

# United States Senate

WASHINGTON, DC 20510

July 19, 2011

The Honorable Tim Johnson  
Chairman  
Senate Committee on Banking,  
Housing and Urban Affairs

The Honorable Richard Shelby  
Ranking Member  
Senate Committee on Banking,  
Housing and Urban Affairs

Dear Chairman Johnson and Ranking Member Shelby:

As you may be aware, the Federal Emergency Management Agency (FEMA) established June 1 as the start of a 'flood in progress' for all Missouri River flooding based on water released from the Garrison Dam in North Dakota. Under current federal law, anyone with flood damage must have purchased flood insurance 30 or more days prior to the date FEMA declares as the 'flood in progress' in order to be eligible for insurance payments.

FEMA's June 1 determination fails to take into account subsequent rainfall, snowmelt, and water releases from several dams, including Gavins Point Dam, that resulted in far more extensive damage in states such as Missouri, Iowa, South Dakota, Kansas and Nebraska. This determination was presumed to have deemed some property owners, who purchased flood insurance shortly after May 1<sup>st</sup>, ineligible for damages caused by subsequent flooding.

Adding to this confusion, FEMA has indicated that coverage decisions will be made on a case-by-case basis as to whether policies purchased after the cutoff date are valid. We are concerned that this ill-defined case-by-case policy will result in the unfair treatment of those who responsibly purchased flood insurance and suffered losses.

To help clarify which flood insurance policies will be honored, we introduced legislation, S. 1349, that protects those who purchased flood insurance more than 30 days before accruing any damage. To be clear, this legislation does not change the 30-day waiting period. It merely ties the 30-day waiting period to actual local flooding, not some arbitrary deadline decided by FEMA based on events that may have occurred hundreds of miles away.

S. 1349 mirrors the amendment introduced by Congressman Lee Terry (R-NE) to H.R. 1309, the Flood Insurance Reform Act of 2011. Congressman Terry's amendment was included in the overall bill which passed yesterday by a vote of 406 to 22. As you develop the Senate version of H.R. 1309, we ask that you incorporate the text of S. 1349 into the Senate version of flood insurance reauthorization legislation.

Many of our constituents have been devastated by flooding, and if responsible property owners purchased adequate flood insurance well in advance of the flooding, their policies should be honored. Citizens impacted by flooding face some very difficult times ahead, and they

deserve to be treated fairly. We look forward to working with you to implement this needed clarification.

Sincerely,

Mike Glen

John Thune

Jerry Moran

Gene McCasill

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John Hower

Pat Roberts

Chuck Grassley

to Benjamin Nelson

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