

**Congress of the United States**  
**Washington, DC 20515**

March 16, 2016

The Honorable Jo-Ellen Darcy  
Assistant Secretary of the Army (Civil Works)  
108 Army Pentagon  
Washington, D.C. 20310-0108

Dear Assistant Secretary Darcy,

We are writing on behalf of communities in Tennessee that are being required by the Corps of Engineers to pay additional costs for safety repairs at Center Hill Dam. We urge you to delay cost recoupment from these communities until the Corps implements the Government Accountability Office's (GAO) recommendations to improve cost-sharing for dam safety repairs.

The problem is that the Corps has unilaterally decided that safety repairs to Center Hill Dam are not covered by the Dam Safety Act. Instead of classifying repairs at Center Hill Dam as Dam Safety Assurance, the Corps has decided to classify the repairs as Major Rehabilitation. This decision significantly impacts the cost share borne by communities in Tennessee.

In December 2015, the GAO issued a report that found the Corps has not applied the so-called "state of the art provision" of its Dam Safety Assurance authority. The GAO also found that the Corps did not communicate or effectively engage with all project sponsors at the 9 dam projects it studied, including Center Hill Dam.

In your letter to the GAO on November 12, 2015, you agreed with the GAO's recommendation to clarify policy guidance on the use of the "state of the art provision" within 18 months. You also committed to engaging with the Center Hill Dam project sponsors to establish a path forward for recouping Federal investment within 18 months.

We appreciate your commitment to resolving this issue, but instead of engaging with project sponsors to establish a path forward, we understand that the Corps is currently seeking full reimbursement under Major Rehabilitation and asking communities to pay by March 31. We urge you to delay recoupment until the Corps clarifies its policy regarding the "state of the art provision" and also more effectively engages with the project sponsors. It would also be helpful to know when the Corps plans to clarify its policy regarding the "state of the art provision" and whether any additional legislative changes are necessary.

Thank you for your attention to this very important issue to communities in Tennessee. Please do not hesitate to contact us if you need any additional information, or your office may wish to be in touch with Allison Martin of Senator Alexander's staff at (202) 224-4944, John Haley of Senator Corker's staff at (202) 224-3344 or Ace Burch of Congressman Black's staff at (202) 225-4231.

Sincerely,

Handwritten signature of Lamar Alexander in blue ink.

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Lamar Alexander  
United States Senator

Handwritten signature of Bob Corker in blue ink.

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Bob Corker  
United States Senator

Handwritten signature of Diane Black in blue ink.

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Diane Black  
Member of Congress