

# HOUSE JOINT RESOLUTION 2

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By: **Delegate Cardin**

Introduced and read first time: February 9, 2007

Assigned to: Rules and Executive Nominations

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## HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

### **Holocaust Survivors' Insurance Claims**

3 FOR the purpose of urging the U.S. Congress to pass legislation requiring collection of  
4 certain Holocaust-era insurance information and provide a certain legal footing  
5 for certain individuals to seek redress against insurers through the courts;  
6 urging the U.S. Department of State to view a just resolution of survivors'  
7 claims as a human rights precedent and moral priority; resolving that certain  
8 funds obtained for, or on behalf of, Holocaust survivors be promptly disbursed;  
9 resolving that funds be disbursed to Holocaust survivors according to a certain  
10 proportion; urging the Maryland Insurance Commissioner to utilize the  
11 commissioner's designee on a certain Task Force to further the intent of this  
12 resolution; resolving that a copy of this resolution be forwarded by the  
13 Department of Legislative Services to certain individuals and groups; and  
14 generally relating to Holocaust survivors' insurance claims.

15 WHEREAS, More than 60 years have passed since the tragic events we call the  
16 Holocaust transpired in which Nazi Germany murdered 6,000,000 Jews as part of a  
17 systematic program of genocide known as "the Final Solution"; and

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

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



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1        WHEREAS, Eight years after the historic settlement was signed with Swiss  
2 banks setting up a \$1.25 billion fund for Jewish victims of the Nazis, less than a third  
3 of the money has been distributed; and

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

8        WHEREAS, As of October 2006, the ICHEIC has made only 19,471 offers on  
9 91,606 eligible claims for payment; and

10       WHEREAS, The ICHEIC's performance has been subject to justified criticism  
11 by survivors and victims' family members for its secret proceedings, flawed structure,  
12 unreasonable demands for information from claimants, and unreasonable denials; and

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

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

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

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

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

28       **RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND**, That the U.S.  
29 Congress be urged to pass legislation to (1) require collection of Holocaust-era  
30 insurance information from all companies, foreign-based or domestic, that now do  
31 insurance business in the United States; and (2) provide a firm legal footing for  
32 survivors and their heirs to seek redress against these insurers through the courts;  
33 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  
5 living anywhere in the world who lack basic needs, including food, shelter, and  
6 medical care and other things essential to allow them to live out the remainder of their  
7 lives in basic dignity, any and all humanitarian or other discretionary funds obtained  
8 for, or on behalf of, Holocaust survivors be promptly disbursed in order to meet the  
9 current and anticipated basic needs of the survivors; and be it further

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

14      RESOLVED, That the Insurance Commissioner utilize the Commissioner's  
15 designee on the NAIC International Holocaust Commission Task Force to further the  
16 intent of this 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 Martin O'Malley, Governor of Maryland; the  
19 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the  
20 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.