

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Joint Resolution 2 (Delegate Cardin)

Rules and Executive Nominations

Holocaust Survivors' Insurance Claims

This joint resolution urges the U.S. Congress to pass legislation to: (1) require collection of Holocaust-era insurance information from all companies that do insurance business in the United States; and (2) provide a firm legal footing for survivors and their heirs to seek redress against these insurers through the courts. The resolution urges the U.S. Department of State to view a just resolution of survivors' claims as a human rights precedent and moral priority. The resolution also urges the Maryland Insurance Commissioner to use the Commissioner's designee on the International Holocaust Commission Task Force of the National Association of Insurance Commissioners (NAIC) to further the resolution's intent.

Fiscal Summary

State Effect: The resolution would not directly affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In *American Insurance Association v. Garamendi*, 539 U.S. 396 (2003), the U.S. Supreme Court held that a California law requiring insurance companies to disclose information about policies sold in Europe between 1920 and 1945 or risk losing their licenses to do business in California was preempted by federal authority to conduct foreign policy.

Background: During its reign, the Nazi government engaged in the theft of Jewish assets, including the value of insurance policies, especially life insurance policies.

The International Commission on Holocaust Era Insurance Claims (ICHEIC) is a voluntary organization formed in 1998 by several European insurance companies, Israel, various Jewish and Holocaust survivor associations, and NAIC. Among the functions of ICHEIC are the negotiation with European insurers to provide information about unpaid insurance policies issued to Holocaust victims and the settlement of claims brought under those policies.

The Maryland Insurance Commissioner is a member of NAIC.

Additional Information

Prior Introductions: A similar resolution, HJ 7 of 2004, was referred to the House Rules and Executive Nominations Committee, where no further action was taken.

Cross File: None.

Information Source(s): Maryland Insurance Administration, Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2007
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