

118TH CONGRESS  
1ST SESSION

# S. 2109

To ensure that Write Your Own companies can sell private flood insurance products that compete with National Flood Insurance Program products.

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IN THE SENATE OF THE UNITED STATES

JUNE 22, 2023

Mr. SCOTT of Florida introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To ensure that Write Your Own companies can sell private flood insurance products that compete with National Flood Insurance Program products.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. PROHIBITION ON NON-COMPETE REQUIRE-**  
4                               **MENT FOR WRITE YOUR OWN COMPANIES**  
5                               **UNDER THE NATIONAL FLOOD INSURANCE**  
6                               **PROGRAM.**

7       Section 1345 of the National Flood Insurance Act of  
8       1968 (42 U.S.C. 4081) is amended by adding at the end  
9       the following:

1       “(f) AUTHORITY TO PROVIDE OTHER FLOOD COV-  
2 ERAGE.—

3               “(1) WRITE YOUR OWN PROGRAM DEFINED.—

4       In this subsection, the term ‘Write Your Own Pro-  
5 gram’ means the program under which the Federal  
6 Emergency Management Agency enters into a stand-  
7 ard arrangement with private property insurance  
8 companies to—

9               “(A) sell contracts for flood insurance cov-  
10 erage under this title under their own business  
11 lines of insurance; and

12              “(B) adjust and pay claims arising under  
13 the contracts described in subparagraph (A).

14              “(2) PROHIBITION ON NON-COMPETE  
15 CLAUSE.—The Administrator may not, as a condi-  
16 tion of participating in the Write Your Own Pro-  
17 gram or in otherwise participating in the utilization  
18 by the Administrator of the facilities and services of  
19 insurance companies, insurers, insurance agents and  
20 brokers, and insurance adjustment organizations  
21 pursuant to the authority in this section, nor as a  
22 condition of eligibility to engage in any other activi-  
23 ties under the National Flood Insurance Program  
24 under this title, restrict any such company, insurer,  
25 agent, broker, or organization from offering and sell-

1       ing private flood insurance (as that term is defined  
2       in section 102(b) of the Flood Disaster Protection  
3       Act of 1973 (42 U.S.C. 4012a(b))).

4               “(3) FINANCIAL ASSISTANCE/SUBSIDY AR-  
5       RANGEMENT.—After the date of enactment of this  
6       subsection, the Administrator may not include in  
7       any agreement entered into with any insurer for par-  
8       ticipation in the Write Your Own Program any pro-  
9       vision establishing a condition prohibited under  
10      paragraph (2).”.

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