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Interstate Insurance Product Regulation Commission (IIPRC)
444 North Capitol Street, NW
Hall of the States, Suite 700
Washington, DC 20001-1509
comments@insurancecompact.org

RE: Position Statement 1-2022 on Implied Congressional Consent

Members of the Interstate Insurance Product Regulation Commission:

The American Council of Life Insurers (“ACLI”) appreciates this opportunity to express its support for the Governance Committee’s Position Statement 1-2022.

The Position Statement, which was issued in response to the Colorado Supreme Court’s Opinion in *Amica Life Insurance v. Wertz* in April 2020, recognizes that the Interstate Compact obtained implied Congressional consent from Congress when it authorized the District of Columbia to enter into the Compact in October 2006. The authorization was part of an omnibus bill that President George W. Bush signed into law (Public Law 109-356).

By obtaining implied Congressional consent, uniform product standards that have been adopted by the Compact are transformed into federal law, and under the U.S. Constitution’s Supremacy Clause, these standards would prevail over any conflicting or inconsistent state insurance laws.

We fully endorse the Compact’s recognition of its implied Congressional consent and believe that the Position Statement will provide the Compact and its Compacting States with additional support to enforce its product standards.

Thanks again for this opportunity to comment on this very important issue. If you have any questions, feel free to contact me at waynemehlman@acli.com or 202-624-2135.

Sincerely,

Wayne A. Mehlman

Wayne Mehlman
Senior Counsel, Insurance Regulation