

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0529**

HENRY A. WAXMAN

30TH DISTRICT, CALIFORNIA

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Contact: Zahava Goldman  
(202) 225-3976

**52 MEMBERS OF CONGRESS SUBMIT *AMICUS BRIEF* DEFENDING STATE  
EFFORTS TO DISCLOSE HOLOCAUST-ERA INSURANCE POLICIES**

Washington, DC – Yesterday, Representative Henry A. Waxman (D-CA), joined by 51 Members of Congress, filed an *amicus brief* supporting the State of California in *American Insurance Association et. al. v. Garamendi*. This case will be argued before the U.S. Supreme Court at the end of April.

The case involves the Holocaust Victims Insurance Relief Act (HVIRA), a California statute that would suspend the license of insurance companies operating in the state that fail to disclose basic information about policies issued by them or their affiliates in areas under Nazi control between 1920 and 1945, for publication in a state Holocaust Registry.

"This is not only a moral issue, but a constitutional issue," Representative Waxman said. "Companies have willfully withheld the information that survivors need to recover Holocaust assets and California regulators have every right to find that compliance is a condition for doing business in the state."

More than half of the *amici* are representatives from California, New York, Florida, Maryland, and Washington, where laws requiring Holocaust-era policy disclosure have been enacted. The brief was signed by 49 Members of the House and 3 U.S. Senators.

"For decades insurance companies have shamelessly taken advantage of the fact that survivors do not have access to policy records that were lost or destroyed in the Holocaust," Representative Waxman added. "They must be held accountable for their actions."

The congressional brief expresses concern that a decision against California would undermine the McCarren-Ferguson Act of 1948, which delegated Congress' constitutional authority in the regulation of insurance to the states.

The brief also challenges assertions made in an *amicus brief* filed by the Executive Branch that the International Commission on Holocaust Era Insurance Claims (ICHEIC) is an adequate forum for insurers to voluntarily make this information available.

In the five years since ICHEIC's establishment, companies have published fewer than 10,000 policyholder names, nearly all of which were provided by just one company. As a result, approximately 80% of the over 88,000 applications received by ICHEIC remain unresolved because the claimants cannot identify the company that issued their policy. Barely 2% of all claims submitted to ICHEIC have resulted in offers.

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