MEMORANDUM

To: NARAB (EX) Working Group

From: NAIC Legal Division

Date: November 19, 2008

Re: Additional Potential Reciprocity Issues Raised In Written Comments

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A. Executive Summary

In a memorandum to the NARAB (EX) Working Group dated May 23, 2008, the Legal Division provided preliminary responses to written comments from regulators and interested parties identifying additional possible reciprocity issues under the Gramm-Leach-Bliley Act ("GLBA") which were not addressed in the NAIC Producer Licensing Assessment Aggregate Report of Findings. At the national meeting held June 2, 2008, Commissioner Sevigny requested that interested regulators and industry representatives submit written comments to the Working Group and that the Legal Division again provide preliminary recommendations on these issues.

This memorandum contains the following preliminary opinions on matters referred by the Working Group to the Legal Division for its recommendations.

- It is recommended that the following issues are not violations of GLBA reciprocity requirements:
  - Enforcing a minimum age requirement for non-resident applicants; however verifying the age of non-resident applicants through the submission of additional documentation is a violation of GLBA reciprocity;
  - Requiring foreign corporations to register to do business and requesting proof of foreign corporation registration; and
  - Requiring specific subject-matter continuing education based on federal mandates.

- It is recommended that more information and member input is required before concluding whether the following issues are violations of GLBA reciprocity requirements:
  - Requiring non-resident applicants to obtain a non-resident general or major lines license prior to the issuance of a surplus lines license;
  - Not adopting the major lines of authority definitions of the PLMA; and
  - Applying in-state trust account requirements to non-residents.

- It is further recommended that written comments received on limited line licensing in the areas of credit and travel insurance be referred to the Producer Licensing (D) Working Group ("PLWG") for review and action.

B. Additional Potential Reciprocity Issues Identified in Written Comments

In making the following preliminary recommendations, the Legal Division has utilized the same reciprocity framework as developed by the 2002 NARAB Working Group and adopted by the NAIC in the Report of the NARAB Working Group issued August 8, 2002.

1. Enforcing/Verifying Minimum Age Requirements for Non-Resident Applicants.

It is the preliminary opinion of the Legal Division that it is not inconsistent with GLBA reciprocity requirements for states to enforce minimum age requirements for non-resident applicants; however, it is a violation of GLBA reciprocity for states to verify the age of a non-resident applicant through the submission of additional documentation.

The Ohio Department of Insurance commented that non-resident states should not ask for additional documentation to verify the age of the applicant. Section 6A(1) of the NAIC's Producer Licensing Model Act ("PLMA") and Uniform Resident Licensing Standard No. 1 provide that the applicant must be at least 18 years of age, and only one jurisdiction was found to require an age different from 18, i.e., legal age of 21.

The 2002 Report of the NARAB Working Group found that minimum requirements respecting the age of contracting parties in an insurance transaction do not contravene the spirit or letter of producer licensing reciprocity. "Minimum age requirements are grounded in state contract law, which allows minors to contract in very limited circumstances." Age requirements can therefore be characterized as consumer protection laws, which are specifically mentioned under the savings provisions of GLBA § 321(f). Therefore, a state can enforce a minimum age requirement as to a non-resident applicant who is properly licensed and of minimum age in the applicant's home state. For example, a state with a minimum age of 21 may decline to issue a license to a non-resident applicant who is 19 years old, even though the applicant is properly licensed in a home state where the minimum age is 18. It is the preliminary opinion of the Legal Division that the 2002 Report of the NARAB Working Group continues to apply to the question of enforcing a minimum age requirement.

However, the Ohio Department of Insurance phrased its comment in terms of "verifying," as opposed to enforcing, minimum age requirements. The distinction is understood to hinge on whether a state requires the submission of documentation establishing an applicant's legal age in addition to the date of birth collected on the uniform application. Under GLBA Section 321(c), a non-resident applicant may only be required to submit: (1) a request for licensure; (2) the application for licensure submitted to the home state; (3) proof of licensure and good standing in home state; and (4) payment of any requisite fee. The savings clause of Section 321(f) would not operate to protect a state requirement inconsistent with these four permitted steps. Therefore, if a state can confirm from either the application or by other means independent of an additional submission from the applicant that an applicant does not meet the state's minimum age requirement, it may deny the issuance of a license. It is the preliminary opinion of the Legal Division that it is a violation of GLBA reciprocity requirements to require the submission of additional documentation to verify a non-resident applicant's age.

2. Requirement for Foreign Corporation to Register with Secretary of State to do Business in Another State.

It is the opinion of the Legal Division that requiring a non-resident business entity to register to do business in the state is not a violation of the GLBA reciprocity requirements. It is further the preliminary

opinion of the Legal Division that requests for proof of Secretary of State corporate registration as a prerequisite for non-resident business entity licensing is also not a violation of the GLBA reciprocity requirements.

In written comments, the Independent Insurance Agents and Brokers of America, Inc. (IIABA) urged the Working Group to re-consider whether a non-resident state insurance department may require a non-resident business entity applicant to register with the Secretary of State as a foreign corporation. The IIABA also asked for a specific finding that requiring proof of foreign corporation registration to do business in another state is inconsistent with GLBA reciprocity. This issue was addressed in the 2002 Report of the NARAB Working Group, which concluded that it is not inconsistent with the GLBA reciprocity requirements. This conclusion was based on the following analysis:

> Virginia stated that business entities are required to obtain a certificate of authority from the clerk of the State Corporation Commission as a prerequisite to licensure. Corporate registration requirements are matters of State corporate law, whereby States require all business entities (not just those that are insurance-related) to register with the Secretary of State or an equivalent office. The Working Group believes that such requirements transcend issues of insurance licensing and relate to basic police powers of States to require registration of business entities. Thus, this requirement is not inconsistent with reciprocity.

Unlike the preliminary opinion concerning underlying license requirements for surplus lines producers, no new facts or inconsistencies have been presented in the comments which would lead to the determination that the earlier conclusion of the 2002 NARAB Working Group was either incorrect or inappropriate. Absent any new information to consider, the Legal Division does not recommend further analysis on this issue.

With respect to the practice of requiring proof of foreign corporation registration to do business in another state, we believe that this also relates to the basic police powers of the states, in contrast to requiring a non-resident business entity to submit its articles of incorporation, which is not directly related to verifying compliance with state law concerning corporate registration. Nevertheless, NAIC members, the Working Group and PLWG have encouraged states to develop alternative means to verify this registration to ease the administrative burden on business entity applicants; e.g., direct electronic verification with the Secretary of State. Continued elimination of requests for proof of Secretary of State corporate registration as a prerequisite for non-resident business entity licensing was identified in the Producer Licensing Assessment Report as an issue that continues to necessitate Commissioner-level attention so that progress can be measured and nationwide elimination of this prerequisite as an insurance department licensing requirement is achieved. Therefore, it is the preliminary opinion of the Legal Division that while this practice is actively being discouraged by NAIC membership, it is not a violation of the GLBA reciprocity requirements.

3. One-Time Training & Continuing Education Requirements.

It is the preliminary opinion of the Legal Division that continuing education requirements based on federal mandates are not a violation of the GLBA reciprocity requirements.

In written comments, IIABA urged consideration of whether it is consistent with NARAB reciprocity to obligate non-residents to complete continuing education on a particular subject matter or product in order to obtain or renew a license to sell, solicit or negotiate insurance policies involving the specific subject

matter or product. No specific information about actual requirements was provided, but the individual state reports and documentation from the assessment project contained information about crop insurance and long term care partnership education requirements. States regularly count specialized subject-matter training toward the total continuing education requirements applicable to resident producers. Assuming a producer maintains the same scope of licensure in both resident and non-resident jurisdictions, the potential reciprocity issue arises if the producer is forced to satisfy continuing education requirements in a non-resident state irrespective of the training completed in the producer's resident state. In 15 U.S.C. § 6751(c)(2), the GLBA framework specifically provides a reciprocal state must accept a non-resident producer's satisfaction of the home state's continuing education requirements as satisfying the non-resident state's own continuing education requirements.

Continuing education requirements specific to crop insurance and long term care partnership, as well as flood insurance, derive from federal mandates.

- Crop: The Federal Crop Insurance Corporation's Standard Reinsurance Agreement requires ceding insurance companies to ensure that insurance agents licensed to sell and service eligible crop insurance contracts receive adequate training as defined in the reinsurance agreement. Appendix IV to the agreement specifies 12 hours of training for licensed producers with less than one year of applicable sales and service experience and three hours in subsequent years.
- LTC Partnership: The Deficit Reduction Act of 2005, 42 U.S.C. § 1396p, and subsequent directives from the Centers for Medicare & Medicaid Services require insurance departments in Partnership states to assure the state Medicaid agency that anyone who sells a Partnership policy receives training and demonstrates an understanding of Partnership policies and their relationship to public and private coverage of long term care.
- Flood: § 207 of the Flood Insurance Reform Act of 2004, Pub. L. No. 108-264, requires the Director of FEMA, in cooperation with the insurance industry, state insurance regulators and other interested parties, to establish minimum training and education requirements for all insurance agents who sell flood insurance policies under the National Flood Insurance Program. The NAIC Model Bulletin on this requirement states the minimum training and education requirements may be satisfied by completing a three-hour course related to the National Flood Insurance Program.

Similar to the recent legal analysis of the practice of verifying legal work authorization for non-resident applicants in accordance with a federal mandate, in the absence of any federal directive to the contrary, it appears that the specialized continuing education requirements described above must stand regardless of any perceived conflict with the GLBA continuing education element. In one sense, the federally mandated training described above is imposed by the federal government rather than the non-resident state, which arguably removes the training from the reciprocity analysis. The federal government imposes the requirement, to be carried out by the states, which is separate from the question whether states should accept other states' continuing education requirements as satisfactory.

Some of the federal mandates were enacted post-GLBA: the flood insurance training requirement in 2004 and the LTC training requirement in 2005. The canon of statutory construction known as *in pari materia* calls for a statutes on the same general subject to be interpreted in harmony with each other whenever possible. The enactment of specific subject-matter training requirements subsequent to the continuing education reciprocity element of GLBA may be read to mean that Congress' intent was to apply the training requirements despite the potential conflict with producer licensing reciprocity.

The preliminary opinion of the Legal Division is that continuing education requirements based on federal mandates are not a violation of the GLBA reciprocity requirements.

4. Underlying Licensing Requirements for Surplus Lines Producers.

It is the preliminary opinion of the Legal Division that further information and analysis, including input from state insurance departments, is necessary to evaluate whether states requiring non-residents to obtain non-resident general lines licenses as a prerequisite to surplus lines licensure is a violation of the GLBA reciprocity requirements. In order to better assess GLBA reciprocity, the factual issue of how surplus lines insurance is marketed in a state and how this has evolved since the 2002 Report must be evaluated.

The National Association of Professional Surplus Lines Offices ("NAPSLO") and the Excess Line Association of New York ("ELANY") both addressed the issue of whether states may require non-residents to obtain non-resident general lines licenses as a prerequisite to surplus lines licensure and still be considered to be GLBA reciprocal. This issue was addressed in the 2002 Report of the NARAB Working Group, which concluded that requiring a general lines license relates to regulation of the surplus lines market and is not an additional administrative requirement being imposed on non-residents. This conclusion was based on the following analysis:

> As part of its analysis, the Working Group recognized the unique nature of the surplus lines market, relative to general lines of authority such as life and property. Surplus lines brokering is a specialized insurance producer function whereby producers secure insurance coverage generally unavailable from carriers licensed in that jurisdiction … .
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> Almost all States require resident surplus lines producers to first obtain a license to act as a general lines producer. **Generally, surplus lines producers must first search the admitted market as a prerequisite to searching the non-admitted market. Thus, both general lines *and* surplus lines authority are required in order to operate as a surplus lines producer.** In many cases, the rationale for the admitted market prerequisite is generally one of consumer protection. The surplus lines insurer, being a non-admitted carrier, is not subject to the jurisdiction of insurance regulatory authorities in that State. Further, there is typically no guaranty fund coverage for risks insured in the non-admitted market. Many States require that insureds be notified of these facts.
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> In the non-resident licensing context, the question is whether a State requirement that nonresidents obtain both general lines and surplus lines authority is an administrative or regulatory requirement. The Working Group concluded that requiring a general lines license relates to regulation of the surplus lines market and is not an additional administrative requirement being imposed on non-residents. **The general lines license gives the non-resident producer the authority, otherwise lacking, to search for coverage within the admitted market.** Generally speaking, without this authority, a surplus lines producer would be unable to fulfill his or her duty to first attempt to place business in the admitted market. Thus, the general lines license gives effect to the surplus lines license. Many States issue these two licenses in tandem. [Emphasis added.]

According to comments submitted by NAPSLO, the factual premise upon which the NARAB Working Group reached this conclusion is flawed. NAPSLO has advised us that under the current wholesaler business model by which most surplus lines transactions are accommodated, surplus lines producers are generally brought into the transaction *after* a general producer has already made a diligent search of the

admitted market and has been unable to obtain traditional insurance. NAPSLO argues that the surplus lines producer often is not specifically required under state law to conduct its own search, which means a general lines license would not be necessary. Furthermore, NAPSLO believes that it is improper to utilize the surplus lines producer licensing requirements in order to enforce the diligent search laws. Lastly, both NAPSLO and ELANY point to the additional bureaucracy that is created by requiring surplus lines producers to obtain two licenses in all states in which they conduct business.

The Legal Division's own internal review is inconclusive on these factual issues. A drafting note to the NAIC's Nonadmitted Insurance Model Act (Model # 870) provides that states may vary as to the person designated to conduct the diligent search. While many states do appear to permit the general producer to conduct or certify the diligent search, our research shows that this is not uniform and some states do require the diligent search to be performed by the surplus lines producer. In those instances where a surplus lines producer conducts the diligent search of the admitted market, a non-resident general lines license would be necessary.

The potential reciprocity issue presented by the requirement that a surplus lines producer hold an underlying non-resident general lines license as a prerequisite to qualify for non-resident surplus lines licensure arises when the non-resident surplus lines applicant is not required to and does not perform the diligent search of the admitted market in the non-resident state. In this example, the general lines requirement could result in the applicant being forced to qualify for a line of authority not sought from the non-resident state. The steps involved in qualifying for this extra line of authority could conceivably constitute an impermissible additional requirement beyond the four GLBA-permitted submissions of: (1) a request for licensure; (2) the application for licensure submitted to the home state; (3) proof of licensure and good standing in home state; and (4) payment of any requisite fee.

It should also be noted that requiring non-resident surplus lines applicant to hold an underlying general lines license is inconsistent with § 8D of the PMLA, which provides that "[n]otwithstanding any other provision of this Act, a person licensed as a surplus lines producer in his or her home state shall receive a nonresident surplus lines producer license … ."

It should be observed that Uniform Resident Licensing Standard No. 37 provides that states must "require an underlying property & casualty license prior to the issuance of a resident surplus lines license." Currently 49 jurisdictions are in compliance with this standard, and the remaining jurisdictions nevertheless require an underlying general lines license of some type. Based on the relative consistency of property and casualty licensure requirements for resident surplus lines producers, it might be argued that states are treating resident and non-resident surplus lines alike by requiring each to have been issued an underlying property and casualty license in that state, and thus no GLBA reciprocity issue would exist. Viewed in this light, rather than raising a potential reciprocity issue, the questions presented by NAPSLO and ELANY highlight the administrative difficulty inherent in maintaining general and surplus lines licensure in every jurisdiction where a producer conducts business.

The Legal Division recommends further information, analysis and member input as to whether the underlying general license prerequisite constitutes a reciprocity issue in those cases where a non-resident surplus lines producer is not required to and does not perform the diligent search of the admitted market in the non-resident state. In addition, states may have enacted underlying license requirements for non-resident surplus lines producers in reliance on the 2002 Report of the NARAB Working Group, and this must be considered as part of the final recommendation.

5. States Not Adopting the Major Lines of Authority Definitions of the PLMA.

It is the preliminary opinion of the Legal Division that further analysis and member input on this issue is required. In written comments, the Property Casualty Insurers Association of America (PCI) raised the issue of whether states that have not adopted all or part of the major line of authority (LOA) definitions set forth in § 7A of the PLMA can offer reciprocity to non-resident producers whose home states have adopted the PLMA definitions. The comment refers to two findings from the Producer Licensing Assessment Report: (1) 13 states have not adopted all or part of the PLMA definitions of major LOAs; and (2) seven of 19 states do not issue personal lines as a major LOA.

It is important to note that adoption of the PLMA definitions of major LOAs, as well as definitions of the core limited LOAs, is part of the Uniform Resident Licensing Standards. A state's compliance status on any specific resident licensing uniformity standard, does not necessarily translate into a reciprocity issue. However, non-resident licensing reciprocity can be affected by how a state implements the uniformity standards.

Neither PCI nor any other interested parties provide any specific examples of how LOA definitions have created an obstacle to nonresident licensing. PCI cites difficulty in administering and tracking the qualifications of producers, which is not directly tied to GLBA reciprocity.

Hypothetically, inconsistent LOA definitions from state to state could possibly implicate the antidiscrimination element of GLBA reciprocity: whether any requirement is imposed upon any otherwise qualified non-resident producer that has the effect of limiting or conditioning the producer's activities because of the producer's residence or place of operations. Inconsistent LOA definitions between a producer's resident and non-resident states can conceivably result in a producer's scope of authority varying from state to state depending on how the resident and non-resident states implement the definitions into available license types. If a difference in scope of authority between two states results in a producer being required to satisfy additional conditions in a nonresident state beyond those permitted under the GLBA reciprocity framework, then the LOA definitions, as applied in practice, may result in a barrier to entry based on the producer's residence or place of operations.

It appears that the impact of inconsistent LOA definitions, as applied in practice, could result in three general scenarios.

- Combined LOA. This scenario occurs when a state does not recognize separate LOAs for each major LOA. An example is when a state only offers a combined property and casualty LOA rather than a property-only LOA and a casualty-only LOA. Hypothetically, the practical effect of this scenario is that a producer with a property-only LOA applying for a non-resident license in a state that only offers a combined property casualty LOA could be forced to qualify for, and satisfy continuing education requirements for, the additional casualty LOA as a non-resident producer. This arguably conditions the producer's activities on the basis of residence, in violation of the GLBA reciprocity framework. It should be noted that the combined LOA were most likely established for solid reasons, i.e., producers traditionally work across the LOAs that are combined and it affords simplicity to the producer and the state to offer the combination. Nevertheless, the uniformity standards have been interpreted to require the availability of separate licenses for each major LOA, which is the case in most states. It appears from the individual state assessment reports that this scenario is the most common of the three identified here.

- Extra major LOA. This scenario occurs when a state recognizes a LOA as a major LOA when other states recognize the same scope of authority as a limited LOA. Elevating the LOA from limited to major classification traditionally creates testing and continuing education requirements, from which limited lines are generally exempt, according to the Uniform Resident Licensing Standards. Therefore, if a producer whose LOA is treated as a limited line in the producer's resident state applies to a non-resident state that treats the same scope of authority as a major LOA, the producer could hypothetically be forced to qualify for, and satisfy continuing education requirements for, the major LOA as a non-resident producer. This arguably conditions the producer's activities on the basis of residence, in violation of the GLBA reciprocity framework. It appears from the individual state assessments reports that this scenario most commonly occurs when surplus lines authority is treated as a major LOA. Most states that are providing a major LOA in these cases may not be requiring the nonresident producer to satisfy resident testing and continuing education requirements, which may not be a reciprocity violation in practice.
- Inconsistent LOA. This scenario occurs when there are variations in the specific product types defined to constitute a major LOA. An example is where State A accepts the PLMA definition for the health and accident/sickness LOA as including long term care insurance, but State B treats long term care as a special limited LOA. This technicality can hypothetically result in the non-resident producer experiencing limitations on the products the producer can solicit from state to state. In the alternative, the producer is forced to qualify for a LOA additional to what the producer maintains in the resident state. Using the above example, a resident State A producer applying for non-resident health licensure in State B may be forced to qualify for a limited LOA to solicit the purchase of long term care insurance. In this scenario, the requirements to qualify for the limited LOA could constitute a condition on the resident State A producer based solely on the different scope of the health and accident/sickness LOA between State A and State B. This arguably conditions the producer's activities on the basis of residence, in violation of the GLBA reciprocity framework.

As illustrated by these general scenarios, variances in licensing practices based on differences in state definitions of major LOAs can potentially arise. There are also indications that states have taken affirmative steps to mitigate any actual reciprocity problems. The state assessment reviews indicate that practices are in place to accommodate minor wording differences in LOA definitions. Likewise, the PLWG has devoted considerable time to mapping and coordinating state LOAs to avoid any difficulties in practical application. These efforts have been carried through to NIPR business rules, which also serve to minimize LOA differences. Additionally, the PLWG is charged with providing further interpretive guidance or revisions to many of the uniformity standards.

Based on the information collected so far, it is unclear if variances in state definitions of the major LOAs result in any actual reciprocity difficulties. It is the preliminary opinion of the Legal Division that further, information, analysis and member input is needed to determine the existence and extent of any potential reciprocity difficulties related to this issue.

6. Trust Accounts.

It is the preliminary opinion of the Legal Division that further information, analysis and member input is necessary to evaluate whether the specific trust account requirements at issue, as applied to non-resident producers, constitute a violation of the GLBA reciprocity requirements.

In written comments, the IIABA urged further consideration of whether these requirements are consistent with the GLBA reciprocity framework: (1) obligating non-resident producers to maintain trust accounts in a financial institution with an office in the non-resident state; and (2) obligating non-resident producers to maintain funds related to business generated within the non-resident state in a separate state-specific trust account. The Producer Licensing Assessment Report and the individual state reports, including the underlying documentation, do not indicate that these requirements exist in any jurisdiction. Anecdotal information indicates that such requirements are not enforced as a prerequisite to licensure or through a licensure action.

The 2002 Report of the NARAB Working Group included discussion of trust account requirements, but the Report did not specifically address the requirements raised by IIABA. Certification Question E2 inquired whether states had any bond, E&O, deposit, tax clearance or trust account requirements for non-resident producer applicants. It is instructive to note that the Report considers whether states have authority and willingness to waive these requirements. One state's requirement was found not to be inconsistent with GLBA reciprocity because it involved title insurance, which is specifically excluded from the definition of "insurance" by 15 U.S.C. § 6766(2). Another state's trust requirement was found not to be inconsistent with GLBA reciprocity because it was not viewed as a licensure requirement or enforced through a licensure action.

The 2002 Report of the NARAB Working Group indirectly indicated that a requirement as to where a trust account should be maintained could have some bearing on GLBA reciprocity. Hypothetically, the requirements raised by IIABA could be inconsistent with GLBA reciprocity because the requirements could be implemented in a way that establishes submission requirements in addition to the GLBA-permitted request for licensure, application, proof of licensure in good standing and applicable fee. For example, the non-resident producer applicant could be required to submit proof of access to an account at a financial institution with an office in the non-resident state.

The second potential reciprocity issue identified by IIABA—requiring the producer to maintain funds related to business conducted in the non-resident state in a state-specific trust account—more clearly represents a reciprocity violation because it establishes a licensure requirement not recognized within the GLBA framework. It does not appear the savings clause of 15 U.S.C. § 6751(f) is available to protect this practice. The savings clause only protects state requirements that are consistent with the GLBA reciprocity framework.

In concept, it is possible that the requirements identified by IIABA are inconsistent with reciprocity. At this point is it unclear whether or where such requirements exist and whether they have any impact on initial licensure or renewal. Further understanding of insurance departments' practices and requirements is necessary to understand the legal basis for these requirements. As discussed above, the 2002 Report of the NARAB Working Group considered the availability of a waiver and to which lines of business the requirements apply, and the same considerations should be evaluated for the issues identified by IIABA. It is the preliminary opinion of the Legal Division that further factual development is necessary to evaluate whether the specific trust account requirements at issue, as applied to non-resident producers, constitute a violation of the GLBA reciprocity requirements.

7. Limited Lines Issues.

Consumer Credit Industry Association (CCIA) and World Access urged for special reciprocity and uniformity treatment for limited lines that are very narrow in scope and resemble service contracts.

The PLWG is charged to evaluate certain findings and issues in the Producer Licensing Assessment Aggregate Report. These issues include the following: (1) uniform licensing standards that should be considered professional licensing standards; (2) compliance with uniform licensing standards and identification of those standards that are not generally supported by the local industry organizations at the state legislative level; (3) compliance with the uniform licensing standards to identify those standards where more specific interpretive guidance is warranted or revisions to the standards are necessary; (4) disparate business entity licensing laws, (5) and full adoption, and uniform interpretation, of the commercial lines multi-state exemption and the commission sharing exemption across all states. At its meeting on June 2, 2008, the PLWG accepted comments and are actively addressing many of the issues that have herein been raised by the comments on limited lines.

It is the opinion of the Legal Division that the issues raised by CCIA and World Access are subject to the current charges to the PLWG, and that the Working Group and Legal Division should continue to provide guidance to the PLWG and the NAIC Plenary where narrow and identifiable issues of GLBA reciprocity are raised. We further recommend referring the CCIA and World Access comments to the PLWG for review and possible action.