

105TH CONGRESS
2D SESSION

H. R. 3121

To provide for the recovery of insurance issued for victims of the Holocaust.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1998

Mr. ENGEL (for himself, Mr. LAZIO of New York, Mr. HASTINGS of Florida, Mr. PALLONE, Mr. SOLOMON, Mr. YATES, Mr. LEWIS of Georgia, Mr. PAXON, Mrs. MALONEY of New York, Mr. SAXTON, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. FORBES, and Mr. FROST) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To provide for the recovery of insurance issued for victims
of the Holocaust.

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 Act”.

6 **SEC. 2. STATUS OF POLICIES.**

7 (a) REPORT.—Any person engaged in the business of
8 insurance in the United States directly or through a relat-
9 ed company during the period 1920 to 1945 shall, within

1 90 days of the enactment of this Act, report to the Sec-
2 retary of the Commerce on—

3 (1) the number of insurance policies issued dur-
4 ing such period;

5 (2) the holder, beneficiary, and current status
6 of those policies;

7 (3) the attempts made by such person to locate
8 the beneficiaries of such policies for which no claim
9 of benefits has been made;

10 (4) a comparison of the names of the holders
11 and beneficiaries of such policies and the names of
12 the victims of the Holocaust;

13 (5) the reason such person is unable, after rea-
14 sonable and good faith efforts, to provide informa-
15 tion described in paragraphs (1) through (4); and

16 (6) any money contributed to a fund established
17 to compensate victims of the Holocaust as discussed
18 in section 3(b) of this Act.

19 (b) PENALTY.—Any person who does not file a report
20 as required by subsection (a) shall be subject to a civil
21 penalty of \$1,000 for each day such a report is not filed
22 as required.

23 (c) TRANSMISSION OF REPORT.—The Secretary of
24 Commerce shall immediately upon receipt transmit the re-
25 port required by subsection (a) to the Committees on

1 Commerce of the House of Representatives and the Sen-
2 ate.

3 **SEC. 3. PAYMENT OF PROCEEDS OF INSURANCE.**

4 (a) PAYMENTS.—If such a person engaged in the
5 business of insurance determines that it issued insurance
6 policies to individuals who were victims of the Holocaust,
7 such person shall pay to the beneficiaries or descendants
8 of the victims the proceeds of such policies.

9 (b) FUND.—Any such person who does not have
10 records of the individuals to whom it issued life insurance
11 policies during the period 1920 to 1945 is strongly encour-
12 aged to establish a substantial monetary fund to com-
13 pensate victims of the Holocaust. Such fund should be de-
14 rived from sources including the policies for which there
15 is no one entitled to its proceeds because the holder and
16 all beneficiaries perished in the Holocaust.

17 **SEC. 4. REPORT.**

18 The Secretary of Commerce, in consultation with
19 State insurance commissioners, shall, within 180 days of
20 the enactment of this Act, report to the Committees on
21 Commerce of the House of Representatives and the Sen-
22 ate, to the extent possible, on—

23 (1) the number of individuals who were victims
24 of the Holocaust who held life insurance policies
25 during the period 1920 to 1945;

1 (2) the number of such individuals for whom
2 payment was made under such policies and the
3 amount of such payments;

4 (3) the number of such policies for which no
5 payment has been made;

6 (4) the number of such policies for which pay-
7 ment was made to persons other than the policy
8 holder or their beneficiaries;

9 (5) the names of the companies which issued
10 such policies; and

11 (6) the relationship (if any) between such com-
12 panies and the governments of Germany, Italy, Aus-
13 tria, Croatia, Vichy France, Hungary, Romania,
14 Switzerland, and other provisional governments in
15 Nazi occupied countries.

16 **SEC. 5. REGISTRY.**

17 The United States Holocaust Memorial Museum shall
18 develop a registry of those who died in the Holocaust
19 which shall be made available to the general public, includ-
20 ing insurance companies preparing a report under section
21 2(a). Such sums as may be necessary are authorized to
22 be appropriated for this purpose.

23 **SEC. 6. STATUTE OF LIMITATIONS.**

24 Any action brought by Holocaust victim or heir or
25 beneficiary of a Holocaust victim, seeking proceeds of such

1 policies issued or in effect between 1920 and 1945 shall
2 not be dismissed for failure to comply with the applicable
3 statute of limitations or laches provided the action is com-
4 menced on or before December 31, 2010.

5 **SEC. 7. DEFINITIONS.**

6 For the purpose of this Act:

7 (1) RELATED COMPANY.—The term “related
8 company” means any parent, subsidiaries, or affili-
9 ated companies at least 50 percent of whose stock
10 is in common ownership with an insurance carrier
11 doing business in the United States.

12 (2) VICTIM OF THE HOLOCAUST.—The term
13 “victim of the Holocaust” means any person who
14 lost his or her life or property as a result of dis-
15 criminatory laws, policies, or actions targeted
16 against discrete groups of persons between April
17 1933 and May 1945 in Nazi Germany, areas occu-
18 pied by Nazi Germany, and or countries allied with
19 Nazi Germany.

20 (3) INSURANCE POLICIES.—The term “insur-
21 ance policies” means, but is not limited to, life in-
22 surance, property insurance, dowry, or education
23 policies.

24 (4) PROCEEDS OF SUCH POLICIES.—The term
25 “proceeds of such policies” means the face or other

1 payout value of policies and annuities plus reason-
2 able interest to date of payment without diminution
3 for wartime or immediate postwar currency devalu-
4 ation.

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