PRODUCER'S GUIDE TO ANTI-MONEY LAUNDERING

The USA Patriot Act includes provisions intended to prevent the financial services industry, including the insurance sector, from being used for money laundering and terrorist financing by criminals and terrorists. The Act requires insurance companies to establish anti-money laundering (AML) programs that comply with minimum standards developed by the Department of the Treasury. Regulations issued by the Treasury Department and its Financial Crimes Enforcement Network (FinCEN) establish minimum requirements for insurance company anti-money laundering programs and require insurers to report suspicious transactions.

WHAT RESPONSIBILITIES WILL PRODUCERS HAVE UNDER THE NEW RULES?

FinCEN has made clear that producers will have an important role to play in insurance companies' anti-money laundering programs because they have direct contact with customers and are thus often in the best position to gather information and detect suspicious activity. To assure that insurance companies and their distribution partners collaborate in preventing money laundering, the new rules require life insurance companies to integrate producers into their anti-money laundering programs and to monitor the producers' compliance with the programs.

WHAT IS MONEY LAUNDERING AND TERRORIST FINANCING?

MONEY LAUNDERING. Money laundering is a varied and often complicated process that can, but does not always, involve cash transactions. Illegally-obtained money is filtered through a series of transactions that eventually make the money appear to be obtained from "clean," or legal, activities. The money laundering process has been described as having three phases that often overlap:

> Placement—Injecting ill-gotten proceeds, including cash, into the financial system through transactions such as bank deposits or the purchase of certain insurance products.
>
> Layering—Separating illicit proceeds from their criminal source through complex financial transactions.
>
> Integration—Putting the proceeds back into circulation in the economy, with the appearance of legality.

TERRORIST FINANCING. Terrorist financing involves the use of money, which may be lawfully obtained, to fund illegal activities. Because the transactions often have a legitimate origin and can often involve small amounts of money, terrorist financing can be more difficult to identify than money-laundering activities, although an effective anti-money laundering program can help prevent the use of funds for terrorism activities.

"COVERED PRODUCTS." The rules are not applicable to all insurance products. Rather, the Treasury Department identified categories of "covered products" that in its judgment presented sufficient AML risk to justify regulation. "Covered products" are defined to include:

- A permanent life insurance policy, other than a group life insurance policy;
- An annuity contract, other than a group annuity contract; or
- Any other insurance product with features of cash value or investment.

Accordingly, property casualty coverage, health insurance, and term life insurance, among other kinds of products, need not be included in an insurance company's AML program. Insurance companies may offer guidance on which of their products are covered under their programs. All current GILICO life and annuity products, excluding dental policies, are included in the definition of covered products.

CUSTOMER INFORMATION. The new rules require insurance companies to collect customer information from producers, among other sources, to support their anti-money laundering programs and to detect and report suspicious transactions. FinCEN has made clear that insurance producers have a crucial role to play in this area:

> Insurance producers are an integral part of the insurance industry due to their contact with customers. Insurance producers typically are involved in sales operations and are therefore in direct contact with customers. As a result, the producer will often be in a critical position of knowledge as to the source of investment assets, the needs of the client and the objectives for which the insurance products are being purchased.

METHODS OF PAYMENT. Certain forms of payment – including cash, money orders, traveler's checks, and bank checks – can be used in the placement phase of a money laundering scheme. To manage this risk, GILICO has set limits on the forms of payments that will be accepted and the amounts acceptable for some of them. The goal is to reduce the chances that the insurance business will be involved in money laundering, without excluding forms of payment with a legitimate business purpose. Because producers often collect at least the first premium due under a policy, they may be called upon to inform customers of these standards and enforce them.

SUSPICIOUS TRANSACTIONS. Producers are often in the best position to detect suspicious activity – for instance, customers who are resistant to requests for information, who are indifferent to the features of a product, except for withdrawal rights, or who seek products inconsistent with their apparent needs. Producers should be aware of "red flags" and should notify GILICO's AML Compliance Officer.

RED FLAGS. Some examples of "red flags" associated with existing or potential customers include, but are not limited to, the following:

- The purchase of an insurance product that appears to be inconsistent with a customer's needs;
- Any unusual method of payment, particularly by cash or cash equivalents (when such method is, in fact, unusual);
- The purchase of an insurance product with monetary instruments in structured amounts;
- The early termination of an insurance product, especially at a cost to the customer, or where cash was tendered and/or the refund check is directed to an apparently unrelated third party;
- The transfer of the benefit of an insurance product to an apparently unrelated third party;

- Little or no concern by a customer for the investment performance of an insurance product, but much concern about the early termination features of the product;

- The reluctance by a customer to provide identifying information when purchasing an insurance product, or the providing of minimal or seemingly fictitious information; and

- The borrowing of the maximum amount available soon after purchasing the product.

Under federal law, insurance producers, as well as insurance companies, are protected from liability to customers for disclosing possible criminal activity to their insurance companies, law enforcement, and certain government supervisory agencies.

SUSPICIOUS ACTIVITY REPORTS AND THE FACT THAT THEY HAVE BEEN FILED MUST BE KEPT CONFIDENTIAL. In particular, customers cannot be notified that a suspicious activity has been reported.

To insure the prompt and accurate reporting of suspicious activity, GILICO has established a "red flag" hyperlink on GILICOlink. "Red flag" activity may also be reported by:

- telephone, 1-800-535-8110 ext. 292
- facsimile, 1-225-343-0047
- e-mail, redflag@gilico.com, or
- regular mail:

  Attention: AML Compliance
  Guaranty Income Life Insurance Company
  929 Government Street
  Baton Rouge, LA 70802