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and Public Works

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HEARING ON THE NOMINATIONS OF BETH HARWELL AND BRIAN NOLAND TO
BE MEMBERS OF THE BOARD OF DIRECTORS, AND KATHERINE CRYTZER TO
BE INSPECTOR GENERAL, OF THE TENNESSEE VALLEY AUTHORITY

TUESDAY, MAY 19, 2020

United States Senate

Committee on Environment and Public Works

Subcommittee on Clean Air and Nuclear Safety

Washington, D.C.

The committee, met, pursuant to notice, at 3:02 p.m. in
room 406, Dirksen Senate Office Building, the Honorable Mike
Braun [chairman of the committee] presiding.

Present: Senators Braun, Whitehouse, Sullivan, Boozman,
Wicker, Ernst, Carper.

Senator Braun. Good afternoon. This hearing of the Clean Air and Nuclear Safety Subcommittee is called to order.

Today we will be considering three nominations for the TVA. This afternoon we will be hearing from Beth Harwell, Brian Noland, who President Trump has nominated to the TVA Board of Directors; and Katherine Crytzer, who has been nominated to the position of Inspector General of the TVA.

I would like to welcome you all here today. In compliance with the Senate's social distancing guidelines, our members have the option of attending virtually. This is a first for this subcommittee to do so, so please pardon any technical issues. It seems to have been going pretty well, though, so far, in other hearings.

If confirmed, each of you will be tasked with ensuring that the TVA's broad strategies, goals, objectives, are adequate for ratepayers in the region, and that TVA pursues an agenda that is in the best interest of the United States.

This afternoon, we are honored to be joined by both Senator Alexander and Senator Blackburn, who wanted to be here today to introduce the President's nominees. So Senator Alexander, you are coming from afar. You may proceed.

STATEMENT OF THE HONORABLE LAMAR ALEXANDER, A UNITED STATES
SENATOR FROM THE STATE OF TENNESSEE

Senator Alexander. Thank you, Mr. Chairman, and to Ranking Member Whitehouse and to my colleague Senator Blackburn.

I am delighted today to have a chance to introduce to the Committee and to the Senate President Trump's nominees for the TVA board, Elizabeth Harwell and Brian Noland. As the Chairman indicated, TVA is a big and important institution. It is a \$10 billion a year business and serves residents in seven States by providing electricity, and a majority of those are in Tennessee.

In my opinion, the TVA has been on a good track for the last few years. The scoreboard for TVA is its rates. According to TVA, its residential rates are in the bottom 25 percent, the cheapest 25 percent residential rates, and its business rates are in the cheapest 10 percent of business rates in the Country. It has been reducing its debt, strengthening its pension fund.

Of special interest I think to Senator Braun and Senator Whitehouse, during this period of reduced demand, TVA officials tell us that they produce 85 percent of their electricity using emission-free nuclear power and hydropower.

I am especially delighted that these two individuals, Beth Harwell and Brian Noland, have been nominated to serve on the TVA board. They are two of our State's most distinguished residents. I have admired Beth Harwell's leadership, her style

of leadership, ever since she was first elected to the Tennessee House of Representatives in 1988. Her constituents liked what she did and so did her colleagues, because they eventually elected her speaker of the house. She was the first female speaker in the history of our State. She taught at Belmont University, has been active in a variety of enterprises in Nashville, which is her hometown. She knows Tennessee from Memphis to Mountain City which is where 70 percent of the TVA ratepayers live.

Speaking of Mountain City, the other nominee, Brian Noland, is distinguished in a different way; he lives in that part of the State that we call upper east Tennessee. He is president of East Tennessee State University, one of the largest universities on our State. He formerly has been president of the West Virginia Higher Education Association. His colleagues in higher education have honored him by electing him to the board of directors of the American Council on Education. So he knows administration, we [inaudible] on the board of such a large entity.

One other thing I should say is that these two seats are vacant today. Their predecessors' terms expired a year ago. The previous occupants left their seats in December. So I am especially grateful to the committee for moving these nominees ahead. I hope they will be considered on the Floor very

quickly.

There is one other person I want to mention today, a person with some Tennessee background, Katherine Crytzer, who is nominated to be Inspector General of TVA. She is a native of east Tennessee, she [inaudible] Tennessee State University. She worked at the Department of Justice in more than one capacity and she was Assistant U.S. Attorney in Kentucky.

So thank you very much for allowing me this time to express my support of two nominees for the board of the TVA, two of the most important positions in our State.

Thank you very much.

[The prepared statement of Senator Alexander follows:]

Senator Braun. Thank you, Senator.

Senator Blackburn, you are now recognized.

STATEMENT OF THE HONORABLE MARSHA BLACKBURN, A UNITED STATES
SENATOR FROM THE STATE OF TENNESSEE

Senator Blackburn. Thank you, Mr. Chairman. It is really truly a pleasure and an honor to join Senator Alexander to introduce to the committee two nominees for the board, and also the third nominee, which is to be the Inspector General for the TVA.

These seats on the board have been vacant for some time, as Senator Alexander just said. So it is a pleasure to bring forward these three Tennesseans.

TVA is the largest public power provider in the United States. Their mission is to provide reliable, low-cost power to the people of the seven State Tennessee Valley region. With that comes great responsibility to defend the actions that are scrutinized by the public, much more so than other large investor-owned utilities. The board's mission is to help guide TVA in a way that helps Tennesseans thrive, especially in rural areas.

These nominees have had extensive and unique careers that will provide valuable insight to the TVA board. Dr. Beth Harwell has nearly three decades of legislative experience, and most recently made history, being elected as the first female speaker of the house in the Tennessee General Assembly. Her work in the legislature with the State's budget will prove

invaluable when making decisions regarding TVA's debt load and their bond ratings.

As speaker of the house, she helped lead the State of Tennessee to balanced budgets and a fully funded pension. Also, she helped lead to a Triple A bond rating.

Dr. Harwell graduated from Lipscomb University and received her master's and Ph.D. from Vanderbilt University. She previously taught at Belmont University and is now a visiting professor at Middle Tennessee State University.

Dr. Harwell, it is such an honor to introduce you.

Brian Noland, who has experience running one of Tennessee's public universities, will also be a valuable asset on the TVA board. He became the ninth president of East Tennessee State University in January 2012, after serving for six years as chancellor of the West Virginia Higher Education System. Under his leadership, ETSU has undertaken numerous construction projects across their campus. Past and current major projects include the construction of a performing arts center, [inaudible], creation of a research and education center, and extensive renovation to the university center.

For an industry with massive capital investment, like that of utilities, his experience in the area will undoubtedly prove to be an asset for Tennessee. And it is such an honor to bring him forward.

Katie Crytzer will bring valuable expertise as a federal prosecutor to the TVA Inspector General position. After growing up in Knoxville, she attended Middle Tennessee State University and received her J.D. magna cum laude from Antonin Scalia Law School at George Mason University. She went on to clerk for the U.S. Court of Appeals for the Eighth Circuit, and then practiced law in our Nation's capital.

Katie then joined the Department of Justice, first as an assistant U.S. attorney, where she successfully led multiple complex fraud investigations. She focused on the prosecution of computer fraud and drug crimes to tackle the opioid epidemic.

She now serves our Country as the Acting Deputy Assistant Attorney General in the Office of Legal Policy. I am delighted that she is taking over this challenge at TVA. She has great potential to bring discipline, accountability, and integrity to the highest levels of leadership at the TVA.

Their debt currently stands at \$22 billion, an amount that has slowly [inaudible] in recent years. I hope the agency continues to work toward fiscal responsibility and makes more efforts to reduce that debt under the steadfast leadership of its new and current TVA leadership.

So thank you, Mr. Chairman, for giving me the opportunity to introduce these Tennesseans.

[The prepared statement of Senator Blackburn follows:]

STATEMENT OF THE HONORABLE MIKE BRAUN, A UNITED STATES SENATOR
FROM THE STATE OF INDIANA

Senator Braun. Thank you, Senator Blackburn.

In June of 2019, William Kilbride came before this subcommittee as we reviewed his nomination for the board of directors. At the time, I noted my desire to see the TVA continue to accomplish its dual mandate to serve the best interests of its customers, also the best interests of the American people as a whole.

Today the TVA is executing this dual mission by securing one of the NRC's first early site permits to build a demonstration small modular nuclear reactor at the utility's Clinch River nuclear site. STATEMENT OF THE HONORABLE SHELDON WHITEHOUSE, A UNITED STATES SENATOR FROM THE STATE OF RHODE ISLAND

Senator Whitehouse. Thank you, Mr. Chairman.

To all the members of the subcommittee and to the nominees, welcome.

Last Congress, this subcommittee helped clear five new members onto the Tennessee Valley Authority. This Congress, we have already filled one board vacancy, and today we hear from two additional nominees to fill the final two vacancies. We will also hear from the nominee to fill the important role of Inspector General.

In these challenging times, public utilities, including the TVA, have a big role to play in ensuring that the American people have affordable electricity. The TVA has been providing cheaper and cleaner energy for its customers during the economic fallout of this pandemic. In fact, the TVA notes that energy costs for consumers were 4 percent lower in the first part of this year compared to last. The Authority's chief financial officer reports most of this decline in cost is attributable to the TVA adopting clean sources of energy, like renewables and nuclear.

I am very glad to have worked with Chairman Braun on the NRC issues that have helped pave the way for new nuclear technologies.

What TVA has done is no small feat. Nearly 60 years ago, the TVA derived more than two-thirds of its power from coal. In the first half of this year, that proportion had fallen to 12 percent. That means that TVA got more power from renewables than coal during the first three months of 2020. At one point, TVA actually shut down all its coal plants, because it didn't need them.

The Institute of Energy, Economics, and Financial Analysis has observed this trend across the United States during the pandemic: electricity from clean energy sources exceeding that of coal for a record 40 straight days. And contrary to what

some think will happen as we expand renewables on our grid, there has been no significant interruption in service for consumers.

This brings me to my two points today. First, the Authority must remain a non-partisan and independent regulator. In recent years, the TVA has voted to close its old, polluting resources despite political pressure from the Trump Administration and Kentucky Republicans to keep them open. The TVA must be guided by the facts and the interests of its consumers, not by political pressure.

I hope to hear a strong commitment from the nominees today that your regulatory decisions will honor those priorities.

Second, given the Authority's history and unique public charter, it should take particular care to avoid the fossil fuel industry's anti-climate efforts. I would like to hear a commitment that the nominees will work to ensure that the Authority won't fall victim to the fossil fuel industry's long campaign against climate action and clean air regulations.

I note that President Noland is here from East Tennessee State University, where they don't just believe in climate change, they teach climate science. So I appreciate that very much.

The push toward clean, cheap energy requires independent and clear thinking. As the Nation's largest public utility, the

Authority leads the way and it should continue to do so.

Regulators are there to ensure that prices are fair to consumers and rates and rules are not compromised in the service of special interests.

I look forward to hearing from the witnesses, and thank you, Chairman Braun.

[The prepared statement of Senator Whitehouse follows:]

Senator Braun. Thank you, Senator.

I will now recognize each of you for five minutes of your opening statement. I want to remind you that your written testimony will be part of the record. We look forward to the testimony.

Dr. Harwell, you may begin.

STATEMENT OF BETH HARWELL, NOMINEE TO BE A MEMBER OF THE BOARD
OF DIRECTORS, TENNESSEE VALLEY AUTHORITY

Ms. Harwell. Chairman Braun, Ranking Member Whitehouse and distinguished members of the committee, my name is Beth Harwell, and I have the great honor of being nominated by President Trump to the Tennessee Valley Authority Board of Directors.

As a young girl growing up in Pennsylvania, I became fascinated with the televised Watergate hearings. I would watch them for hours with my grandmother. It was during that time that I became interested in government and public service. Never, though, did I dream that one day I would be sitting before a U.S. Senate committee myself. So it is an honor and privilege to be here today, and I thank you for giving me this opportunity.

I especially want to thank Senator Lamar Alexander and Senator Marsha Blackburn of my home State of Tennessee for supporting my nomination to the TVA board.

By way of introduction, I have lived in Nashville, Tennessee, since the age of 16 when I moved there to attend David Lipscomb University. In the following decades, I worked as a faculty member at a local university, ran for a seat in the State House, raised a family, served as chair of the Tennessee Republican Party, and ultimately was elected speaker of the Tennessee House of Representatives. As speaker, I worked every

day to improve the lives of Tennesseans, very similar to the mission of TVA, "to make life better for the people of the Tennessee Valley."

In fact, the three areas of focus of the TVA, energy, environment, and economic development, are ones in which I have worked and led on throughout my time in the Tennessee legislature.

I have traveled our great State many times over, and I have seen firsthand TVA's impact on counties and cities. I know what it means to residents of a rural county in west Tennessee to land a new business thanks to TVA's assistance. For many years, my family and I have enjoyed boating on TVA lakes, thanks to TVA's commitment to clean and safe water. I have attended meetings at the TVA headquarters and always come away with a greater understanding of and appreciation for the scope of the organization's work.

With my deep knowledge of State government and an extensive network of contacts across Tennessee and other TVA States, I am confident I could be helpful in the board's work.

Before closing, I would like to pivot to one other point that I think is important for you to know. At my core, I am a fiscal conservative. I firmly believe that strong fiscal management is a path to investment and opportunities. As speaker, I presided over eight consecutive balanced budgets.

When we discovered that our pension plan was not financially sustainable, we reformed the system, and today, the Tennessee Consolidated Retirement System is regarded as one of the healthiest pension plans in the Nation.

I share these experiences with you because I will bring that same sense of fiscal responsibility to my work as a TVA board member. The 9 million people in the Tennessee Valley should expect and deserve no less than this from a board member.

TVA plays an important role in the States in which it operates, and I would be grateful for the opportunity to work with other board members to advance its work during these very challenging times.

Thank you again for this opportunity to be with you today and for your consideration of my nomination. I would be happy to answer any questions.

[The prepared statement of Ms. Harwell follows:]

Senator Braun. Thank you, Dr. Harwell.

Dr. Noland.

STATEMENT OF BRIAN NOLAND, NOMINEE TO BE A MEMBER OF THE BOARD
OF DIRECTORS, TENNESSEE VALLEY AUTHORITY

Mr. Noland. Chairman Braun, Ranking Member Whitehouse, and members of the Committee, thank you very much for the opportunity to appear before you today.

I am honored to have been nominated by the President to serve on the Tennessee Valley Authority Board of Directors. I would like to thank Senator Alexander, as well as Senator Blackburn, for their support, and to all of you for taking the time today to consider my nomination.

In 2012, I had the privilege of moving my family to east Tennessee, back to an area where our family has deep roots, to serve as the president of East Tennessee State University. Having spent my entire professional career in higher education, I was honored to be given the opportunity to serve a university community in its chief executive officer position, providing strategic visioning for that institution.

Not only was I drawn to ETSU because of our connection to the region, but I was also drawn by our school's founding mission in 1911 to improve the quality of life for the people of the Appalachian Highlands, a segment of TVA's service area. In 1933, when TVA was formed, it also had a similar mission to improve the quality of life for the people of the Tennessee Valley. Watching this mission play out on a daily basis across

my region gives me promise for the opportunities on the horizon for TVA to continue to fulfill its mission to improve the lives of the more than 10 million individuals in our service area. This shared mission and the understanding of how this mission can be implemented has provided me with integral insights into setting the strategic vision for the TVA as a member of its Board of Directors.

As I look across my region of east Tennessee, it is evident that TVA has been committed to this mission throughout its history, and has honed its mission as things have evolved. With longstanding ties to the region in which I live, I have witnessed firsthand the impact TVA has on its citizenry, not only in terms of providing energy resources, but through river and land management, recreational activities, and economic development.

Having lived and worked in the State of West Virginia, a State with similar rural communities with similar challenges, I can attest to the benefits that the TVA has provided to the rural communities in our State and each of the States that the TVA calls home. For TVA, economic development is an inherent part of its mission.

Economic development is also an inherent part of the mission of higher education, for we are a driver to train and educate the workforce. I was called into a career in higher

education, because I believe deeply in the value education can provide our society to better all. That passion goes simply beyond providing an education, but it is ensuring that students have the opportunity to practice their newly developed skills in fulfilling and rewarding careers. This happens through the work of economic development.

Through TVA's investments of more than \$11 billion, they have created 65,000 jobs in 2019 alone. That is a testament to the continued work in this space.

Another privilege of serving in higher education is that I have been able to gain a deep appreciation for the impact that research and innovation can have on our society. Research and innovation drives businesses, industries, healthcare facilities, production companies, and energy providers. Research is the innate work of higher education, for it helps to advance our society and continues to improve the lives of others.

This work is no different in the energy sector in which we continually seek ways to improve energy production, develop new energy sources, and enhance the use of energy. TVA is instrumental in energy enterprise research and technology across the Tennessee Valley.

Serving as president of a major public university and engaging with colleagues across the State, I have gained a deep appreciation and insight into the needs of Tennesseans, and

Tennessee encompasses TVA's largest single service area by State.

I believe my background and experience has prepared me for the challenge and responsibility of joining the TVA board.

Mr. Chairman and members of this committee, I welcome the opportunity to be considered to serve on the TVA Board of Directors and to assist the TVA to continue to fulfill its mission of service to the people of the Tennessee Valley.

I appreciate your consideration of my nomination and thank you, once again, for the opportunity to be here today. I look forward to the opportunity to address questions.

Thank you, Mr. Chair.

[The prepared statement of Mr. Noland follows:]

Senator Braun. Thank you.

Ms. Crytzer.

STATEMENT OF KATHERINE CRYTZER, NOMINEE TO BE INSPECTOR GENERAL,
TENNESSEE VALLEY AUTHORITY

Ms. Crytzer. Chairman Braun, Ranking Member Whitehouse, and distinguished members of this Committee, thank you for the opportunity to appear before you today and for making today's hearing possible under the circumstances.

I would also like to thank the President for nominating me to serve as the Inspector General of the Tennessee Valley Authority. I am honored. I am grateful to Senator Alexander and Senator Blackburn for their support of my nomination. For decades, Senator Blackburn and Senator Alexander have fought hard for Tennesseans, and it is both humbling and inspiring that they have placed their trust in me to do the same.

I would also like to thank my family, friends, and colleagues for their support. First and foremost, I want to thank my husband, Joe Oliveri. Joe is a brilliant lawyer and my rock.

I also specifically want to thank my mother, Karen Crytzer, who is watching this hearing electronically from our family home in Knoxville, Tennessee. My mom is a strong woman and she is the most bighearted person I know.

I also want to recognize my father, Jim Crytzer, who passed away unexpectedly six years ago. My father was an auditor, first for the Army and then for the Office of Inspector General

at the Department of Energy in Oak Ridge, Tennessee. My family moved to Tennessee 25 years ago, and no matter how far I have traveled away since then, I have always come home to east Tennessee.

Growing up, my parents instilled in me and my siblings a respect for service, the importance of integrity and fair dealing, and a steadfast appreciation for precision and details. Those are important values that continue to guide my life and work today.

For the last six years, I have had the privilege of serving at the Department of Justice. For me, public service is a higher calling. The day I was sworn in as an Assistant United States Attorney is one I will not forget. That day, in front of my colleagues, I took a solemn oath to support and defend the Constitution of the United States. I committed to doing justice.

Every day in my work at the Department, I strive to be independent and objective, to do justice. As an AUSA, I led criminal and civil fraud investigations and audits in a fair, impartial, and meticulous fashion. We followed the facts where they led us and applied the relevant law to the facts as we found them, without interference or favor.

In my office at the Justice Department, I keep a piece of paper posted above my computer. That piece of paper reads: "Far

and away the best prize that life offers is the chance to work hard at work worth doing." President Theodore Roosevelt delivered these words in 1903, before the Tennessee Valley Authority was created, but they still ring true today. Those words stand as a constant reminder to seek out the hard work that is truly worth doing.

That is what led me to serve at the Department of Justice, and it is what brings me here today. In the Tennessee Valley Authority Act, Congress charged the TVA with a unique mission, to improve the quality of life for the people of the Tennessee Valley through technical innovation, the provision of low-cost power, and environmental stewardship. TVA's effectiveness depends on public trust. That trust must be earned and maintained. It can be lost forever on any day, at any moment.

By conducting rigorous oversight, the Office of Inspector General plays a critical role in ensuring that the TVA continues to foster and earn the public's trust. I would be honored to lead the Office of Inspector General's crucial work to prevent and detect waste, fraud, and abuse within TVA.

If I am fortunate enough to be confirmed, I will remain independent and impartial in my undertakings, including audits, evaluations, and investigations. I will act with integrity and be a fair and honest dealer. I am committed to the rule of law. I promise to work hard to make the Tennessee Valley Authority

more efficient, effective, and accountable, so that it can make life better for the people of the Tennessee Valley, my family included. To return to the words of President Roosevelt, that is certainly work worth doing.

Thank you again for the opportunity to appear before you today. I appreciate your consideration of my nomination, and I look forward to answering your questions.

[The prepared statement of Ms. Crytzer follows:]

Senator Braun. Thank you.

Before we take questions from members of the subcommittee, I have to ask the following questions that we ask of all nominees on behalf of the committee. Do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities?

Ms. Harwell. Yes, sir.

Ms. Crytzer. I do.

Mr. Noland. I do.

Senator Braun. Do you agree to ensure that testimony, briefings, documents, and electronic and other forms of information are provided to this committee and its staff and other appropriate committees of jurisdiction in a timely manner?

Ms. Harwell. Yes, sir.

Mr. Noland. Yes, sir, I will.

Ms. Crytzer. I do.

Senator Braun. Do you know of any matters which you may or may not have disclosed that might place you in any kind of conflict of interest if you are confirmed?

Ms. Harwell. No, sir.

Mr. Noland. No, sir.

Ms. Crytzer. No.

Senator Braun. Thank you for the responses.

I will begin the questioning by recognizing myself for five minutes. The first question will be for Dr. Harwell, after I go through this opener.

As I noted during my opening statement, the TVA has received one of the first early site permits from the U.S. Nuclear Regulatory Commission to construct a small modular nuclear reactor. This permit marks a milestone in our Nation's efforts to deploy advanced nuclear technologies.

Question for Dr. Harwell. How should the TVA, as a federal organization, support innovative federal infrastructure projects while providing reliable, affordable, clean energy to TVA ratepayers?

Ms. Harwell. Sir, thank you for the question. TVA does in fact have a very diverse portfolio. As you mentioned, nuclear energy plays a very important role in that. You mentioned the permits that have been issued, and I think they continue to lead the way in not only investment but innovation to bring new technology and also make sure that technology is safe, always within the back of their minds what is best for the ratepayers.

Senator Braun. Thank you.

Dr. Noland, do you believe that the TVA has an obligation to continue leading the energy sector in making these

investments?

Mr. Noland. Mr. Chair, I do. I feel that it is important that the TVA continue work to diversify its portfolio deliverables. Central to that is work within the nuclear space. There are a number of opportunities that are underway. You have referenced the opportunity for modular reactors. If confirmed to the board, I look forward to the opportunity to help lead those efforts and be a part of that strategic perspective envisioned from the board.

Senator Braun. A follow-up question for each one of you before I get to Ms. Crytzer. How long do you envision until we will have the first modular advanced nuclear reactor up and running in your grid?

Ms. Harwell. Senator, I appreciate the question. I am not sure that I am capable of answering that question. But I know that the sooner, the better.

Mr. Noland. Mr. Chair, I concur with that response. I do not have the particulars related to that matter. But I am confident that staff will push forward with due speed.

Senator Braun. Very good.

Ms. Crytzer, the TVA Inspector General is a unique role, as a nominee is tasked with ensuring the agency is meeting both the needs of local ratepayers, but also serving the best interests of the Nation as a whole. Your experience prosecuting fraud

cases as the Assistant U.S. Attorney in Kentucky gives you a perspective from the other side of these investigations. The first question is, how does your experience as an Assistant U.S. Attorney prepare you particularly for this role?

Ms. Crytzer. Senator, one of the most important things about the Inspector General position is its transparency, its objectiveness, and its independence. As an Assistant United States Attorney, I was able to practice all three of those qualities in working investigations through to indictment and ultimately to prosecution.

Senator Braun. Are there any particular cases in your span of time that come to mind that would be especially applicable to what you see ahead in this role?

Ms. Crytzer. Senator, one investigation, it was actually the last case that I tried before coming to the Department of Justice to work, was the case United States v. Lonnie Hubbard. I think it is a good example of how in the U.S. Attorney's office, you have a multidisciplinary approach. For that investigation, we had auditors, investigators, we had special agents. We even had folks from the pharmacy board working with us.

We took that case from a large set of facts, spreading really from Ohio down to Florida, and figured out how to put that case together, how to charge that case, and how to be

effective in stopping the bad conduct that was ongoing.

Senator Braun. Thank you.

Senator Whitehouse?

Senator Whitehouse. Thanks, Chairman Braun, and thanks to all the witnesses for being here. I appreciate it.

To follow up on Senator Braun's questions about nuclear power, one of our goals, as you may know, this is the Environment and Public Works Committee, that has pushed very hard and worked in very bipartisan fashion to reform the Nuclear Regulatory Commission, so that innovative nuclear strategies can be approved and cleared and brought online safely.

One of our goals in doing this together has been to work toward technologies that present the prospect of allowing us to re-use spent nuclear fuel. Now, because the TVA has had old line nuclear plants online for some time, it has nuclear waste stored at two of its facilities. I wanted to flag for both President Noland and for Speaker Harwell that I think in most accounting, that would be a pretty significant liability as you are developing nuclear technologies for TVA and encouraging the development of those technologies.

I hope that you will keep an eye on the prospect for the latest generation of nuclear technologies, to actually take that waste on your facilities and turn them into a valuable electricity providing product.

Ms. Harwell. I would certainly do that, to be committed to that.

Mr. Noland. I would also be committed to that, and look forward to learning more about that technology.

Senator Whitehouse. Another concern that I have is that particularly around the State House and around Congress, the fossil fuel industry kind of can't help itself but to try to meddle politically, even in market decisions. I would like to have both of the two board members' assurances that if the fossil fuel industry comes peddling political schemes that are not in the best interests of the TVA ratepayers, do not contribute to security and low rates, that they will not be treated favorably by you as a board member.

Ms. Harwell. I will commit to that, sir.

Mr. Noland. You also have my commitment, and would note the fact that TVA has pledged to hold rates constant through the close of this decade. Much of their ability to do so is their focus on efficiencies and a diversified portfolio.

Senator Whitehouse. Yes, and I think the risks that come with continuing to release carbon emissions are ones that will have effect throughout the TVA service area if we don't get ahead of it. It is usually kept off the books, it is what is called a negative externality in economics talk. But I hope that as board members, you will be aware of negative

externalities as well as things that are formally on your books.

Ms. Harwell. Yes, sir.

Mr. Noland. Yes, sir.

Senator Whitehouse. And Ms. Crytzer, welcome. I did a few years in the Department of Justice as our United States attorney. So I am glad to see somebody from the Department of Justice in this position.

Unfortunately, in this Administration, we are seeing a very, to me, concerning view of what an inspector general is supposed to be. As soon as one becomes the least bit difficult or controversial, they seem to be run out the door, sending a message to all inspectors general to go along to get along.

It is not, in my view, that the role of inspectors general that they are there to go along to get along, particularly politically. They are there to do a hard job, answer difficult questions, investigate fairly and get good results for the ratepayers and for the board.

Do you agree with that sentiment, and do you have any concerns about the way the Administration is treating inspectors general, specifically when you allow that treatment to pull you back in the performance of your duties?

Ms. Crytzer. Senator, as I mentioned earlier to Chairman Braun, one of the most important qualities for an inspector general is that he or she be independent and objective. It is

right there in the Inspector General Act. If I were fortunate enough to be confirmed, I intend to do my job independent and objectively, without any undue influence.

Senator Whitehouse. Let me close out my time with a word about Senator Alexander, who supported all of your nominations. He has been instrumental in all of the TVA nominations during the 10 plus years that I have been in the Senate. I suspect, given the timing, that you will be the last TVA nominees that Senator Alexander has this role in supporting, because of his announced retirement from the Senate.

I just wanted to take a moment to say that it has been a pleasure working with him. He is a man of great honor and dignity. I think he has served the Country and the TVA well with people who he has recommended and supported. So on this occasion, for Senator Alexander, a compliment from his friend, and best wishes.

Senator Braun. Thank you, Senator.

Senator Boozman.

Senator Boozman. Thank you, Mr. Chairman. I want to echo what my friend, Senator Whitehouse, said about Senator Alexander and the fact that he has worked so hard in regard to this agency. It is so important for that region of the Country. Coming from Arkansas, adjacent, I understand the significance in everything it does. Again, I also want to commend Senator

Alexander for all he has done through the years in a very, very positive way. Not only with that issue, but so many others.

Ms. Harwell, tell me, now, my experience is that things work best when the Federal Government gets along with the people they serve, local government and all the stakeholders. You have had a lot of experience in State government. Tell me how you feel like that you are in a position to do that in a good way.

Ms. Harwell. Thank you, Senator. Indeed, my experience as both a House member and then speaker of the House led me to understand just how important it is to have a good working relationship with not only federal officials, but certainly other State officials, and then that government that is closet to the people, the county and city officials.

So throughout my time in service in State government, I have prided myself on having a good working relationship with my colleagues in government.

Senator Boozman. Good. Ms. Harwell, Mr. Noland, TVA has a responsibility to the region it serves to continue to provide reliable, affordable electricity. That is balanced out, though, with maintaining high standards with regard to the environment, continuing to manage all the resources under their care in a professional, responsible manner.

How do you see TVA balancing keep rates low, while still providing safe and reliable electricity?

Mr. Noland. Senator, I think the work that TVA has put in place over the course of the past couple of years chart a path forward for the future. TVA has made a commitment to ensure that it does not increase rates for the remainder of the decade. It has also put in place a series of accountability and stewardship elements that are central to the activities of the board.

As board members, we help to frame and shape a vision for the organization, and then to hold its executives accountable for moving in that direction. I look forward to being a part of that, to learning more about those opportunities.

But I have also had the direct opportunity to see the benefits of TVA up close and personal. The economic development work that occurs in our area is central to the future of rural communities all across the south. I also have had the chance to benefit personally from the amenities of many of the recreational opportunities that affords.

All those elements together create an entity that is vital for the future of our region of this Country.

Senator Boozman. Thank you.

Ms. Crytzer, I really don't have any questions for you, but I did enjoy visiting with you and talking to you at length about your responsibilities in the future. I appreciate you, I appreciate Ms. Harwell and Mr. Noland, for your willingness to

serve. This is something that, these aren't glamorous positions. But they are so, so very important, and really the underpinning of our economy, the underpinning of the region, of that part of the Country.

So we do appreciate your service and your willingness to serve, and look forward to supporting all of you as we go forward through the process.

Ms. Crytzer. Thank you, Senator.

Senator Boozman. Thank you.

Senator Braun. Thank you, Senator Boozman.

Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

I can just barely see you out there.

[Laughter.]

Senator Carper. Any of you from Tennessee, is that what I understand? My wife grew up in Boone, North Carolina, in western North Carolina. She owns, we own, a farm in Zionville, North Carolina. If you drive west out of Boone, you drive into Tennessee, turn around and come back into North Carolina, you go to her farm. She went to Appalachia State as an undergrad, she went to University of Tennessee for graduate school. So we feel some kinship to all of you.

I thank you for your willingness to take on these responsibilities, which I think are important responsibilities.

I must say, in terms of the kind of progress that has been made at TVA with respect to the mix of energy sources that they rely upon, and they still produce some electricity, as we know, with coal and fossil fuels, but a whole lot with hydro and a growing amount, still a fair bit with nuclear, which I think is appropriate. But some growing commitment and investment in renewables, too.

Let me just ask, if I can, Ms. Harwell, I feel like I should call you Speaker. People ask me what they should call me, I have been a treasurer, Congressman, Governor, Senator, and retired Navy captain. People ask me what they should call me, and I say, "Excellency."

[Laughter.]

Senator Carper. So what should people call you?

Ms. Harwell. Senator, Ms. Harwell is just fine.

Senator Carper. All right, Ms. Harwell. If you had to say there is one overarching goal that you would have if confirmed to serve, what would be something you would be thrilled to be able to accomplish as a member of this body?

Ms. Harwell. Well, I think it would mean a great deal to me to ensure that TVA keeps heading in the right direction, trending the right way when it comes to its fiscal house. If you don't have your financial house in order, it is hard for you to live up to your other opportunities that would exist.

So I am pleased that they have a plan both for debt reduction and to reform their pension program. It would be my commitment as a board member to monitor that and I would be very pleased to see TVA continue to get sounder footing in its financial conditions.

Senator Carper. Dr. Noland, same question. What would be, at least initially, your greatest desire to accomplish, be part of accomplishing?

Mr. Noland. Senator, thank you for that question. I enjoyed our conversation the other day, with the story of your "Excellency" title.

Senator Carper. As did I.

Mr. Noland. With respect to an overarching goal, it would be the opportunity to play a small role in the continuation of the mission of the TVA to improve the quality of life for the people of our region. As you look across the rural south, there are communities that are being left behind in a rapidly changing economic world. The opportunity for TVA to play a role in economic development, job recruitment and business expansion in rural areas of the south is something that I would look forward to the opportunity to play a small role in.

Senator Carper. All right, thank you.

Ms. Crytzer, if I could, how are you today? Welcome. Very nice to see you.

In recent weeks, our President has fired or removed, I think, a number of investigators general who were investigating his Administration. His actions, for me at least, send a troubling message to the remaining inspectors general that we have. They play an important role, as you know, in the system of checks and balances on which literally our democracy relies.

In the last two months, I think the President has fired the IG for the Intelligence Committee, Michael Atkinson, for his involvement with the Ukraine whistleblower complaint. He has replaced the Acting Defense Department IG, Glenn Fine, who was highly regarded. He was voted, in fact, by his peers to chair the Watchdog Panel overseeing the COVID-19 stimulus funds, but he fired him.

The President has replaced the Acting Inspector General for the Department of Health and Human Services, Christi Grimm, soon after she released her report on COVID-19 hospital supply shortages and testing delays. And he announced, just this past Friday night, he was firing the Inspector General of the State Department, Steve Linick, reportedly for opening an investigation into whether Secretary Pompeo and his wife were using State Department employees inappropriately.

So I would have a question for you, not a trick question, but just looking for an honest answer. I have these core values that sort of guide me in my life, you probably do too. And for

me, the first one is, figure out the right thing to do, and not what is easy, not what is expedient, but what is right, and just try to do what is right. The second is, embrace the Golden Rule, treat other people the way we want to be treated. The third is focus on excellence in everything we do, if it isn't perfect, make it better. Finally, just don't give up. Just don't give up.

And with respect to, different people have different views of what is right or wrong, but I would, I don't mean to put you on the spot, but honestly tell us, do you think it is okay to remove inspectors general from their jobs simply because they aggressively and independently pursue evidence of wrongdoing, even if that wrongdoing is conducted at the highest political levels?

Ms. Crytzer. Senator, the most important aspect of an inspector general is that someone be independent and objective. I don't know the full situation for each of those instances that you have mentioned. But what I can commit to you today is that if I am fortunate enough to be confirmed, I will do my job to the best of my abilities, consistent with the Inspector General Act, and that includes independence and objectivity.

Senator Carper. Good. Just another similar question, just to go down that path a little further. Do you think it is okay for the President to subject inspectors general to public

attacks on their credibility, on their independence, on their professionalism, simply because the report information that is inconsistent with the President's narrative?

Ms. Crytzer. Senator, again, I am not familiar with all the facts in the situation that you have just mentioned. But what I can tell you is that if I were fortunate enough to be confirmed, I would do this job objectively and with independence. And I wouldn't let undue influence affect the way that I do my work.

Senator Carper. Okay.

Back to Dr. Harwell and Dr. Noland. I have been on this committee now for 19 years. I have always encouraged folks who have been nominated to serve on TVA to endeavor to make TVA an industry leader when it comes to clean energy, energy efficiency, and safety.

Last year, TVA reported that it was on target to reduce carbon emissions by 70 percent from 2005 levels by 2030, without "impacting reliability or adversely increasing power rates." That is a laudable goal.

But I challenge TVA to go even further. Our Nation needs to be at what we describe as net zero emissions by no later than 2050, or we are not going to meet the climate goals that are set for us and for our planet.

I don't ask a lot of yes or no questions, but I will ask

both of you a yes or no question. That would be, if confirmed, do you commit to continuing clean energy investments and ensuring that TVA is a national leader in technological innovation and environmental stewardship? Yes or no?

Ms. Harwell. Yes, sir, I will.

Senator Carper. Thanks very much.

Mr. Noland. Senator, yes, sir, I will.

Senator Carper. All right, thanks very much. TVA's 2019 integrated resource plan calls for a significant expansion in solar energy of up to 14 gigawatts by 2038. You all will still be serving, I am sure, on the TVA then. So this is germane. If confirmed, do you commit to fostering and supporting solar investments in the Tennessee Valley and at TVA? And if so, how might you do that? Dr. Noland, would you like to go first?

Mr. Noland. Senator, thank you for that question. I would echo your comments regarding the positive directions of that commitment. In fact, there was a story in the Johnson City Press earlier this week that talked about the first TVA solar farm in Washington County, which is the county that I call home. At our institution, there are more than five buildings on our campus that have solar panels on the roofs, so that demonstrates my personal commitment to renewable energy, all of which have been installed during my tenure as president. I would look forward to taking those local initiatives across the areas

served by the TVA.

Senator Carper. Okay. Same question for Dr. Harwell.

Ms. Harwell. Yes, sir, I would commit to that, with always, in the back of my mind, concern for the ratepayers.

Senator Carper. How would you go about doing that? I appreciate the commitment. But how might you go about doing that?

Ms. Harwell. Well, I think the TVA has taken the first step by holding rates steady for a decade, especially during this very challenging time. That is important.

Senator Carper. When I say doing that, I asked you if you would be committed to fostering and supporting solar investments in the Tennessee Valley, TVA, that is what I asked. The question was, how would you go about doing that?

Ms. Harwell. Well, I think it is new, it depends on the geography, the area that we are talking about. But I certainly think that I would commit to encouraging the staff to look into the possibilities of expanding solar energy.

Senator Carper. All right, thank you.

Dr. Harwell, let me just ask one more question. Dr. Harwell, do you question the conclusions of the issued Fourth National Climate Assessment, and also GAO reports that state our economy is at risk if we do not take climate actions? And if so, why?

Ms. Harwell. I do believe that the climate is changing and I do think that we need to be aware of it, and further scientific study needs to be enacted. But I am committed, as I believe the TVA is, to lower their emissions.

Senator Carper. All right, thank you.

Mr. Chairman, I think my time has expired. What do you think, more than expired?

Senator Braun. I gave you a lot of time.

Senator Carper. You really did, I am grateful. Thanks so much. I owe you one.

Senator Braun. You are welcome.

Senator Carper. Thank you all. Thank you.

Senator Braun. If there are no further questions for today, members may also submit follow-up questions for the record by 4:00 p.m. on Friday the 22nd. The nominees should respond to those written questions by 4:00 p.m. on Thursday, May 28th.

I want to thank you all for the willingness to appear before this subcommittee today. This hearing is adjourned.

[Whereupon, at 3:59 p.m., the hearing was adjourned.]