

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

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June 26, 2003  
For Immediate Release

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**STATEMENT OF REP. HENRY A. WAXMAN  
ON SUPREME COURT HOLOCAUST DECISION**

I'm deeply disappointed by the Supreme Court's decision. Although it is a devastating setback for Holocaust survivors and their advocates, Congress must redouble its efforts on this issue.

In March 2003, I reintroduced H.R. 1210, the Holocaust Victims Insurance Relief Act. The bill, while similar to California, is not constrained by the Supreme Court's objection to state conduct in foreign affairs. The legislation would require the insurance companies to live up to their moral and fiduciary obligation to help survivors identify outstanding policies. In most cases, company archives contain the only existing files related to the countless policies that were never paid out to victims of Nazi ghettos and death camps.

There is bipartisan support for this legislation and over 50 cosponsors. While I had hoped the Supreme Court's decision would be more favorable, the Court's ruling made it clear that Congress must act. I expect that the Supreme Court's decision on the issue will spur momentum to call hearings and move this legislation forward.

California led the nation in enacting a strong Holocaust insurance reporting statute. I fully supported this effort and filed an *amicus* brief in support of California's position at the Supreme Court. Despite the outcome, I am determined to fight even harder for justice for survivors and their families.

Just three months from now, in September, the International Commission on Holocaust-era Insurance Claims (ICHEIC) deadline for accepting claims will expire. Congress must act swiftly to pass H.R. 1210 to put pressure on these companies to end their tactics of stonewalling and delay and ensure that survivors have the necessary information to file their rightful claims.

## **BACKGROUND ON H.R. 1210**

The purpose of H.R. 1210, the Holocaust Victims Insurance Relief Act is to help Holocaust victims and their heirs determine the company holding their assets. The bill would require all insurance companies operating in the United States to disclose basic information about policies in effect in areas under Nazi control between 1933 and 1945, and establish a Holocaust Insurance Registry at the National Archives to make the information publicly available.

The lists are necessary because most survivors alive today were too young at the time of the Holocaust to remember this information and the heirs of Holocaust victims do not have documents to identify the company that issued their families' policies.

Although the International Commission on Holocaust Era Insurance Claims (ICHEIC) was established in 1998 as a forum for companies to publish policyholder information, oversight hearings in the Government Reform Committee revealed that the Commission's voluntary approach to compliance has been a miserable failure. More than 80% of the 88,000 applications received by ICHEIC remain unresolved because the claimants cannot identify the company that issued their policy. Barely 2% of all claims have resulted in offers. Additional information on these hearings can be found at [www.house.gov/reform/min/maj/maj\\_holocaust.htm](http://www.house.gov/reform/min/maj/maj_holocaust.htm).

In April 2003, after years of stonewalling, German companies finally released 360,000 thousand names, but other companies like Generali, Winterthur, Axa, and Zurich have failed to supply comprehensive lists.

H.R. 1210 would *not* create unlimited liabilities for the companies or foster class action suits. Most of the major European insurers have already negotiated agreements through ICHEIC capping their liabilities and securing virtual legal immunity in U.S. courts.

H.R. 1210 would *not* interfere with the ICHEIC method for the processing or payment of claims because it is only a reporting requirement.

The bill would put an end to the suffering of survivors who have waited decades to reclaim what was stolen from them.