

April 12, 2022

Ms. Karen Z. Schutter
Executive Director
Interstate Insurance Product Regulation Commission
444 North Capitol Street, NW
Hall of the States, Suite 700
Washington, DC 20001-1509

Re: Position Statement 1-2022 (Has the US Congress given its consent to the Interstate Insurance Product Regulation Commission?)

Dear Ms. Schutter:

We have reviewed Position Statement 1-2022 (“Statement”). We agree with the Statement’s conclusion that, based on the United States Supreme Court precedents cited in the Statement, Public Law 109-356 establishes that the Interstate Insurance Product Regulation Compact (“Compact”) has obtained the implied consent of Congress. We further agree with the Statement’s conclusion that, under *Cuyler v. Adams*, 449 U.S. 433 (1981), Congress’s implied consent to the Compact confers the status of federal law upon the Compact, such that the Compact takes precedence over inconsistent provisions of state law by operation of the Supremacy Clause in the United States Constitution. Finally, we agree there are reasonable grounds to conclude that the Compact’s “Savings Clause” (Article XVI(2)(d)) must be construed in a manner that gives effect to, rather than undermines, the clearly-expressed purposes of the Compact as a whole.

Sincerely,

SQUIRE PATTON BOGGS (US) LLP



Mary Jo Hudson
Partner