

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To authorize the Administrator of the Federal Emergency Management Agency to terminate certain contracts on the basis of detrimental conduct to the National Flood Insurance Program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY (for himself and Mr. MENENDEZ) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To authorize the Administrator of the Federal Emergency Management Agency to terminate certain contracts on the basis of detrimental conduct to 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 “National Flood Insur-  
5 ance Program Consultant Accountability Act of 2023”.

1 **SEC. 2. TERMINATION OF CERTAIN CONTRACTS UNDER**  
2 **THE NATIONAL FLOOD INSURANCE PRO-**  
3 **GRAM.**

4 (a) IN GENERAL.—Part C of chapter II of the Na-  
5 tional Flood Insurance Act of 1968 (42 U.S.C. 4081 et  
6 seq.) is amended by adding at the end the following:

7 **“SEC. 1349. TERMINATION OF CONTRACTS.**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘covered entity’ means any attor-  
10 ney, law firm, consultant, or third-party company  
11 that provides services to a Write Your Own com-  
12 pany; and

13 “(2) the term ‘Write Your Own company’  
14 means a company participating in the cooperative  
15 undertaking between the insurance industry and the  
16 Federal Insurance and Mitigation Administration  
17 that allows participating property and casualty in-  
18 surance companies to write and service standard  
19 flood insurance policies.

20 “(b) TERMINATION.—

21 “(1) IN GENERAL.—Notwithstanding any other  
22 provision of law, the Administrator may terminate a  
23 contract or other agreement between a covered enti-  
24 ty and a Write Your Own company if the Adminis-  
25 trator—

1           “(A) determines that the covered entity  
2           has engaged in conduct that is detrimental to  
3           the flood insurance program authorized under  
4           chapter I; and

5           “(B) not later than 14 days before termi-  
6           nating the contract or other agreement, pro-  
7           vides notice to the covered entity of the termi-  
8           nation.

9           “(2) APPEAL.—The Administrator shall estab-  
10          lish a process for a covered entity to appeal a termi-  
11          nation of a contract or other agreement under para-  
12          graph (1).

13          “(3) EARLY TERMINATION PAYOUTS.—The Ad-  
14          ministrator or a Write Your Own company is not re-  
15          quired to make any early termination payout to a  
16          covered entity with respect to a contract or agree-  
17          ment with the Write Your Own company that the  
18          Administrator terminates under paragraph (1).”.

19          (b) EFFECTIVE DATE; APPLICABILITY.—The amend-  
20          ment made by subsection (a) shall—

21                 (1) take effect on the date of enactment of this  
22                 Act; and

23                 (2) apply to any contract or other agreement  
24                 between a covered entity and a Write Your Own  
25                 company (as those terms are defined in section

1       1349(a) of the National Flood Insurance Act of  
2       1968, as added by subsection (a)) entered into on or  
3       after the date of enactment of this Act.