

HOUSE JOINT RESOLUTION 7

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2004 Regular Session
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By: **Delegates Cardin, Mandel, Amedori, Anderson, Barkley, Barve, Bobo, Boschert, Boteler, Boutin, Bozman, Bromwell, Bronrott, Burns, Busch, Cadden, Cane, G. Clagett, Cryor, Dumais, Elmore, Feldman, Franchot, Frank, Frush, Gilleland, Glassman, Goldwater, Harrison, Heller, Hixson, Hogan, Howard, Hubbard, Impallaria, James, Jones, Kach, Kaiser, King, Kirk, Krysiak, Lee, Madaleno, Malone, Marriott, McComas, McConkey, McDonough, McHale, McKee, Mitchell, Moe, Montgomery, Morhaim, Murray, Myers, Nathan-Pulliam, O'Donnell, Parker, Parrott, Patterson, Pendergrass, Quinter, Ramirez, Rosenberg, Ross, Smigiel, Stocksdale, Taylor, F. Turner, Vaughn, Walkup, Weir, and Zirkin**

Introduced and read first time: February 13, 2004
Assigned to: Rules and Executive Nominations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Holocaust Survivors' Insurance Claims**

3 FOR the purpose of urging the U.S. Department of State to actively support the
4 International Commission on Holocaust Era Insurance Claims process to
5 advance the cause of survivors; urging the U.S. Department of State to view a
6 just resolution of survivors' claims as a human rights precedent and moral
7 priority; resolving that certain funds obtained for, or on behalf of, Holocaust
8 survivors be promptly disbursed; resolving that funds be disbursed to Holocaust
9 survivors according to a certain proportion; urging the Maryland Insurance
10 Commissioner to utilize his designee on a certain Task Force to further the
11 intent of this resolution; resolving that a copy of this resolution be forwarded by
12 the Department of Legislative Services to certain individuals and groups; and
13 generally relating to Holocaust survivors' insurance claims.

14 WHEREAS, More than 60 years have passed since the tragic events we call
15 the Holocaust transpired in which Nazi Germany murdered 6 million Jews as part of
16 a systematic program of genocide known as "the Final Solution"; and

17 WHEREAS, There are as many as 174,000 Holocaust survivors in the United
18 States, many of whom are elderly and infirm; and

19 WHEREAS, Recent studies have reported an alarming incidence of poverty
20 among elderly survivors in the United States and confirmed that many survivors lack
21 basic needs including food, shelter, medical care, prescription medication, and a
22 satisfactory quality of life; and

1 WHEREAS, The national Association of Jewish Family and Children's
2 Agencies has estimated that an additional \$30 million annually is needed to help
3 survivors in the United States who are not getting assistance; and

4 WHEREAS, Five years after the historic settlement was signed with Swiss
5 banks setting up a \$1.25 billion dollar fund for Jewish victims of the Nazis, less than
6 a third of the money has been distributed; and

7 WHEREAS, The U.S. District Court for the Eastern District of New York
8 oversees the Swiss settlement and is considering the reallocation of up to \$600 million
9 in unclaimed settlement funds to be used for humanitarian purposes benefitting
10 needy Holocaust survivors around the world; and

11 WHEREAS, The International Commission on Holocaust Era Insurance
12 Claims (ICHEIC) was established in 1998 and charged with developing a just process
13 that will expeditiously address the issue of unpaid insurance policies issued to victims
14 of the Holocaust, at no cost to claimants; and

15 WHEREAS, As of January 2004, the ICHEIC has made only 3,019 offers on
16 67,576 eligible claims for payment; and

17 WHEREAS, As a result of an agreement between the ICHEIC, the Federal
18 Republic of Germany, and other parties, a Humanitarian Fund of \$165 million has
19 been created to assist needy Holocaust survivors; and

20 WHEREAS, The National Association of Insurance Commissioners (NAIC)
21 was a founding member of the International Commission and is represented on the
22 ICHEIC governing body which determines the allocation of humanitarian funds; and

23 WHEREAS, The Maryland Insurance Commissioner has a designated member
24 on the International Holocaust Commission Task Force of the NAIC; and

25 WHEREAS, Maryland has adopted legislation in support of insurance claims
26 by Holocaust survivors; and

27 WHEREAS, Maryland's Holocaust Victims Insurance Act requires the
28 establishment of a toll-free telephone number; the expeditious investigation and
29 payment of claims, irrespective of any statute of limitations; filing of reports, under
30 certain circumstances, regarding insurance policies for Holocaust victims; and
31 imposition of penalties for failure to comply with statutory requirements; and

32 WHEREAS, The 2003 U.S. Supreme Court decision voiding California's
33 Holocaust Act has had a chilling effect on state efforts to assist their citizens in
34 obtaining insurance proceeds to which they are rightfully due; now, therefore, be it

35 **RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND,** That the U.S.
36 Department of State be urged to actively support the ICHEIC process to advance the
37 cause of survivors; and be it further

1 RESOLVED, That the U.S. Department of State be urged to view a just
2 resolution of survivors' claims as a human rights precedent and moral priority for
3 present and future generations; and be it further

4 RESOLVED, That in as much as there continue to be Holocaust survivors living
5 anywhere in the world who lack basic needs, including food, shelter, and medical care
6 and other things essential to allow them to live out the remainder of their lives in
7 basic dignity, any and all humanitarian or other discretionary funds obtained for, or
8 on behalf of, Holocaust survivors be promptly disbursed in order to meet the current
9 and anticipated basic needs of the survivors; and be it further

10 RESOLVED, That the funds be disbursed to the numbers of Holocaust survivors
11 in order to meet the basic needs in fair proportion to their numbers worldwide based
12 on accurate population data, with full and transparent accounting for the use of funds
13 disbursed; and be it further

14 RESOLVED, That the Insurance Commissioner utilize his designee on the NAIC
15 International Holocaust Commission Task Force to further the intent of this
16 resolution; and be it further

17 RESOLVED, That a copy of this Resolution be forwarded by the Department of
18 Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland;
19 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and
20 the Honorable Michael E. Busch, Speaker of the House of Delegates; and be it further

21 RESOLVED, That a copy of this Resolution be forwarded by the Department of
22 Legislative Services to the President of the United States, the U.S. Secretary of State,
23 the U.S. Senate, the U.S. House of Representatives, and the Chancellor of the Federal
24 Republic of Germany.