

107TH CONGRESS  
1ST SESSION

# H. R. 2693

To provide for the establishment of the Holocaust Insurance Registry by the Archivist of the United States and to require certain disclosures by insurers to the Secretary of Commerce.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2001

Mr. WAXMAN (for himself, Mr. ENGEL, Ms. SCHAKOWSKY, Mr. HORN, Mr. FOLEY, Mr. HASTINGS of Florida, and Ms. SLAUGHTER) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the establishment of the Holocaust Insurance Registry by the Archivist of the United States and to require certain disclosures by insurers to the Secretary of Commerce.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Holocaust Victims In-  
5 surance Relief Act of 2001”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds the following:

3 (1) The Holocaust, including the murder of  
4 6,000,000 European Jews, the systematic destruc-  
5 tion of families and communities, and the wholesale  
6 theft of their assets, was one of the most tragic  
7 crimes in modern history.

8 (2) When Holocaust survivors or heirs of Holo-  
9 caust victims presented claims to insurance compa-  
10 nies after World War II, many were rejected because  
11 the claimants did not have death certificates or  
12 physical possession of policy documents that had  
13 been confiscated by the Nazis.

14 (3) In many instances, insurance company  
15 records are the only proof of the existence of insur-  
16 ance policies belonging to Holocaust victims.

17 (4) Holocaust survivors and their descendants  
18 have been fighting for decades to persuade insurance  
19 companies to settle unpaid insurance claims.

20 (5) In 1998, the International Commission on  
21 Holocaust Era Insurance Claims (in this section re-  
22 ferred to as the “ICHEIC”) was established by the  
23 National Association of Insurance Commissioners in  
24 cooperation with several European insurance compa-  
25 nies, European regulators, representatives of inter-  
26 national Jewish organizations, and the State of

1 Israel, to expeditiously address the issue of unpaid  
2 insurance policies issued to Holocaust victims.

3 (6) On July 17, 2000, the United States and  
4 Germany signed an Executive Agreement in support  
5 of the German Foundation “Remembrance, Respon-  
6 sibility, and the Future”, which designated the  
7 ICHEIC to resolve all insurance claims that were  
8 not paid or were nationalized during the Nazi era.

9 (7) The ICHEIC’s deadline for receiving claims  
10 applications is January 31, 2002.

11 (8) Three years into the process of addressing  
12 the issue of unpaid insurance policies, companies  
13 continue to withhold thousands of names on dor-  
14 mant accounts.

15 (9) As of June 15, 2001, more than 84 percent  
16 of the 72,675 claims applications filed with the  
17 ICHEIC remained idle because the claimants could  
18 not identify the company holding the policy.

19 (10) Insurance companies doing business in the  
20 United States have a responsibility to ensure the  
21 disclosure of insurance policies of Holocaust victims  
22 that they or their related companies may have  
23 issued, to facilitate the rapid resolution of questions  
24 concerning these policies, and to eliminate the fur-  
25 ther victimization of policyholders and their families.

1           (11) State legislatures in California, Florida,  
2           New York, Minnesota, Washington, and elsewhere  
3           have been challenged in efforts to implement laws  
4           that restrict the ability of insurers to engage in busi-  
5           ness transactions in those States until the insurers  
6           publish the names of Holocaust-era policyholders.

7           (b) PURPOSE.—The purpose of this Act is to provide  
8           information about Holocaust-era insurance policies to Hol-  
9           ocaust victims and their heirs and beneficiaries to enable  
10          them to expeditiously file their rightful claims under the  
11          policies.

12       **SEC. 3. HOLOCAUST INSURANCE REGISTRY.**

13          (a) ESTABLISHMENT AND MAINTENANCE.—Chapter  
14          21 of title 44, United States Code, is amended by adding  
15          at the end the following:

16       **“§ 2119. Holocaust Insurance Registry**

17          “(a) ESTABLISHMENT.—The Archivist shall establish  
18          and maintain a collection of records that shall—

19               “(1) be known as the Holocaust Insurance Reg-  
20          istry; and

21               “(2) consist of the information provided to the  
22          Archivist under section 5 of the Holocaust Victims  
23          Insurance Relief Act of 2001.

24          “(b) PUBLIC ACCESSIBILITY.—The Archivist shall  
25          make all such information publicly accessible and search-

1 able by means of the Internet and by any other means  
2 the Archivist deems appropriate.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of chapter 21 of title 44, United States  
5 Code, is amended by adding at the end the following:

“2119. Holocaust Insurance Registry.”.

6 **SEC. 4. FULL DISCLOSURE OF HOLOCAUST-ERA POLICIES**  
7 **BY INSURERS.**

8 (a) REQUIREMENT.—An insurer shall cause to be  
9 filed with the Secretary of Commerce in accordance with  
10 subsection (b) the following information:

11 (1) The first name, last name, date of birth,  
12 and domicile of the policyholder of each covered pol-  
13 icy issued by the insurer or a related company of the  
14 insurer.

15 (2) The name of the entity that issued the cov-  
16 ered policy.

17 (3) The name of the entity that is responsible  
18 for the liabilities of the entity that issued the cov-  
19 ered policy.

20 (b) PROPER FILING.—A filing under subsection (a)  
21 shall be made not later than the earlier of 90 days after  
22 the date of the enactment of this Act or January 31, 2002,  
23 in an electronic format approved jointly by the Archivist  
24 of the United States and the Secretary of Commerce.

1 **SEC. 5. PROVISION OF INFORMATION TO ARCHIVIST.**

2       The Secretary of Commerce shall provide to the Ar-  
3 chivist of the United States any information filed with the  
4 Secretary under section 4(a) promptly after the filing of  
5 such information.

6 **SEC. 6. PENALTY.**

7       The Secretary of Commerce shall assess a civil pen-  
8 alty of not less than \$5,000 for each day that an insurer  
9 fails to comply with the requirements of section 4, as de-  
10 termined by the Secretary.

11 **SEC. 7. USE OF AMOUNTS RECEIVED AS CIVIL PENALTIES.**

12       To the extent or in the amounts provided in advance  
13 in appropriation Acts, the Archivist of the United States  
14 may use amounts received by the Government as civil pen-  
15 alties under section 6 to maintain the Holocaust Insurance  
16 Registry.

17 **SEC. 8. NOTIFICATION.**

18       (a) INITIAL NOTIFICATION.—Not later than 180 days  
19 after the date of the enactment of this Act and periodically  
20 afterward, the Secretary of Commerce shall notify each  
21 State’s commissioner of insurance of the identity of each  
22 insurer that has failed to comply with the requirements  
23 of section 4 or has not satisfied any civil penalty for which  
24 the insurer is liable under section 6.

25       (b) REQUESTS BY STATES.—On request by the com-  
26 missioner of insurance of a State concerning an insurer

1 operating in that State, the Secretary of Commerce shall  
2 inform the commissioner of insurance whether the insurer  
3 has failed to comply with the requirements of section 4  
4 or has not satisfied any civil penalty for which the insurer  
5 is liable under section 6.

6 **SEC. 9. STATE HOLOCAUST CLAIMS REPORTING STATUTES.**

7 (a) PREEMPTION.—Nothing in this Act preempts the  
8 right of any State to adopt or enforce any State law re-  
9 quiring an insurer to disclose information regarding insur-  
10 ance policies that may have been confiscated or stolen  
11 from victims of Nazi persecution.

12 (b) SENSE OF CONGRESS.—It is the sense of the  
13 Congress that if any litigation challenging any State law  
14 described in subsection (a) is dismissed because the  
15 State’s commissioner of insurance chooses to rely on this  
16 Act and therefore no longer seeks to enforce the State law,  
17 each party should bear its own legal fees and costs.

18 **SEC. 10. DEFINITIONS.**

19 In this Act:

20 (1) COMMISSIONER OF INSURANCE.—The term  
21 “commissioner of insurance” means the highest  
22 ranking officer of a State responsible for regulating  
23 insurance.

1           (2) COVERED POLICY.—The term “covered pol-  
2           icy” means any life, dowry, education, or property  
3           insurance policy that was—

4                   (A) in effect at any time after January 30,  
5                   1933, and before December 31, 1945; and

6                   (B) issued to a policyholder domiciled in  
7                   any area of the European Continent that was  
8                   occupied or controlled by Nazi Germany or by  
9                   any ally or sympathizer of Nazi Germany at  
10                  any time during the period described in sub-  
11                  paragraph (A).

12           (3) INSURER.—The term “insurer” means any  
13           person engaged in the business of insurance in  
14           United States interstate or foreign commerce, if the  
15           person or a related company of the person issued a  
16           covered policy, regardless of when the related com-  
17           pany became a related company of the insurer.

18           (4) RELATED COMPANY.—The term “related  
19           company” means an affiliate, as that term is defined  
20           in section 104(g) of the Gramm-Leach-Bliley Act.

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