
To: Philip Barlow, Chair of the Life Risk-Based Capital (E) Working Group
Ben Slutsker, Vice Chair of the Life of the Risk-Based Capital (E) Working Group

From: Dale Bruggeman, Chair of the Statutory Accounting Principles (E) Working Group

Re: RBC Asset Credit for Modified Coinsurance and/or Funds Withheld Reinsurance Transactions

Date: March 27, 2025

This referral memorandum intends to inform the Life Risk-Based Capital (E) Working Group of adopted statutory accounting revisions for the reporting of modified coinsurance (modco) and fund withheld (FWH) assets as restricted assets, as well as suggest revisions to clarify the instructions for modco/FWH reinsurance agreements in the *Life/Fraternal RBC Forecasting and Instructions*. The adopted revisions to *SSAP No. 1—Accounting Policies, Risks & Uncertainties, and Other Disclosures* (detailed in SAPWG agenda item Ref# 2024-20), specify the reporting of modco/FWH assets as restricted and support new disclosures on whether the modco/FWH assets have been pledged for another purpose specific to the ceding insurance reporting entity. (For example, if the ceding insurance reporting entity has also used those assets as collateral in a securities lending agreement, repo transactions, pledged to the FHLB, etc.) The adopted SSAP revisions are effective December 31, 2025. The corresponding Blanks (E) Working Group proposal (Ref# 2025-06BWG) is currently exposed through April 29, with adoption consideration planned for May 29, 2025, and is also planned for a year-end 2025 effective date.

The development of the Statutory Accounting Principles (E) Working Group agenda item was spurred from inconsistencies in whether cedants/reporting entities were reporting modco/FWH assets as restricted, and if so, inconsistencies in the specific restricted asset category where the modco/FWH asset was being reported. It was also noted that different interpretations were occurring on the current application of the RBC formula instructions that preclude RBC credit for modco/FWH assets when the entire asset credit risk or variability in statement value risk is not transferred to the assuming company for the entire duration of the reinsurance treaty. It was noted that companies may be pledging modco/FWH assets for other purposes specific to their operations while still taking asset credit for the modco/FWH asset in the RBC formula.

With the adoption of the statutory accounting revisions, the Statutory Accounting Principles (E) Working Group directed this referral to suggest clarifications to the *Life/Fraternal RBC Forecasting and Instructions* so that it is clear that if any portion of a modco/FWH assets has been concurrently used as a pledged asset for a purpose specific to the ceding insurance reporting entity at any time of the year, the RBC for the ceding company shall not be reduced. The SAPWG received comments on the proposed revisions from interested parties during an exposure period, and those comments have been reflected in the following suggested proposed clarification. Whether there is action to include clarifying language, including if different language or guidance should be considered, would be a decision of the Life RBC (E) Working Group.

Proposed revisions shown with tracked changes to the *2024 RBC Forecasting and Instructions*:

MODCO OR FUNDS WITHHELD REINSURANCE AGREEMENTS
LR045, LR046, LR047 and LR048

References to MODCO and funds withheld reinsurance agreements apply to all treaties in effect.

Basis of Factors

When the default risk in modified coinsurance (MODCO) and other reinsurance transactions with funds withheld is transferred, this transfer should be recognized by reducing the RBC for the ceding company and increasing it for the assuming company. In the event that the entire asset credit or variability in statement value risk associated with the assets supporting the business reinsured is not transferred to the assuming

company for the entire duration of the reinsurance treaty, the RBC for the ceding company should not be reduced. For clarity, if any portion of a Modco/Funds Withheld reinsurance agreement asset held as of the year-end date has been used as a pledged asset concurrently with the pledged asset being included as a Modco/Funds Withheld reinsurance agreement asset for any purpose specific to the ceding insurance reporting entity at any time during the year, the RBC for the ceding company shall not be reduced. For example, if any portion of a Modco/Funds Withheld reinsurance agreement asset held as of the year-end date was the collateral in a securities lending, repurchase, or FHLB transaction executed for the benefit of by the ceding entity at any time over the year concurrently with the pledged asset being included as a Modco/Funds Withheld reinsurance agreement asset, then RBC shall not be reduced. In situations where the economic benefit received from pledging the assets inure to the reinsurer throughout the duration of the reinsurance treaty, the cedant is allowed to reduce its RBC for those assets.

Please contact NAIC staff Julie Gann (jgann@naic.org) if you have any questions.

Cc: Maggie Chang, Kazeem Okosun, Julie Gann, Robin Marcotte, Jake Stultz, Wil Oden, Jason Farr

Capital Adequacy (E) Task Force

RBC Proposal Form

- | | | |
|---|--|---|
| <input type="checkbox"/> Capital Adequacy (E) Task Force | <input type="checkbox"/> Health RBC (E) Working Group | <input checked="" type="checkbox"/> Life RBC (E) Working Group |
| <input type="checkbox"/> Catastrophe Risk (E) Subgroup | <input type="checkbox"/> P/C RBC (E) Working Group | <input type="checkbox"/> Longevity Risk (A/E) Subgroup |
| <input type="checkbox"/> Variable Annuities Capital. & Reserve (E/A) Subgroup | <input type="checkbox"/> Economic Scenarios (E/A) Subgroup | <input type="checkbox"/> RBC Investment Risk & Evaluation (E) Working Group |

<p style="text-align: right;">DATE: <u>04/14/2025</u></p> <p>CONTACT PERSON: <u>Kazeem Okosun</u></p> <p>TELEPHONE: <u>816-783-8981</u></p> <p>EMAIL ADDRESS: <u>kokosun@naic.org</u></p> <p>ON BEHALF OF: <u>Life Risk-Based Capital (E) Working Group</u></p> <p>NAME: <u>Philip Barlow, Chair</u></p> <p>TITLE: <u>Associate Commissioner of Insurance</u></p> <p>AFFILIATION: <u>District of Columbia</u></p> <p>ADDRESS: <u>1050 First Street, NE Suite 801</u> <u>Washington, DC 20002</u></p>	<p style="text-align: center;">FOR NAIC USE ONLY</p> <hr/> <p>Agenda Item # <u>2025-10-L</u> Year <u>2025</u></p> <hr/> <p style="text-align: center;">DISPOSITION</p> <p>ADOPTED:</p> <p><input type="checkbox"/> TASK FORCE (TF) _____</p> <p><input type="checkbox"/> WORKING GROUP (WG) _____</p> <p><input type="checkbox"/> SUBGROUP (SG) _____</p> <p>EXPOSED:</p> <p><input type="checkbox"/> TASK FORCE (TF) _____</p> <p><input checked="" type="checkbox"/> WORKING GROUP (WG) <u>05-01-2025</u></p> <p><input type="checkbox"/> SUBGROUP (SG) _____</p> <p>REJECTED:</p> <p><input type="checkbox"/> TF <input type="checkbox"/> WG <input type="checkbox"/> SG _____</p> <p>OTHER:</p> <p><input type="checkbox"/> DEFERRED TO _____</p> <p><input type="checkbox"/> REFERRED TO OTHER NAIC GROUP _____</p> <p><input type="checkbox"/> (SPECIFY) _____</p>
---	--

IDENTIFICATION OF SOURCE AND FORM(S)/INSTRUCTIONS TO BE CHANGED

- | | | |
|--|---|---|
| <input type="checkbox"/> Health RBC Blanks | <input type="checkbox"/> Property/Casualty RBC Blanks | <input type="checkbox"/> Life and Fraternal RBC Blanks |
| <input type="checkbox"/> Health RBC Instructions | <input type="checkbox"/> Property/Casualty RBC Instructions | <input checked="" type="checkbox"/> Life and Fraternal RBC Instructions |
| <input type="checkbox"/> Health RBC Formula | <input type="checkbox"/> Property/Casualty RBC Formula | <input type="checkbox"/> Life and Fraternal RBC Formula |
| <input type="checkbox"/> OTHER _____ | | |

DESCRIPTION/REASON OR JUSTIFICATION OF CHANGE(S)

The Working Group received a referral from Statutory Accounting Principles (E) Working Group, which informed the Working Group of the adopted statutory accounting revisions for the reporting of modified coinsurance (modco) and fund withheld (FWH) assets as restricted assets, and added new disclosures on whether the modco/FWH assets have been pledged for another purpose specific to the ceding insurance reporting entity. The reporting changes are anticipated to be effective year end 2025, subject to Blanks (E) Working Group activity.

The referral suggested clarifications to the *Life/Fraternal RBC Forecasting and Instructions* so that it is clear that if any portion of a modco/FWH assets has been concurrently used as a pledged asset for a purpose specific to the ceding insurance reporting entity at any time of the year, the RBC for the ceding company shall not be reduced.

Additional Staff Comments:

05-01-2025: Proposal was exposed with comments due 05-30-2025 (KO)

**** This section must be completed on all forms.**

Revised 2-2023

MODCO OR FUNDS WITHHELD REINSURANCE AGREEMENTS
LR045, LR046, LR047 and LR048

References to MODCO and funds withheld reinsurance agreements apply to all treaties in effect.

Basis of Factors

When the default risk in modified coinsurance (MODCO) and other reinsurance transactions with funds withheld is transferred, this transfer should be recognized by reducing the RBC for the ceding company and increasing it for the assuming company. In the event that the entire asset credit or variability in statement value risk associated with the assets supporting the business reinsured is not transferred to the assuming company for the entire duration of the reinsurance treaty, the RBC for the ceding company should not be reduced. **For clarity, if any portion of a Modco/Funds Withheld reinsurance agreement asset held as of the year-end date has been used as a pledged asset concurrently with the pledged asset being included as a Modco/Funds Withheld reinsurance agreement asset for any purpose specific to the ceding insurance reporting entity at any time during the year, the RBC for the ceding company shall not be reduced. For example, if any portion of a Modco/Funds Withheld reinsurance agreement asset held as of the year-end date was the collateral in a securities lending, repurchase, or FHLB transaction executed for the benefit of by the ceding entity at any time over the year concurrently with the pledged asset being included as a Modco/Funds Withheld reinsurance agreement asset, then RBC shall not be reduced. In situations where the economic benefit received from pledging the assets inure to the reinsurer throughout the duration of the reinsurance treaty, the cedant is allowed to reduce its RBC for those assets.**

