies only to the province of Quebec, one wonders if this could fundamentally change the way health care is delivered across that country. Canada is currently the only major industrialized country in the world that does not allow any private administration of

health care services that are provided by the public system.

Now, John Williamson, President of the Canadian Taxpayers Federation said with hope, "This is a breach in government monopoly health care in this country". That is in Canada. "It is going to open up litigation across the country and the other nine provinces as taxpayers there press for their same right, which is the right to seek and buy insurance to cover private health care."

And some Canadians worry that this is the beginning of the end of what they considered a national treasure. Well, this is not cause for alarm, or by those who have for years argued for our Medicare private contract ban here in the United States, it simply is not a threat, said the Court. "It cannot be concluded from the evidence concerning the Quebec plan or the plans of the other provinces of Canada, or from the evolution of the systems of various OECD countries, that an absolute prohibition on private insurance is necessary to protect the integrity of the public plan."

And I would argue, my colleagues, in fact, it is the Canadian middle class who have probably been most injured, not the very, very wealthy, because they just pay out of pocket. They can afford it. Remember that the ban is on private insurance, not private health care, so the very rich could still go on and get out of this waiting line that the rest of the middle class have to continue to participate in.

And furthermore, a whole industry of medical tourism was spawned. For decades Canadians of means have been traveling to the premiere medical facilities here in the United States, especially in my sunny locales in the State of Florida to enjoy lovely weather, while they are also getting the benefits of health care facilities in Florida.

This means that the Court, the Canadian Court, sees that a national comprehensive coverage program can

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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