

[DISCUSSION DRAFT]

118TH CONGRESS  
1ST SESSION

H. R. \_\_\_\_\_

To eliminate the non-competition requirement under the National Flood Insurance Program, and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To eliminate the non-competition requirement under the National Flood Insurance Program, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Consumer Options for  
5 Flood Insurance Act of 2023”.

6 **SEC. 2. ELIMINATION OF NON-COMPETE REQUIREMENT.**

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 new subsection:

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

3           “(1) IN GENERAL.—The Administrator may  
4 not, as a condition of participating in the Write  
5 Your Own Program (as such term is defined in sec-  
6 tion 100202(a) of the Biggert-Waters Flood Insur-  
7 ance Reform Act of 2012 (42 U.S.C. 4004(a))) or  
8 in otherwise participating in the utilization by the  
9 Administrator of the facilities and services of insur-  
10 ance companies, insurers, insurance agents and bro-  
11 kers, and insurance adjustment organizations pursu-  
12 ant to the authority in this section, nor as a condi-  
13 tion of eligibility to engage in any other activities  
14 under the National Flood Insurance Program under  
15 this title, restrict any such company, insurer, agent,  
16 broker, or organization from offering and selling pri-  
17 vate flood insurance (as such term is defined in sec-  
18 tion 102(b) of the Flood Disaster Protection Act of  
19 1973 (42 U.S.C. 4012a(b))).

20           “(2) FINANCIAL ASSISTANCE; SUBSIDY AR-  
21 RANGEMENT.—After the date of the enactment of  
22 this subsection—

23           “(A) the Administrator may not include in  
24 any agreement entered into with any insurer for  
25 participation in the Write Your Own Program

1 any provision establishing a condition prohib-  
2 ited by paragraph (1), including the provisions  
3 of Article XIII of the Federal Emergency Man-  
4 agement Agency, Federal Insurance Adminis-  
5 tration, Financial Assistance/Subsidy Arrange-  
6 ment, as adopted pursuant to section 62.23(a)  
7 of title 44 of the Code of Federal Regulations;  
8 and

9 “(B) any such provision in any such agree-  
10 ment entered into before such date of enact-  
11 ment shall not have any force or effect, and the  
12 Administrator may not take any action to en-  
13 force such provision.”.