

Date: 11/1/21

FINANCIAL CONDITION (E) COMMITTEE

Friday, November 19, 2021

12:00 - 1:00 p.m. ET / 11:00 a.m. - 12:00 p.m. CT / 10:00 - 11:00 a.m. MT /9:00 - 10:00 a.m. PT

ROLL CALL

Scott A. White, Chair Virginia Russell Toal New Mexico Michael Conway, Vice Chair Colorado Adrienne A. Harris **New York** Dana Popish Severinghaus Illinois Judith L. French Ohio Amy L. Beard Indiana Raymond G. Farmer South Carolina Eric A. Cioppa Maine Cassie Brown Texas Mike Chaney Mississippi Mark Afable Wisconsin Chlora Lindley-Myers Jeff Rude Missouri Wyoming Marlene Caride **New Jersey**

NAIC Support Staff: Dan Daveline/Julie Gann/Bruce Jenson

AGENDA

1. Adopt Response to the Financial Regulation and Accreditation Standards (F) Committee—Commissioner Scott A. White (VA)

Attachment A

2. Receive Response to Financial Sector Assessment Program (FSAP) Recommendation

—Commissioner Scott A. White (VA)

Attachment B

3. Memorandum from the Capital Adequacy (E) Task Force

—Tom Botsko (OH)

Attachment C

4. Adopt 2022 Charges

— Commissioner Scott A. White (VA)

Attachment D

5. Adjournment

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MEMORANDUM

TO: Superintendent Elizabeth Kelleher Dwyer, Chair of the Financial Regulation Standards and

Accreditation (F) Committee

FROM: Commissioner Scott A. White, Chair of the Financial Condition (E) Committee

DATE: Nov. 1, 2021

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RE: Use of Captives to Reinsure Variable Annuity and Long-Term Care Business

I received your April 14 memo requesting information on the extent the referenced captives are used, any trends on the use of the captives, reasons for such trends, and any relevant updates on work done in the areas of variable annuities and long-term care insurance (LTCI). Upon receiving your memo, I referred your request to the Financial Analysis (E) Working Group. Since the Working Group ultimately collected the information on the use of captives by surveying domestic states using the states' confidentiality standards, the Working Group's response memo will be submitted to the Financial Regulation Standards and Accreditation (F) Committee as a separate regulator-only document. However, for the purposes of this memo, I would note that one of the key takeaways from the Working Group is that the current impact to the risk-based capital (RBC) of the domestic insurers utilizing these captives is minimal.

I would also like to provide you with updates on work done on variable annuities and LTCI. In 2018, the Financial Condition (E) Committee adopted a revised framework for variable annuities, which became effective Jan. 1, 2020. The changes were specifically designed to remove the non-economic volatility within the previous framework, therefore removing the major reason for the use of captives for variable annuities. The Committee believes it is an appropriate time to remove the to be determined (TBD) effective date in the Accreditation Preamble and replace it with a reference to VM-21, Requirements for Principle-Based Reserves for Variable Annuities.

For LTCI, the Financial Condition (E) Committee has not developed any new standards that could be used to justify the removal of the TBD status. Although the impact of the use of captives for LTCI still appears to be minimal, the Committee recommends that this aspect of the Accreditation Preamble be retained and that the Financial Regulation Standards and Accreditation (F) Committee continue to monitor the use of captives for LTCI.

In summary, the Financial Condition (E) Committee recommends a replacement of the TBD in the Accreditation Preamble for variable annuities with VM-21 and retaining the TBD for LTCI.



MEMORANDUM

TO: Members of the Financial Condition (E) Committee

FROM: Superintendent Elizabeth Kelleher Dwyer, Chair of the Financial Regulation Standards and

Accreditation (F) Committee

DATE: April 14, 2021

RE: Use of Captives to Reinsure Variable Annuity and Long-Term Care Business

In 2015, the Financial Regulation Standards and Accreditation (F) Committee adopted revisions to the Part A Accreditation Preamble to include captive reinsurers with respect to the following lines of business: (1) term and universal life with secondary guarantee policies that are applicable under Section 3 of the *Term and Universal Life Insurance Reserve Financing Model Regulation* (#787) (commonly referred to as XXX/AXXX policies); (2) variable annuities valued under Actuarial Guideline XLIII—CARVM for Variable Annuities (AG43); and (3) long term care insurance valued under the *Health Insurance Reserves Model Regulation* (Model #10). Item (1) had an effective date for accreditation of Jan. 1, 2016. However, items (2) and (3) were each added to the accreditation scope with an effective date to be determined.

The intent of including variable annuities (VA) and long-term care (LTC) captive reinsurers without an effective date is to continue to monitor the use of these captives and determine how to proceed based on regulatory needs.

With some time passing since the original consideration of subjecting VA and LTC captives to the accreditation program, it is appropriate to revisit the current use of these captives. With this task, the Committee would like to request the assistance of the E Committee. Specifically, the Committee requests investigation of the extent these captives are used, trends for the use of these captives and reasons for the trends, as well as to report on any relevant updates on work done in the areas of variable annuities and long-term care.



MEMORANDUM

TO: Commissioner Marlene Caride, Chair of the NAIC Life Insurance and Annuities (A)

Committee

Commissioner Scott A. White, Chair of the NAIC Financial Condition (E) Committee

FROM: Mike Boerner, Chair of the NAIC Life Actuarial (E) Task Force and Valuation Analysis

(E) Working Group

DATE: Oct. 8, 2021

RE: Financial Sector Assessment Program (FSAP) Recommendation

In late 2020, the International Monetary Fund (IMF) completed its technical note as part of its assessment of U.S. insurance supervision in connection with its FSAP. The IMF made a number of recommendations in completing its technical note, one of which relates to life insurance reserving. Specifically, the following recommendation was made:

The NAIC and state insurance regulators should significantly expand their in-house supervisory actuarial capability to supervise principle-based reserving (PBR) effectively. Consider the formation of a shared center of expertise in addition to the NAIC resources already available to the Valuation Analysis (E) Working Group.

A reference is made in the recommendation to existing NAIC resources available to the Valuation Analysis (E) Working Group, which has been appropriately built up by the NAIC since the adoption of PBR. To date, these NAIC resources have been quite valuable in helping both the Working Group and the Life Actuarial (A) Task Force meet state insurance regulators' needs. As chair of both groups, I can personally attest to both the Working Group and Task Force's appreciation for the assistance provided by these NAIC resources. While more resources for such efforts would certainly always be appreciated, we believe the resources provided to date, along with the use of consultants for very specific projects, have collectively met the needs of state insurance regulators within those groups, and we support the prudent approach taken by the NAIC thus far in meeting our needs.

I appreciate the intent of the IMF consideration, and to the extent that our need for resources becomes more pronounced, we stand prepared to initiate the NAIC protocol for requesting those resources. Please let me know if you have any questions.

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MEMORANDUM

TO: Scott A. White (VA), Chair of the Financial Condition (E) Committee

Michael Conway (CO), Vice Chair of the Financial Condition (E) Committee

FROM: Tom Botsko (OH), Chair of the Capital Adequacy (E) Task Force

DATE: Nov. 1, 2021

RE: Request for a New Working Group

In recent years, there have been a significant number of investment-focused proposals that have been received by the Financial Condition (E) Committee or initiated or received by one of its task forces or working groups. Regardless of which group initially vets the proposal, these proposals may have risk-based capital (RBC) impacts, and in many of these proposals, the RBC impact is the driving force. The Capital Adequacy (E) Task Force, along with the RBC working groups, are requesting a new working group be formed to review these investment-related proposals that affect many different areas of the annual statement and financial reporting. When necessary, other groups will be contacted for their expertise. This new working group (RBC Investment Risk and Evaluation (E) Working Group) would be charged with performing a comprehensive review of the RBC investment framework for all business types, which could include: 1) identifying and acknowledging uses that extend beyond the purpose of the Risk-Based Capital (RBC) for Insurers Model Act (#312); 2) assessing the impact and effectiveness of potential changes in contributing to the identification of weakly capitalized companies (i.e., those companies at action level); and 3) documenting the modifications made over time to the formulas, including, but not limited to an analysis of the costs in:

- Study and development.
- Implementation (internal and external).
- Assimilation.
- Verification.

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 Analysis and review of the desired change to the RBC formulas and facilitate the appropriate allocation of resources.

This request recognizes the Committee's recent request for the chairs, vice chairs, and supporting NAIC staff of the Capital Adequacy (E) Task Force, Statutory Accounting Principles (E) Working Group, and Valuation of Securities (E) Task Force to meet on a routine basis to discuss topics pertaining to the bond project that have cross-functional implications. While those meetings may be informative to our pursuit, this is a more holistic endeavor to review appropriate NAIC consideration not limited to one investment area but with a focus on process to maximize efficiency in achieving the NAIC's collective goals.

Since the inception of the RBC formulas in the early 1990s, many of the risk factors have not been evaluated/updated for the appropriateness of the initial risk charge.

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We believe that having a regularly scheduled analysis of these investment risk charges is necessary to maintain accuracy of the formula and to stay current with economic conditions. We also understand that the Insurance Core Principles (ICPs) speak to the periodic review of the solvency framework. This proposed working group would work in parallel with these principles to review and maintain appropriate RBC charges.

One other important aspect of this working group would be to maintain documentation of the analysis and the background of the charge. At various times, the RBC working groups have reached out to the original members of the group that created the RBC formulas to better understand the thought process/reasons for some of the original charges.

As the insurance environment evolves both domestically and internationally, it is imperative that our organization stays current. The development of group capital within the NAIC is an indicator that our organization needs to maintain appropriate and current methodology.

Thank you for taking the time to review this request. We are available to discuss this with you at your convenience.

Please contact Jane Barr, NAIC staff support for the Capital Adequacy (E) Task Force, at jbarr@naic.org with any questions.

Cc: Dan Daveline; Eva Yeung; Crystal Brown; Dave Fleming; Julie Gann

Draft: 9/30/21

Adopted by the Executive (EX) Committee and Plenary, _____, Adopted by the Financial Condition (E) Committee, Nov 19, 2021

2022 Proposed Charges

FINANCIAL CONDITION (E) COMMITTEE

The mission of the Financial Condition (E) Committee is to be the central forum and coordinator of solvency-related considerations of the NAIC relating to accounting practices and procedures; blanks; valuation of securities; financial analysis and solvency; multistate examinations and examiner and analysis training; and issues concerning insurer insolvencies and insolvency guarantees. In addition, the Committee interacts with the technical task forces.

Ongoing Support of NAIC Programs, Products or Services

1. The Financial Condition (E) Committee will:

- A. Monitor all of the changes to the annual/quarterly financial statement blanks and instructions, risk-based capital (RBC) formulas, Financial Condition Examiners Handbook, Accounting Practices and Procedures Manual (AP&P Manual), Financial Analysis Handbook, Purposes and Procedures Manual of the NAIC Investment Analysis Office (P&P Manual), NAIC model laws, NAIC accreditation standards, and other NAIC publications.
- B. Appoint and oversee the activities of the following: Accounting Practices and Procedures (E) Task Force; Capital Adequacy (E) Task Force; Examination Oversight (E) Task Force; Receivership and Insolvency (E) Task Force; Reinsurance (E) Task Force; Risk Retention Group (E) Task Force; and Valuation of Securities (E) Task Force.
- C. Oversee a process to address financial issues that may compromise the consistency and uniformity of the U.S. solvency framework, referring valuation and other issues to the appropriate committees as needed.
- D. Use the Risk-Focused Surveillance (E) Working Group to address specific industry concerns regarding regulatory redundancy, and review any issues industry subsequently escalates to the Committee.

2. The Financial Analysis (E) Working Group will:

- A. Analyze nationally significant insurers and groups that exhibit characteristics of trending toward or being financially troubled; determine if appropriate action is being taken.
- B. Interact with domiciliary regulators and lead states to assist and advise as to what might be the most appropriate regulatory strategies, methods, and action(s).
- C. Support, encourage, promote, and coordinate multistate efforts in addressing solvency problems, including identifying adverse industry trends.
- D. Increase information-sharing and coordination between state <u>insurance</u> regulators and federal authorities, including through representation of state <u>insurance</u> regulators in national bodies with responsibilities for system-wide oversight.

3. The Group Capital Calculation (E) Working Group will:

- A. Continually review and monitor the effectiveness of the group capital calculation (GCC), and consider revisions, as necessary, to maintain the effectiveness of its objective under the U.S. solvency system.
- B. Develop regulatory guidance related to the GCC. Complete by the 2021 Summer National Meeting.
- C.B. Liaise, as necessary, with the International Insurance Relations (G) Committee on international group capital developments, and consider input from participation of U.S. state insurance regulators in the International Association of Insurance Supervisors (IAIS) monitoring process.

4. The Group Solvency Issues (E) Working Group will:

- A. Continue to develop potential enhancements to the current regulatory solvency system as it relates to group solvency-related issues.
- B. Critically review and provide input and drafting to the IAIS, Insurance Groups Working Group or on other IAIS material dealing with group supervision issues.
- C. Continually review and monitor the effectiveness of the *Insurance Holding Company System Regulatory Act* (#440) and the *Insurance Holding Company System Model Regulation with Reporting Forms and Instructions* (#450), and consider revisions, as necessary, to maintain effective oversight of insurance groups.
- <u>D.</u> Assess the IAIS Common Framework for the Supervision of Internationally Active Insurance Groups (ComFrame), and make recommendations on its implementation in a manner appropriate for the U.S.

FINANCIAL CONDITION (E) COMMITTEE (continued)

- 5. The **Own Risk and Solvency Assessment (ORSA) Implementation (E) Subgroup** of the Group Solvency Issues (E) Working Group will:
 - A. Continue to provide and enhance an enterprise risk management (ERM) education program for <u>state insurance</u> regulators in support of the ORSA implementation.
 - B. Continually review and monitor the effectiveness of the *Risk Management and Own Risk and Solvency Assessment Model Act* (#505) and its corresponding *NAIC Own Risk and Solvency Assessment (ORSA) Guidance Manual*; consider revisions as necessary.

6. The Mortgage Guaranty Insurance (E) Working Group will:

A. Develop changes to the *Mortgage Guaranty Insurance Model Act* (#630) and other areas of the solvency regulation of mortgage guaranty insurers, including, but not limited to, revisions to *Statement of Statutory Accounting Principles* (SSAP) No. 58—Mortgage Guaranty Insurance, and develop an extensive mortgage guaranty supplemental filing. Finalize Model #630 by the 2021-2 Spring National Meeting.

7. The Mutual Recognition of Jurisdictions (E) Working Group will:

- A. Oversee the Develop a process for evaluating jurisdictions, and jurisdictions and maintain a listing of jurisdictions that meets the NAIC requirements for recognizing and accepting the NAIC Group Capital Calculation (GCC).
- B. Maintain the NAIC List of Qualified Jurisdictions and the NAIC List of Reciprocal Jurisdictions in accordance with the Process for Evaluating Qualified and Reciprocal Jurisdictions.

8. The NAIC/American Institute of Certified Public Accountants (AICPA) (E) Working Group will:

- A. Continually review the *Annual Financial Reporting Model Regulation* (#205) and its corresponding implementation guide; revise as appropriate.
- B. Address financial solvency issues by working with the AICPA and responding to AICPA exposure drafts.
- C. Monitor the federal Sarbanes-Oxley (SOX) Act of 2002, as well as rules and regulations promulgated by the U.S. Securities and Exchange Commission (SEC), the Public Company Accounting Oversight Board (PCAOB), and other financial services regulatory entities.
- D. Review annually the premium threshold amount included in Section 16 of Model #205, with the general intent that those insurers subject to the Section 16 requirements would capture at least approximately 90% of industry premium and/or in response to any future regulatory or market developments.

9. The National Treatment and Coordination (E) Working Group will:

- A. Increase utilization and implementation of the Company Licensing Best Practices Handbook.
- B. Encourage synergies between corporate changes/amendments and rate and form filing review and approval to improve efficiency.
- C. Continue to monitor the usage and make necessary enhancements to the Form A Database.
- D. Maintain educational courses in the existing NAIC Insurance Regulator Professional Designation Program for company licensing regulators.
- E. Make necessary enhancements to promote electronic submission of all company licensing applications.

10. The Restructuring Mechanisms (E) Working Group will:

- A. Evaluate and prepare a white paper that:
 - 1. Addresses the perceived need for restructuring statutes and the issues those statutes are designed to remedy. Also, consider alternatives that insurers are currently employing to achieve similar results.
 - 2. Summarizes the existing state restructuring statutes.
 - 3. Addresses the legal issues posed by an order of a court (or approval by an insurance department) in one state affecting the policyholders of other states.
 - 4. Considers the impact that a restructuring might have on guaranty associations and policyholders that had guaranty fund protection prior to the restructuring. Complete by the 2021 Summer National Meeting.
 - B.5. Identifies and addresses the legal issues associated with restructuring using a protected cell. Complete by the 2021 Summer National Meeting.
- C.B. Consider requesting approval from the Executive (EX) Committee on developing changes to specific NAIC models -as a result of findings from the development of the white paper. Complete by the 2021 Summer National Meeting.

FINANCIAL CONDITION (E) COMMITTEE (continued)

- 11. The Long-Term Care Insurance Restructuring (E) Subgroup of the Restructuring Mechanisms (E) Working Group will:
 - A. Identify and assess potential legal and regulatory issues arising from a corporate transaction that would seek to legally separate certain long-term care (LTC) policies from the general account of the issuing insurer. Report on the Subgroup's consideration of the issue, including a recommendation as to merits of an existing regulatory framework (e.g., Insurance Business Transfers state statutes) or a new regulatory framework, as contemplated by Workstream #2 of the Long-Term Care Insurance (EX) Task Force.
- 12. The Restructuring Mechanisms (E) Subgroup of the Restructuring Mechanisms (E) Working Group will:
 - A. Develop best practices to be used in considering the approval of proposed restructuring transactions, including, among other things, the expected level of reserves and capital expected after the transfer, along with the adequacy of long-term liquidity needs. Also, develop best practices to be used in monitoring the companies after the transaction is completed. Once completed, recommend to the Financial Regulation Standards and Accreditation (F) Committee for its consideration. Complete by the 2021 Summer National Meeting.
 - B. Consider the need to make changes to the RBC formula to better assess the minimum surplus requirements for companies in runoff. Complete by the 2021 Fall National Meeting.
 - C. Review the various restructuring mechanisms and develop, if deemed needed, protected cell accounting and reporting requirements for referring to the Statutory Accounting Principles (E) Working Group. Complete by the 2021 Fall National Meeting.

13. The Risk-Focused Surveillance (E) Working Group will:

- A. Continually review the effectiveness of risk-focused surveillance, and develop enhancements to processes as necessary.
- B. Continually review regulatory redundancy issues identified by interested parties, and provide recommendations to other NAIC committee groups to address as needed.
- C. Oversee and monitor the Peer Review Program to encourage consistent and effective risk-focused surveillance processes.
- D. Continually maintain and update standardized job descriptions/requirements and salary range recommendations for common solvency monitoring positions to assist insurance departments in attracting and maintaining suitable staff.

14. The Valuation Analysis (E) Working Group will:

- A. Respond to states in a confidential forum regarding questions and issues arising during the course of annual principle-based reserving (PBR) reviews or PBR examination, and which also may include consideration of asset adequacy analysis questions and issues.
- B. Work with NAIC resources to assist in prioritizing and responding to issues and questions regarding PBR and asset adequacy analysis, including actuarial guidelines or other requirements making use of or relating to PBR, such as Actuarial Guideline XXXVIII—The Application of the Valuation of Life Insurance Policies Model Regulation (AG 38), Actuarial Guideline XLVIII—Actuarial Opinion and Memorandum Requirements for the Reinsurance of Policies Required to be Valued Under Sections 6 and 7 of the NAIC Valuation of Life Insurance Policies Model Regulation (AG 48), and the Term and Universal Life Insurance Reserve Financing Model Regulation (#787).
- C. Develop and implement a plan with NAIC resources to identify outliers/concerns regarding PBR/asset adequacy analysis.
- D. Refer questions/issues as appropriate to the Life Actuarial (A) Task Force that may require consideration of changes/interpretations to be provided in the *Valuation Manual*.
- E. Assist NAIC resources in <u>the</u> development of a standard asset/liability model portfolio used to calibrate company PBR models.
- F. Make referrals, as appropriate, to the Financial Analysis (E) Working Group.
- G. Perform other work to carry out the Valuation Analysis (E) Working Group procedures.

NAIC Support Staff: Dan Daveline/Julie Gann/Bruce Jenson

Draft: 9/30/21

Adopted by the Executive (EX) Committee and Plenary,

Adopted by the Financial Condition (E) Committee, Nov 19, 2021

Adopted by the Accounting Practices and Procedures (E) Task Force, July 27, 2021

2022 Proposed Charges

ACCOUNTING PRACTICES AND PROCEDURES (E) TASK FORCE

The mission of the Accounting Practices and Procedures (E) Task Force is to identify, investigate and develop solutions to accounting problems with the ultimate goal of guiding insurers in properly accounting for various aspects of their operations; modify the *Accounting Practices and Procedures Manual* (AP&P Manual) to reflect changes necessitated by Task Force action; and study innovative insurer accounting practices that affect the ability of state insurance regulators to determine the true financial condition of insurers.

Ongoing Support of NAIC Programs, Products or Services

1. The Accounting Practices and Procedures (E) Task Force will:

A. Oversee the activities of the Blanks (E) Working Group and the Statutory Accounting Principles (E) Working Group.

2. The Blanks (E) Working Group will:

- A. Consider improvements and revisions to the various annual/quarterly statement blanks to:
 - 1. Conform these blanks to changes made in other areas of the NAIC to promote uniformity in reporting of financial information by insurers.
 - 2. Develop reporting formats for other entities subject to the jurisdiction of state insurance departments.
 - 3. Conform the various NAIC blanks and instructions to adopted NAIC policy.
 - 4. Oversee the development of additional reporting formats within the existing annual financial statements as needs are identified.
- B. Continue to monitor state filing checklists to maintain current filing requirements.
- C. Continue to monitor and improve the quality of financial data filed by insurance companies by recommending improved or additional language for the *Annual Statement Instructions*.
- D. Continue to monitor and review all proposals necessary for the implementation of statutory accounting guidance to ensure proper implementation of any action taken by the Accounting Practices and Procedures (E) Task Force affecting annual financial statements and/or instructions.
- E. Continue to coordinate with other task forces of the NAIC to ensure proper implementation of reporting and instructions changes as proposed by these taskforces.
- F. Coordinate with the Life Actuarial (A) Task Force to use any special reports developed and avoid duplication of reporting.
- G. Review requests for investment schedule blanks and instructions changes in connection with the work being performed by the Capital Adequacy (E) Task Force and its working groups.
- H. Review changes requested by the Valuation of Securities (E) Task Force relating to its work on other invested assets reporting for technical consistency within the investment reporting schedules and instructions.

3. The Statutory Accounting Principles (E) Working Group will:

- A. Maintain codified statutory accounting principles by providing periodic updates to the guidance that address new statutory issues and new generally accepted accounting principles (GAAP) pronouncements. Provide authoritative responses to questions of application and clarifications for existing statutory accounting principles. Report all actions and provide updates to the Accounting Practices and Procedures (E) Task Force.
- B. At the discretion of the Working Group chair, develop comments on exposed GAAP and International Financial Reporting Standards (IFRS) pronouncements affecting financial accounting and reporting. Any comments are subject to review and approval by the chairs of the Accounting Practices and Procedures (E) Task Force and the Financial Condition (E) Committee.
- C. Coordinate with the Life Actuarial (A) Task Force on changes to the AP&P Manual related to the *Valuation Manual* VM-A, Requirements, and VM-C, Actuarial Guidelines, as well as other *Valuation Manual* requirements. This process will include the receipt of periodic reports on changes to the *Valuation Manual* on items that require coordination.

ACCOUNTING PRACTICES AND PROCEDURES (E) TASK FORCE (continued)

C.D. Obtain, analyze and review information on permitted practices, prescribed practices or other accounting treatments suggesting that issues or trends occurring within the industry may compromise the consistency and uniformity of statutory accounting, including, but not limited to, activities conducted by insurers for which there is currently no statutory accounting guidance or where the states have prescribed statutory accounting that differs from the guidance issued by the NAIC. Use this information to consider possible changes to statutory accounting.

NAIC Support Staff: Robin Marcotte

Adopted by the Executive (EX) Committee and Plenary, ____, Adopted by the Financial Condition (E) Committee, Nov 19, 2021
Adopted by the Capital Adequacy (E) Task Force, September 22, 2021

2022 Proposed Charges

CAPITAL ADEQUACY (E) TASK FORCE

The mission of the Capital Adequacy (E) Task Force is to evaluate and recommend appropriate refinements to capital requirements for all types of insurers.

Ongoing Support of NAIC Programs, Products or Services

- 1. The Capital Adequacy (E) Task Force will:
 - A. Evaluate emerging "risk" issues for referral to the risk-based capital (RBC) working groups/subgroups for certain issues involving more than one RBC formula. Monitor emerging and existing risks relative to their consistent or divergent treatment in the three RBC formulas.
 - B. Review and evaluate company submissions for the schedule and corresponding adjustment to total adjusted capital (TAC).
 - C. Evaluate relevant historical data and apply defined statistical safety levels over appropriate time horizons in developing recommendations for revisions to the current asset risk structure and factors in each of the RBC formulas.
- 2. The Health Risk-Based Capital (E) Working Group, Life Risk-Based Capital (E) Working Group, and Property and Casualty Risk-Based Capital (E) Working Group will:
 - A. Evaluate refinements to the existing NAIC RBC formulas implemented in the prior year. Forward the final version of the structure of the current year life and fraternal, property/casualty (P/C), and health RBC formulas to the Financial Condition (E) Committee by June.
 - B. Consider improvements and revisions to the various RBC blanks to: 1) conform the RBC blanks to changes made in other areas of the NAIC to promote uniformity; and 2) oversee the development of additional reporting formats within the existing RBC blanks as needs are identified. Any proposal that affects the RBC structure must be adopted no later than April 30 in the year of the change, and adopted changes will be forwarded to the Financial Condition (E) Committee by the next scheduled meeting or conference call. Any adoptions made to the annual financial statement blanks or statutory accounting principles that affect an RBC change adopted by April 30 and results in an amended change may be considered by July 30 for those exceptions where the Capital Adequacy (E) Task Force votes to pursue by super-majority (two-thirds) consent of members present no later than June 30 for the current reporting year.
 - C. Monitor changes in accounting and reporting requirements resulting from the adoption and continuing maintenance of the revised *Accounting Practices and Procedures Manual* (AP&P Manual) to ensure that model laws, publications, formulas, analysis tools, etc., supported by the Task Force continue to meet regulatory objectives.
 - D. Review the effectiveness of the NAIC's RBC policies and procedures as they affect the accuracy, audit ability, timeliness of reporting access to RBC results and comparability between the RBC formulas. Report on data quality problems in the prior year RBC filings at the summer and fall national meetings.
- 3. The **Longevity Risk (E/A) Subgroup**, a joint subgroup of the Life Risk-Based Capital (E) Working Group and the Life Actuarial (A) Task Force, will:
 - A. Provide recommendations for the appropriate treatment of longevity risk transfers by the new longevity factors.
- 4. The Variable Annuities Capital and Reserve (E/A) Subgroup, a joint subgroup of the Life Risk-Based Capital (E) Working Group and the Life Actuarial (A) Task Force, will:
 - A. Monitor the impact of the changes to the variable annuities reserve framework and RBC calculation, and determine if additional revisions need to be made.
 - B. Develop and recommend appropriate changes including those to improve accuracy and clarity of variable annuity (VA) capital and reserve requirements.
- 5. The Catastrophe Risk (E) Subgroup of the Property and Casualty Risk-Based Capital (E) Working Group will:
 - A. Recalculate the premium risk factors on an ex-catastrophe basis, if needed.
 - B. Continue to update the U.S. and non-U.S. catastrophe event list.
 - C. Continue to evaluate the need for exemption criteria for insurers with minimal risk.
 - D. Evaluate the RBC results inclusive of a catastrophe risk charge.
 - E. Refine instructions for the catastrophe risk charge.

CAPITAL ADEQUACY (E) TASK FORCE (continued)

E.F. Continue to evaluate any necessary refinements to the catastrophe risk formula.

F.G. Evaluate other catastrophe risks for possible inclusion in the charge.

NAIC Support Staff: Jane Barr

Adopted by the Executive (EX) Committee and Plenary, _____, Adopted by the Financial Condition (E) Committee, Nov 19, 2021
Adopted by the Examination Oversight (E) Task Force, September 24, 2021

2022 Proposed Charges

EXAMINATION OVERSIGHT (E) TASK FORCE

The mission of the Examination Oversight (E) Task Force is to monitor, develop and implement tools for the risk-focused surveillance process. For financial examinations and analysis, this includes maintenance of the *Financial Condition Examiners Handbook* and the *Financial Analysis Handbook* to provide guidance to examiners and analysts using a risk-focused approach to solvency regulation and to encourage effective communication and coordination between examiners, analysts and other regulators. In addition, the mission of the Task Force is to: monitor and refine regulatory tools of the risk-focused surveillance process, including Financial Analysis Solvency Tools (FAST) such as company profiles and the FAST ratio scoring system; oversee financial examiner and analyst use of electronic software tools; monitor the progress of coordination efforts among the states in conducting examinations and the sharing of information necessary to solvency monitoring; establish procedures for the flow of information between the states about troubled companies; maintain an effective approach to the review of information technology (IT) general controls; and monitor the timeliness of financial examinations.

Ongoing Support of NAIC Programs, Products or Services

1. The Examination Oversight (E) Task Force will:

- A. Accomplish its mission using the following groups:
 - 1. Electronic Workpaper (E) Working Group.
 - 2. Financial Analysis Solvency Tools (E) Working Group.
 - 3. Financial Examiners Coordination (E) Working Group.
 - 4. Financial Examiners Handbook (E) Technical Group.
 - 5. Information Technology (IT) Examination (E) Working Group.

2. The Electronic Workpaper (E) Working Group will:

- A. Monitor and support the state insurance departments in using electronic workpaper software tools to conduct and document solvency monitoring activities.
- B. Provide ongoing oversight to the <u>transition of electronic workpaper work to the TeamMate+ application.</u>NAIC's <u>Electronic Workpaper Hosting Project.</u>
- C. Monitor state insurance regulator use of TeamMate+ to proactively identify best practices and improvements to the application, as necessary. Develop a framework to meet the long term hosting and software needs of state insurance regulators in using electronic workpapers to conduct and document solvency monitoring activities. Ensure that solutions developed consider various state insurance regulator uses, as appropriate.

3. The Financial Analysis Solvency Tools (E) Working Group will:

- A. Provide ongoing maintenance and enhancements to the *Financial Analysis Handbook* and related applications for changes to the NAIC annual/quarterly financial statement blanks, as well as enhancements developed to assist in the risk-focused analysis and monitoring of the financial condition of insurance companies and groups. Monitor the coordination of analysis activities of holding company groups, and coordinate and analyze input received from other state regulators.
- B. Provide ongoing development maintenance and enhancements to the automated financial solvency tools developed to assist in conducting risk-focused analysis and monitoring the financial condition of insurance companies and groups. Prioritize and perform analysis to ensure that the tools remain reliable and accurate.
- C. Coordinate with the Financial Examiners Handbook (E) Technical Group and the Risk-Focused Surveillance (E) Working Group, as appropriate, to develop and maintain guidance in order to provide effective solvency monitoring.
- D. Adjust the *Financial Analysis Handbook* and current financial analysis solvency tools for life insurance companies based on any recommendations as requested from the Life Actuarial (A) Task Force to incorporate principle-based reserving (PBR) changes.

EXAMINATION OVERSIGHT (E) TASK FORCE (continued)

4. The Financial Examiners Coordination (E) Working Group will:

- A. Develop enhancements that encourage the coordination of examination activities regarding holding company groups.
- B. Promote coordination by assisting and advising domiciliary regulators and exam coordinating states as to what might be the most appropriate regulatory strategies, methods and actions regarding financial examinations of holding company groups.
- C. Facilitate communication among regulators regarding common practices and issues arising from coordinating examination efforts.
- D. Provide ongoing maintenance and enhancements to the Financial Examination Electronic Tracking System (FEETS).

5. The Financial Examiners Handbook (E) Technical Group will:

- A. Continually review the Financial Condition Examiners Handbook and revise, as appropriate.
- B. Coordinate with the Risk-Focused Surveillance (E) Working Group to monitor the implementation of the risk-assessment process by developing additional guidance and exhibits within the *Financial Condition Examiners Handbook*, including consideration of potential redundancies affected by the examination process, corporate governance and other guidance as needed to assist examiners in completing financial condition examinations.
- C. Coordinate with the Financial Analysis Solvency Tools (E) Working Group and the Risk-Focused Surveillance (E) Working Group, as appropriate, to develop and maintain guidance in order to provide effective solvency monitoring.
- D. Coordinate with the IT Examination (E) Working Group and the Financial Examiners Coordination (E) Working Group to maintain specialized areas of guidance within the *Financial Condition Examiners Handbook* related to the charges of these specific working groups.
- E. Adjust the *Financial Condition Examiners Handbook* based upon any recommendations as requested from the Life Actuarial (A) Task Force to incorporate PBR changes.

6. The Information Technology (IT) Examination (E) Working Group will:

- A. Continually review and revise, as needed, the "General Information Technology Review" and "Exhibit C— Evaluation of Controls in Information Systems" sections of the *Financial Condition Examiners Handbook*.
- A.B. Monitor cybersecurity trends, including emerging and/or ongoing vulnerabilities, and develop guidance within the *Financial Condition Examiners Handbook or other tools, if deemed necessary*, to support IT examiners.

NAIC Support Staff: Bailey Henning

Adopted by the Executive (EX) Committee and Plenary, _____, Adopted by the Financial Condition (E) Committee, Nov 19, 2021 Adopted by the Financial Stability (E) Task Force, Sept. 30, 2021

2022 Proposed Charges

FINANCIAL STABILITY (E) TASK FORCE

The mission of the Financial Stability (E) Task Force is to consider issues concerning domestic or global financial stability as they pertain to the role of state insurance regulators.

Ongoing Support of NAIC Program, Products or Services

1. The Financial Stability (E) Task Force will:

- A. Consider issues concerning domestic and global financial stability as they pertain to the role of state insurance regulators and make recommendations to the International Insurance Relations (G) Committee, the Government Relations (EX) Leadership Council and/or the Executive (EX) Committee, as appropriate.
 - 1. Analyze existing post-financial crisis regulatory reforms for their application in identifying macroeconomic trends, including identifying possible areas of improvement or gaps, and propose to the Financial Condition (E) Committee or other relevant committee enhancements and/or additions to further improve the ability of state insurance regulators and the industry to address macroprudential impacts; consult with such committees on implementation, as needed.
- B. Consider state insurance regulators' input to national and international discussions on macroeconomic vulnerabilities affecting the insurance sector.
 - 1. Monitor international macroprudential activities at forums like the International Association of Insurance Supervisors (IAIS).
 - 2. Implement the Macroprudential Initiative (MPI) domestically, which includes enhancements to the U.S. regulatory toolkit as part of the *State Ahead* initiative.
- C. Serve as a forum to coordinate state insurance regulators' perspectives on a wide variety of issues arising from the designation of a U.S. insurance group as "systemically important" and "internationally active" both pre- and post-designation, including:
 - 1. Where appropriate, develop policy recommendations and/or guidance regarding the role, responsibilities and activities of state insurance regulators in the context of consolidated supervision resulting from designation.
 - 2. Analyze proposed rules by the federal agencies that relate to financial stability.
 - 3. Analyze proposed policy measures regarding supervisory standards for global systemically important insurers (G-SIIs) and internationally active insurance groups (IAIGs).
 - 4. Develop comment letters on such analysis for further consideration by the International Insurance Relations (G) Committee, the Government Relations (EX) Leadership Council, and/or the Executive (EX) Committee, as appropriate.

2. The Macroprudential (E) Working Group will:

- A. Oversee the implementation and maintenance of the liquidity stress testing framework for 2020 data as well as future iterations.
- B. Assist with the remaining MPI projects related to counterparty disclosures and capital stress testing as needed.
- C. Continue to develop and administer data collection tools as needed, leveraging existing data where feasible, to provide the Financial Stability (E) Task Force with meaningful macroprudential information regarding how the insurance sector is navigating the prevailing market conditions.
- D. Oversee the development, implementation, and maintenance process for a new Macroprudential Risk Assessment system (i.e., policies, procedures, and tools) to enhance regulators' ability to monitor industry trends from a macroprudential perspective.
- E. Oversee the documentation of the NAIC's macroprudential policies, procedures, and tools.
- F. Provide the Task Force with proposed responses to IAIS and other international initiatives as needed.

NAIC Support Staff: Todd Sells/Tim Nauheimer

Adopted by the Executive (EX) Committee and Plenary, _____, Adopted by the Financial Condition (E) Committee, Nov 19, 2021 Adopted by the Receivership and Insolvency (E) Task Force, July 27, 2021

2022 Proposed Charges

RECEIVERSHIP AND INSOLVENCY (E) TASK FORCE

The mission of the Receivership and Insolvency (E) Task Force is tohall be administrative and substantive as it relates to issues concerning insurer insolvencies and insolvency guarantees. Such duties include, without limitation: monitoring the effectiveness and performance of state administration of receiverships and the state guaranty fund system; 2) coordinating cooperation and communication among regulators, receivers and guaranty funds; 3) monitoring ongoing receiverships and reporting on such receiverships to NAIC members; 4) developing and providing educational and training programs in the area of insurer insolvencies and insolvency guarantees to regulators, professionals and consumers; 5) developing and monitoring relevant model laws, guidelines and products; and 6) providing resources for regulators and professionals to promote efficient operations of receiverships and guaranty funds.

Ongoing Support of NAIC Programs, Products or Services

1. The Receivership and Insolvency (E) Task Force will:

- A. Monitor and promote efficient operations of insurance receiverships and guaranty associations.
- B. Monitor and promote state adoption of insurance receivership and guaranty association model acts and regulations, and monitor other legislation related to insurance receiverships and guaranty associations.
- C. Provide input and comments to the International Association of Insurance Supervisors (IAIS), the Financial Stability Board (FSB) or other related groups on issues regarding international resolution authority.
- D. Monitor, review and provide input on federal rulemaking and studies related to insurance receiverships.
- E. Provide ongoing review of the *Receiver's Handbook for Insurance Company Insolvencies* (Receiver's Handbook), other related NAIC publications, and the Global Receivership Information Database (GRID), and make any necessary updates.
- F. Monitor the work of other NAIC committees, task forces and working groups to identify and address any issues that affect receivership law and/or regulatory guidance.
- G. Perform additional work as directed by the Financial Condition (E) Committee and/or received through referral by other groups.

2. The Receiver's Handbook (E) Subgroup of the Receivership and Insolvency (E) Task Force will:

A. Review the Receiver's Handbook to identify areas where information is outdated, updates are required, or additional guidance is needed. Based on this review, draft and propose recommended edits to the Receiver's Handbook. Complete by the 2022 Fall National Meeting.

2.3. The Receivership Financial Analysis (E) Working Group will:

- A. Monitor receiverships involving nationally significant insurers/groups to support, encourage, promote and coordinate multistate efforts in addressing problems.
- B. Interact with the Financial Analysis (E) Working Group, domiciliary regulators, and lead states to assist and advise as to what might be the most appropriate regulatory strategies, methods and/or action(s) regarding potential or pending receiverships.

3.4. The Receivership Law (E) Working Group will:

- A. Review and provide recommendations on any issues identified that may affect states' receivership and guaranty association laws (e.g., any issues that arise as a result of market conditions; insurer insolvencies; federal rulemaking and studies; international resolution initiatives; or as a result of the work performed by or referred from other NAIC committees, task forces and/or working groups).
- B. Discuss significant cases that may impact the administration of receiverships.
- 1. Complete work as assigned from the Receivership and Insolvency (E) Task Force to address recommendations from the Financial Stability (E) Task Force's Macroprudential Initiative (MPI) referral:
- A. Complete work related to qualified financial contracts (QFCs), including: 1) explore if bridge institutions could be implemented under regulatory oversight pre receivership to address an early termination of QFCs and, if appropriate, develop applicable guidance; 2) develop enhancements to the Receiver's Handbook guidance on QFCs; and 3) identify related pre receivership considerations related to QFCs and, if necessary, make

- referrals to other relevant groups to enhance pre-receivership planning, examination and analysis guidance.
- B. Review and provide recommendations for remedies to ensure the continuity of essential services and functions to an insurer in receivership by affiliated entities, including non-regulated entities. Among other solutions, this will encompass a review of the *Insurance Holding Company System Regulatory Act* (#440) and the *Insurance Holding Company System Model Regulation with Reporting Forms and Instructions* (#450) to provide proposed revisions to address the continuation of essential services through affiliated intercompany agreements in a receivership.
- C. Consult with and/or make referrals to other NAIC working groups, as deemed necessary, as the topic relates to affiliated intercompany agreements and pre-receivership considerations. Complete by the 2021 Fall National Meeting.
- 1. The Receiver's Handbook (E) Subgroup of the Receivership and Insolvency (E) Task Force will:
 - A. Review the Receiver's Handbook to identify areas where information is outdated, updates are required, or additional guidance is needed. Based on this review, draft and propose recommended edits to the Receiver's Handbook. Complete by the 2022 Fall National Meeting.

NAIC Support Staff: Jane Koenigsman

Adopted by the Executive (EX) Committee and Plenary,
Adopted by the Financial Condition (E) Committee, Nov 19, 2021
Adopted by the Reinsurance (E) Task Force, July 27, 2021

2022 Proposed Charges

REINSURANCE (E) TASK FORCE

The mission of the Reinsurance (E) Task Force is to monitor and coordinate activities and areas of interest that overlap to some extent the charges of other NAIC groups—specifically, the International Insurance Relations (G) Committee.

Ongoing Support of NAIC Programs, Products or Services

1. The Reinsurance (E) Task Force will:

- A. Provide a forum for the consideration of reinsurance-related issues of public policy.
- B. Oversee the activities of the Reinsurance Financial Analysis (E) Working Group.
- C. Monitor the implementation of the 2011, 2016 and 2019 revisions to the *Credit for Reinsurance Model Law* (#785); and the 2011 and 2019 revisions to the *Credit for Reinsurance Model Regulation* (#786) and the *Term and Universal Life Insurance Reserve Financing Model Regulation* (#787).
- D. Communicate and coordinate with the Federal Insurance Office (FIO), other federal authorities, and international regulators and authorities on matters pertaining to reinsurance.
- E. Consider any other issues related to the revised Model #785, Model #786 and Model #787.
- F. Monitor the development of international principles, standards and guidance with respect to reinsurance. This includes, but is not limited to, monitoring the activities of various groups within the International Association of Insurance Supervisors (IAIS), including the Reinsurance and Other Forms of Risk Transfer Subcommittee, the Reinsurance Mutual Recognition Subgroup and the Reinsurance Transparency Group.
- G. Consider the impact of reinsurance-related federal legislation, including, but not limited to, the federal Nonadmitted and Reinsurance Reform Act (NRRA) and the Federal Insurance Office Act, and coordinate any appropriate NAIC action.
- H. Continue to monitor the impact of reinsurance-related international agreements, including the "Bilateral Agreement Between the United States of America and the European Union on Prudential Measures Regarding Insurance and Reinsurance" (EU Covered Agreement) and the "Bilateral Agreement Between the United States of America and the United Kingdom on Prudential Measures Regarding Insurance and Reinsurance" (UK Covered Agreement).

2. The Reinsurance Financial Analysis (E) Working Group will:

- A. Operate in regulator-to-regulator session pursuant to paragraph 3 (specific companies, entities or individuals) of the NAIC Policy Statement on Open Meetings and operate in open session when discussing certified reinsurance topics and policy issues, such as amendments to the Uniform Application for Certified Reinsurers.
- B. Provide advisory support and assistance to states in the review of reinsurance collateral reduction applications. Such a process with respect to the review of applications for reinsurance collateral reduction and qualified jurisdictions should strengthen state regulation and prevent regulatory arbitrage.
- C. Provide a forum for discussion among NAIC jurisdictions of reinsurance issues related to specific companies, entities, or individuals
- D. Support, encourage, promote, and coordinate multistate efforts in addressing issues related to certified reinsurers, including, but not limited to, multistate recognition of certified reinsurers.
- E. Provide analytical expertise and support to the states with respect to certified reinsurers and applicants for certification.
- F. Provide advisory support with respect to issues related to the determination of qualified jurisdictions.
- G. Ensure the public passporting website remains current.
- H. For reinsurers domiciled in Reciprocal Jurisdictions, determine the best and most effective approaches for the financial solvency surveillance to assist the states in their work to protect the interests of policyholders.

NAIC Support Staff: Jake Stultz/Dan Schelp

Adopted by the Executive (EX) Committee and Plenary, _____, Adopted by the Financial Condition (E) Committee, Nov 19, 2021 Adopted by the Risk Retention Group (E) Task Force, July 26, 2021

2022 Proposed Charges

RISK RETENTION GROUP (E) TASK FORCE

The mission of the Risk Retention Group (E) Task Force is to stay apprised of the work of other NAIC groups as it relates to financial solvency regulation and the NAIC Financial Regulation Standards and Accreditation Program. The Task Force may make referrals to the Financial Regulation Standards and Accreditation (F) Committee and/or other NAIC groups, as deemed appropriate.

Ongoing Support of NAIC Programs, Products or Services

1. The Risk Retention Group (E) Task Force will:

- A. Monitor and evaluate the work of other NAIC committees, task forces and working groups related to risk retention groups (RRGs). Specifically, if any of these actions affect the NAIC Financial Regulation and Accreditation Standards Program, assess whether and/or how the changes should apply to RRGs and their affiliates.
- B. Monitor and analyze federal actions, including any U.S. Government Accountability Office (GAO) reports. Consider any action necessary as a result of federal activity.
- C. Monitor the impacts of recent tools and resources made available to domiciliary and non-domiciliary state insurance regulators pertaining to RRGs. Consider whether additional action is necessary, including educational opportunities, updating resources and further clarifications.

NAIC Support Staff: Becky Meyer/Sara Franson

Adopted by the Executive (EX) Committee and Plenary, _____, Adopted by the Financial Condition (E) Committee, Nov 19, 2021 Adopted by the Valuation of Securities (E) Task Force, September 30, 2021

2022 Proposed Charges

VALUATION OF SECURITIES (E) TASK FORCE

The mission of the Valuation of Securities (E) Task Force is to provide regulatory leadership and expertise to establish and maintain all aspects of the NAIC's credit assessment process for insurer-owned securities, as well as produce insightful and actionable research and analysis regarding insurer investments.

Ongoing Support of NAIC Programs, Products or Services

1. The Valuation of Securities (E) Task Force will:

- A. Review and monitor the operations of the NAIC Securities Valuation Office (SVO) and the NAIC Structured Securities Group (SSG) to ensure they continue to reflect regulatory objectives.
- B. Maintain and revise the *Purposes and Procedures Manual of the NAIC Investment Analysis Office* (P&P Manual) to provide solutions to investment-related regulatory issues for existing or anticipated investments.
- C. Monitor changes in accounting and reporting requirements resulting from the continuing maintenance of the *Accounting Practices and Procedures Manual* (AP&P Manual), as well as financial statement blanks and instructions, to ensure that the P&P Manual continues to reflect regulatory needs and objectives.
- D. Consider whether improvements should be suggested to the measurement, reporting and evaluation of invested assets by the NAIC as the result of: 1) newly identified types of invested assets; 2) newly identified investment risks within existing invested asset types; or 3) elevated concerns regarding previously identified investment risks.
- E. Identify potential improvements to the credit filing process, including formats and electronic system enhancements.
- F. Provide effective direction to the NAIC's mortgage-backed securities modeling firms and consultants.
- G. Coordinate with other NAIC working groups and task forces—including, but not limited to, the Capital Adequacy (E) Task Force, the Statutory Accounting Principles (E) Working Group and the Blanks (E) Working Group—to formulate recommendations and to make referrals to such other NAIC regulator groups to ensure expertise relative to investments, or the purpose and objective of guidance in the P&P Manual, is reflective in the guidance of such other groups and that the expertise of such other NAIC regulatory groups and the objectives of their guidance is reflected in the P&P Manual.
- H. Identify potential improvements to the filing exempt process (the use of credit rating provider ratings to determine an NAIC designation) to ensure greater consistency, uniformity and appropriateness to achieve the NAIC's financial solvency objectives.
- I. Implement policies to oversee the NAIC's staff administration of rating agency ratings used in NAIC processes, including staff's discretion over the applicability of their use in its administration of filing exemption.

NAIC Support Staff: Charles Therriault