119TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
119–140

TENNESSEE VALLEY AUTHORITY TRANSPARENCY ACT OF 2025

JUNE 5, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRAVES, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1373]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1373) to require certain meetings of the Tennessee Valley Authority to be transparent and open to the public, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

59–006

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tennessee Valley Authority Transparency Act of 2025".

SEC. 2. TRANSPARENCY AND AVAILABILITY OF MEETINGS.

Section 2(g)(2) of the Tennessee Valley Authority Act of 1933 is amended to read as follows:

"(2) MEETINGS.—

"(A) IN GENERAL.—The Board shall meet at least 4 times each year.

"(B) TRANSPARENCY.—

"(i) OPEN MEETINGS.—For purposes of applying the requirements of section 552b of title 5, United States Code, to the Board, the term 'meeting' shall include all deliberations of the members of the Board, a committee of the Board, and a subcommittee of the Board, including any such deliberations that are not scheduled for the purpose of taking an action that will determine or result in the joint conduct or disposition of official business of the Corporation, notwithstanding subsection (a)(2) of such section.

"(ii) NOTICE OF MEETINGS.—

"(I) PUBLICATION.—For purposes of section 552b of title 5, United States Code, public announcement of meetings shall include publication on the website of the Board.

"(II) EMERGENCY MEETINGS.—Notwithstanding section 552b(e)(1) of title 5, United States Code, the requirement to make public announcement at least one week prior to a meeting shall not apply if the chairman of the Board designates the meeting as an emergency special meeting.

"(iii) PUBLICLY AVAILABLE INFORMATION.—The Board shall publish on the website of the Board any information required to be disclosed or made available to the public, or publicly certified, under section 552b of title 5, United States Code.

"(iv) EXEMPTIONS.—For purposes of applying section 552b of title 5, United States Code, to any portion of a meeting of the Board, and to any information pertaining to such portion of a meeting, the Board may make a determination in accordance with such section not to disclose to the public under such section the following information:

"(I) Information containing or relating to power availability requests.

"(II) Information containing or relating to contract negotiations, including labor relations and procurement actions, the disclosure of which would imperil or compromise the competitive position of the Corporation.".

PURPOSE OF LEGISLATION

The purpose of H.R. 1373, as amended, is to require certain meetings of the Tennessee Valley Authority (TVA) to be transparent and open to the public, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

TVA is an independent government corporation that provides power generation, flood control, and land management services to the Tennessee River Valley region.[1] TVA was originally authorized in the *Tennessee Valley Authority Act of 1933 (TVA Act)*.[2]

Section 2 of the *TVA Act* establishes a TVA Board of Directors (TVA Board) and outlines the duties and obligations of the TVA Board in the operations of the TVA.[3] Certain TVA Board meetings are subject to the open meetings requirements of the *Government in the Sunshine Act*, which aims to ensure accountability and

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[1] H. COMM. ON TRANSP. & INFRASTRUCTURE, JURISDICTION AND ACTIVITIES OF THE SUBCOMM. ON WATER RES. AND ENVIRONMENT, 119TH CONG., (2025) (on file with Comm.) [hereinafter JURISDICTION AND ACTIVITIES REPORT].

[2] *Tennessee Valley Authority Act of 1933*, Pub. L. No. 73–17, 48 Stat. 58 (codified as amended in scattered sections of 16, 40, & 50 U.S.C.).

[3] See 16 U.S.C. 831a.

transparency in government meetings.[4] H.R. 1373, as amended, amends the *TVA Act* to further clarify which TVA Board meetings are subject to such public disclosure and open meetings requirements by explicitly expanding the definition to include deliberative meetings for which a vote is not scheduled. In addition, H.R. 1373, as amended, requires that TVA publish notice of meetings subject to the *Government in the Sunshine Act* online.

In recent years TVA has taken certain voluntary steps to increase meeting transparency, such as publishing minutes, presentations, and videos of TVA Board meetings for which a vote was scheduled on its website.[5] H.R. 1373, as amended, codifies some of these actions, and builds upon them by requiring information required to be disclosed under the *Government in the Sunshine Act* to be published on the TVA Board website.

Additionally, H.R. 1373, as amended, provides exceptions for TVA Board meetings or portions of such meetings that pertain to sensitive and confidential information relating to power availability requests, contract negotiations, and other exceptions as laid out under the *Government in the Sunshine Act*. H.R. 1373, as amended, also exempts emergency meetings of the TVA Board from the seven-day public notice requirement.

H.R. 1373, as amended, ensures that the TVA Board remains accountable and transparent to constituents, while not endangering its competitive status and ability to provide power to the Tennessee Valley region.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 119th Congress, no hearing was used to develop or consider H.R. 1373, as amended.

In the 118th Congress, the Subcommittee on Water Resources and Environment held a hearing entitled, "*Review of Fiscal Year 2024 Budget Request: Agency Perspectives (Part I)*." This hearing provided Members with an opportunity to conduct oversight and review the President's Fiscal Year 2024 Budget Request, as well as the Administration's program priorities within the jurisdiction of the Subcommittee on Water Resources and Environment. At the hearing, the Subcommittee received testimony from the Honorable Michael L. Connor, Assistant Secretary of the Army for Civil Works, Department of the Army; Major General William "Butch" H. Graham, Deputy Chief of Engineers and Deputy Commanding General, United States Army Corps of Engineers; Mr. Jeff Lyash, President and Chief Executive Officer, Tennessee Valley Authority; and Mr. Adam Tindall-Schlicht, Administrator, Great Lakes St. Lawrence Seaway Development Corporation.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 1373, the "*Tennessee Valley Authority Transparency Act*", was introduced in the United States House of Representatives on February 14, 2025, by Mr. Burchett of Tennessee, with Mr. Cohen

[4] *Government in the Sunshine Act*, Pub. L. No. 94–409, 90 Stat. 1241 (1976) (codified at 5 U.S.C. ch. 5, subch. II, § 522b).

[5] *See e.g.*, TENNESSEE VALLEY AUTHORITY, Meetings Archive, *TVA Board Meeting—November 7, 2024* (Nov. 7, 2024), *available at* https://www.tva.com/about-tva/our-leadership/board-of-directors/meetings-archive/2024/11/07/default-calendar/tva-board-meeting---november-7--2024.

of Tennessee as an original cosponsor, and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 1373 was referred to the Subcommittee on Water Resources and Environment. The Subcommittee on Water Resources and Environment was discharged from further consideration of H.R. 1373 on April 2, 2025.

The Committee considered H.R. 1373 on April 2, 2025, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote.

The following amendment was offered:

An Amendment in the Nature of a Substitute to H.R. 1373, offered by Mr. McDowell on behalf of Mr. Burchett, was AGREED TO by voice vote.

Committee Votes

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were requested during consideration of H.R. 1373.

Committee Oversight Findings and Recommendations

With respect to the requirements of clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

Congressional Budget Office Cost Estimate

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the enclosed cost estimate for H.R. 1373, as amended, from the Director of the Congressional Budget Office:

Legislation Considered Under Suspension of the Rules

The Majority Leader of the House of Representatives announces bills that will be considered under suspension of the rules in that chamber. Under suspension, floor debate is limited, all floor amendments are prohibited, points of order against the bill are waived, and final passage requires a two-thirds majority vote.

At the request of the Majority Leader and the House Committee on the Budget, CBO estimates the effects of those bills on direct spending and revenues. CBO has limited time to review the legislation before consideration. Although it is possible in most cases to determine whether the legislation would affect direct spending or revenues, time may be insufficient to estimate the magnitude of those effects. If CBO has prepared estimates for similar or identical legislation, a more detailed assessment of budgetary effects, including effects on spending subject to appropriation, may be included.

EFFECTS ON DIRECT SPENDING AND REVENUES OF LEGISLATION CONSIDERED UNDER SUSPENSION OF THE RULES IN THE HOUSE OF REPRESENTATIVES—WEEK OF JUNE 9, 2025

Bill No.	Title	Effect on Direct Spending	Effect on Revenues	Additional Information on Direct Spending and Revenue Effects	Link to Published Estimates	Suspension Bill Text at docs.house.gov
H.R. 188	Amtrak Transparency and Accountability for Passengers and Taxpayers Act, as amended.	None	None		https://www.cbo.gov/publication/61031	https://docs.house.gov/billsthisweek/20250609/h188_rh_xml.pdf
H.R. 248	Baby Changing on Board Act	None	None		https://www.cbo.gov/publication/61462	https://docs.house.gov/billsthisweek/20250609/h248_rh_xml.pdf
H.R. 252	Secure Our Ports Act, as amended	None	None			https://docs.house.gov/billsthisweek/20250609/h252_rh_xml.pdf
H.R. 1182	Compressed Gas Cylinder Safety and Oversight Improvements Act of 2025.	None	None		https://www.cbo.gov/publication/61275	https://docs.house.gov/billsthisweek/20250609/H1182_RH_xml.pdf
H.R. 1373	Tennessee Valley Authority Transparency Act of 2025, as amended.	None	None			https://docs.house.gov/billsthisweek/20250609/H1373_RH_xml.pdf
H.R. 1948	To authorize the International Boundary and Water Commission to accept funds for activities relating to wastewater treatment and flood control works, and for other purposes.	Reduce by Less Than $500K.	None		https://www.cbo.gov/publication/61358	https://docs.house.gov/billsthisweek/20250609/h1948_rh_xml.pdf
H.R. 2035	American Cargo for American Ships Act	Increase by Less Than $500K.	None			https://docs.house.gov/billsthisweek/20250609/H2035_RH_xml.pdf
H.R. 2351	To direct the Commandant of the Coast Guard to update the policy of the Coast Guard regarding the use of medication to treat drug overdose, and for other purposes.	None	None		https://www.cbo.gov/publication/61446	https://docs.house.gov/billsthisweek/20250609/h2351_rh_xml[1].pdf
H.R. 2390	Maritime Supply Chain Security Act	None	None		https://www.cbo.gov/publication/61437	https://docs.house.gov/billsthisweek/20250609/h2390_rh_xml.pdf
H. Res. 137	Designating the House Press Gallery (Rooms H–315, H–316, H–317, H–318, and H–319 of the United States Capitol) as the ''Frederick Douglass Press Gallery'', as amended.	None	None			https://docs.house.gov/billsthisweek/20250609/HR137_RH_xml.pdf

H. Res. _	Denouncing the antisemitic terrorist attack in Boulder, Colorado..	None	None			https://docs.house.gov/billsthisweek/20250609/H%20Res%20%20(Evans).pdf
H. Res. _	Condemning the rise in ideologically motivated attacks on Jewish individuals in the United States, including the recent violent assault in Boulder, Colorado, and reaffirming the House of Representatives commitment to combating antisemitism and politically motivated violence.	None	None		https://docs.house.gov/billsthisweek/20250609/H%20Res%20%20(Van%20Drew).pdf.	

Source: Congressional Budget Office.

Performance Goals and Objectives

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to maintain effective Congressional oversight over entities within the federal government by requiring TVA to file a report to Congress on TVA employees at the management level or above making the maximum rate for GS–15, or more.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 1373, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Congressional Earmarks, Limited Tax Benefits, and Limited Tariff Benefits

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

Federal Mandates Statement

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* (Public Law 104–4).

Preemption Clarification

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 1373, as amended, does not preempt any state, local, or tribal law.

Advisory Committee Statement

No advisory committees within the definition of Section 5(b) of Public Law 92–463 (5 U.S.C. 1004(b)), are created by this legislation.

Applicability to Legislative Branch

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides the short title of the bill as the "*Tennessee Valley Authority Transparency Act of 2025*."

Section 2. Transparency and availability of meetings

This section clarifies the scope of meetings of the TVA Board, Committees of the Board, and Subcommittees of the Board that are subject to public meetings requirements. This section also requires certain public information to be published on the website of the Board and outlines limited exceptions to public disclosure requirements.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TENNESSEE VALLEY AUTHORITY ACT OF 1933

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SEC. 2. MEMBERSHIP, OPERATION, AND DUTIES OF THE BOARD OF DIRECTORS.

(a) MEMBERSHIP.—

(1) APPOINTMENT.—The Board of Directors of the Corporation (referred to in this Act as the "Board") shall be composed of 9 members appointed by the President by and with the advice and consent of the Senate, at least 7 of whom shall be a legal resident of the service area of the Corporation.

(2) CHAIRMAN.—The members of the Board shall select 1 of the members to act as chairman of the Board.

(b) QUALIFICATIONS.—To be eligible to be appointed as a member of the Board, an individual—

(1) shall be a citizen of the United States;

(2) shall have management expertise relative to a large for-profit or nonprofit corporate, government, or academic structure;

(3) shall not be an employee of the Corporation;

(4) shall make full disclosure to Congress of any investment or other financial interest that the individual holds in the energy industry; and

(5) shall affirm support for the objectives and missions of the Corporation, including being a national leader in technological innovation, low-cost power, and environmental stewardship.

(c) RECOMMENDATIONS.—In appointing members of the Board, the President shall—

(1) consider recommendations from such public officials as—

(A) the Governors of States in the service area;

(B) individual citizens;

(C) business, industrial, labor, electric power distribution, environmental, civic, and service organizations; and

(D) the congressional delegations of the States in the service area; and

(2) seek qualified members from among persons who reflect the diversity, including the geographical diversity, and needs of the service area of the Corporation.

(d) TERMS.—

(1) IN GENERAL.—A member of the Board shall serve a term of 5 years. A member of the Board whose term has expired may continue to serve after the member's term has expired until the date on which a successor takes office, except that the member shall not serve beyond the end of the session of Congress in which the term of the member expires.

(2) VACANCIES.—A member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the predecessor of the member was appointed shall be appointed for the remainder of that term.

(e) QUORUM.—

(1) IN GENERAL.—Five of the members of the Board shall constitute a quorum for the transaction of business.

(2) VACANCIES.—A vacancy on the Board shall not impair the power of the Board to act.

(f) COMPENSATION.—

(1) IN GENERAL.—A member of the Board shall be entitled to receive—

(A) a stipend of—

(i) $45,000 per year; or

(ii)(I) in the case of the chairman of any committee of the Board created by the Board, $46,000 per year; or

(II) in the case of the chairman of the Board, $50,000 per year; and

(B) travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5, United States Code.

(2) ADJUSTMENTS IN STIPENDS.—The amount of the stipends under paragraph (1)(A) shall be adjusted by the same percentage, at the same time and manner, and subject to the same limitations as are applicable to adjustments under section 5318 of title 5, United States Code.

(g) DUTIES.—

(1) IN GENERAL.—The Board shall—

(A) establish the broad goals, objectives, and policies of the Corporation that are appropriate to carry out this Act;

(B) develop long-range plans to guide the Corporation in achieving the goals, objectives, and policies of the Corporation and provide assistance to the chief executive officer to achieve those goals, objectives, and policies;

(C) ensure that those goals, objectives, and policies are achieved;

(D) approve an annual budget for the Corporation;

(E) adopt and submit to Congress a conflict-of-interest policy applicable to members of the Board and employees of the Corporation;

(F) establish a compensation plan for employees of the Corporation in accordance with subsection (i);

(G) approve all compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) of all managers and technical personnel that report directly to the chief executive officer (including any adjustment to compensation);

(H) ensure that all activities of the Corporation are carried out in compliance with applicable law;

(I) create an audit committee, composed solely of Board members independent of the management of the Corporation, which shall—

(i) in consultation with the inspector general of the Corporation, recommend to the Board an external auditor;

(ii) receive and review reports from the external auditor of the Corporation and inspector general of the Corporation; and

(iii) make such recommendations to the Board as the audit committee considers necessary;

(J) create such other committees of Board members as the Board considers to be appropriate;

(K) conduct such public hearings as it deems appropriate on issues that could have a substantial effect on—

(i) the electric ratepayers in the service area; or

(ii) the economic, environmental, social, or physical well-being of the people of the service area;

(L) establish the electricity rates charged by the Corporation; and

(M) engage the services of an external auditor for the Corporation.

⟦(2) MEETINGS.—The Board shall meet at least 4 times each year.⟧

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(i) OPEN MEETINGS.—For purposes of applying the requirements of section 552b of title 5, United States Code, to the Board, the term "meeting" shall include all deliberations of the members of the Board, a committee of the Board, and a subcommittee of the Board, including any such deliberations that are not scheduled for the purpose of taking an action that will determine or result in the joint conduct or disposition of official

business of the Corporation, notwithstanding subsection (a)(2) of such section.

(ii) NOTICE OF MEETINGS.—

(I) PUBLICATION.—For purposes of section 552b of title 5, United States Code, public announcement of meetings shall include publication on the website of the Board.

(II) EMERGENCY MEETINGS.—Notwithstanding section 552b(e)(1) of title 5, United States Code, the requirement to make public announcement at least one week prior to a meeting shall not apply if the chairman of the Board designates the meeting as an emergency special meeting.

(iii) PUBLICLY AVAILABLE INFORMATION.—The Board shall publish on the website of the Board any information required to be disclosed or made available to the public, or publicly certified, under section 552b of title 5, United States Code.

(iv) EXEMPTIONS.—For purposes of applying section 552b of title 5, United States Code, to any portion of a meeting of the Board, and to any information pertaining to such portion of a meeting, the Board may make a determination in accordance with such section not to disclose to the public under such section the following information:

(I) Information containing or relating to power availability requests.

(II) Information containing or relating to contract negotiations, including labor relations and procurement actions, the disclosure of which would imperil or compromise the competitive position of the Corporation.

(h) CHIEF EXECUTIVE OFFICER.—

(1) APPOINTMENT.—The Board shall appoint a person to serve as chief executive officer of the Corporation.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—To serve as chief executive officer of the Corporation, a person—

(i) shall have senior executive-level management experience in large, complex organizations;

(ii) shall not be a current member of the Board or have served as a member of the Board within 2 years before being appointed chief executive officer; and

(iii) shall comply with the conflict-of-interest policy adopted by the Board.

(B) EXPERTISE.—In appointing a chief executive officer, the Board shall give particular consideration to appointing an individual with expertise in the electric industry and with strong financial skills.

(3) TENURE.—The chief executive officer shall serve at the pleasure of the Board.

(i) COMPENSATION PLAN.—

(1) IN GENERAL.—The Board shall approve a compensation plan that specifies all compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of

remuneration) for the chief executive officer and employees of the Corporation.

(2) ANNUAL SURVEY.—The compensation plan shall be based on an annual survey of the prevailing compensation for similar positions in private industry, including engineering and electric utility companies, publicly owned electric utilities, and Federal, State, and local governments.

(3) CONSIDERATIONS.—The compensation plan shall provide that education, experience, level of responsibility, geographic differences, and retention and recruitment needs will be taken into account in determining compensation of employees.

(4) POSITIONS AT OR BELOW LEVEL IV.—The chief executive officer shall determine the salary and benefits of employees whose annual salary is not greater than the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) POSITIONS ABOVE LEVEL IV.—On the recommendation of the chief executive officer, the Board shall approve the salaries of employees whose annual salaries would be in excess of the annual rate payable for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

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