Testimony of Jeffrey R. Holmstead
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on Environment and Public Works
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Thank you Chairman, Ranking Member, and distinguished members of the Committee for inviting me to participate in today's hearing.

My name is Jeff Holmstead. I am a partner in the law firm of Bracewell & Giuliani and have been the head of the firm's Environmental Strategies Group (ESG) since 2006. For almost 25 years, my professional career has been focused on policy, regulatory, and legal issues arising under the Clean Air Act. From 1989 to 1993, I served in the White House Counsel's Office as Associate Counsel to President George H.W. Bush. In that capacity I was involved in many of the discussions and debates that led to the passage of the 1990 Amendments to the Clean Air Act – and was then deeply involved in the initial efforts to implement the 1990 Amendments. From 2001 to 2005, I was the Assistant Administrator of EPA for Air and Radiation and headed the EPA Office in charge of implementing the Clean Air Act. I am well acquainted with the legal, policy, and practical issues associated with the Clean Air Act and efforts to regulate carbon and other greenhouse gases under the Act.

When not in the federal government, I have been an attorney in private practice, representing a wide variety of clients on Clean Air Act and other environmental issues. Since I joined Bracewell & Giuliani in 2006, I have worked primarily with companies and trade groups in the energy industry. My biggest clients are utilities, refineries, a coal producer, and several oil and gas companies.

In November of last year, the Obama Administration announced that it had reached a "landmark" climate change agreement with China, under which the U.S. would, by 2025, reduce its economy-wide greenhouse gas (GHG) emissions by 26% to 28% compared to a 2005 baseline. Then, in March of this year, the Administration made the same pledge to the international community in its so-called "Intended Nationally Determined Contribution (INDC)" as part of the upcoming Paris Conference. Secretary of State John Kerry, as well as other Administration officials, have referred to the 26% to 28% target as a "commitment" or a "pledge." March 31, 2015 press release from Secretary Kerry, http://www.state.gov/secretary/remarks/2015/03/240007.htm.

The Administration has said that it will meet this commitment by taking actions under current law and that no Congressional action will be needed. Surprisingly, the French Foreign Minister has said publicly that any agreement to be reached at the Paris Conference must be carefully crafted to avoid the need for any action by the U.S. Congress. *Climate deal must avoid US Congress approval, French minister says*, Associated Press, June 1st 2015, reprinted in the Guardian, http://www.theguardian.com/world/2015/jun/01/un-climate-talks-deal-us-congress. As of yet, however, it is unclear how the Administration could possibly fulfill its commitment to China and the rest of the international community without new legislation.

The Administration's Refusal to Explain How It Will Fulfil Its Commitment to Reduce U.S. GHG Emissions by At Least 26% by 2025

When the Administration announced its agreement with China last November, senior Administration took to the airwaves to tout the President's 26% to 28% commitment. EPA Administrator Gina McCarthy stated that the "entire target was based on a thorough interagency review of the available tools in each of the agencies -- the ones that are outlined in the Climate Action Plan, but also other tools and initiatives that could be teed up and brought to fruition quickly enough." *U.S.-China Climate Deal Will Create Some Stormy Political Weather,* Climate Wire (November 13, 2014). https://www.eenews.net/climatewire/stories/1060008834. White House Senior Advisors John Podesta and John Holdren wrote on the White House blog that the Administration's targets are "ambitious and achievable, grounded in an intensive analysis of what actions can be taken under existing law." https://www.whitehouse.gov/blog/2014/11/12/us-and-china-just-announced-important-new-actions-reduce-carbon-pollution. However, in the eight months since the U.S.-China announcement, the Administration has yet to release any documents that point to a "thorough interagency review" or any type of "intensive analysis." Despite requests from various outside observers, including a researcher from the Congressional Research Service, the Administration has refused to provide anything to disclose how it intends to meet its commitment – or even to show that a 26% reduction is plausible under existing law.

Independent analyses conducted by the Element VI Consulting, a consulting firm that works primarily on climate change issues, and World Resources Institute, a respected think tank, have analyzed the various actions that the Administration has taken or said it will take in the future to reduce emissions 26% to 28% and found that these actions fall far short of what is needed to meet this commitment. WRI's May 2015 report on the Administration's 26% target had the following to say: "To date…actions taken to implement the plan are not enough to get the United States to its 2020 or 2025 climate goals. To meet these goals, the country will need to strengthen and expand some of the actions already taken or proposed, *and* take action on additional sectors not yet addressed." (Emphasis added.) Clearly, there is disagreement over whether existing law will allow the U.S. to reach its goal. We know how Element VI Consulting and WRI reached their conclusions because their reports are publicly available. The same cannot be said of the Administration.

The Electric Reliability Coordinating Council (ERCC) has also commissioned a study of these same issues from Professor Bernard Weinstein, the Associate Director of the Maguire Energy Institute at Southern Methodist University (SMU) in Dallas, Texas. Professor Weinstein is an economist who served for almost 20 years as the Director of the Center for Economic Development and Research at the University of North Texas, where he is now an Emeritus Professor of Applied Economics. ERCC has asked Professor Weinstein to do an independent analysis of all the actions taken or proposed by the Obama Administration to evaluate the GHG emission reductions that they will achieve by 2025. It is expected that this study will be completed in the next several weeks, and I will submit it to this Committee as soon as it becomes available.

The Administration's lack of transparency is both surprising and troubling. In his remarks at the 2009 Copenhagen climate talks, President Obama said: "[W]e must have a mechanism to review whether we are keeping our commitments, and exchange this information

in a transparent manner." The White House Deputy Director for Climate Policy, Rick Dukes, spoke at a recent WRI climate change conference. During the public question and answer period, four different audience members asked Mr. Dukes when the Obama Administration was going to release the analysis showing how it developed its 26% to 28% pledge to China and the international community. There is obviously significant public interest in understanding how the Administration plans to achieve a 26% reduction by 2025. Mr. Dukes, amusingly, answered these questions by repeatedly saying that the Administration was committed to "transparency and accountability" but then refusing to say when – or even if – the Administration would release any type of document to show how the Administration came up with its 26% number. He would not even say whether such a document actually exists.

It is possible that the Administration does in fact have a plan that includes additional regulatory actions they have not yet announced. Given that the agricultural sector is responsible for significant greenhouse gas emissions that are not yet regulated, perhaps the Administration is planning to regulate this sector but does not want to announce this plan prematurely because it would be politically unpopular. If so, it is unfortunate that the Administration would refuse to disclose such a plan because such refusal prevents a thorough examination of the complex regulatory issues at hand. Stakeholders and the American public simply do not have the information they need to provide useful input or to raise concerns about the Administration's suggested approach.

Given what we now know, however, it seems more likely that the Administration simply does not have a plan for achieving even a 26% reduction in emissions by 2025. In my view, this is even more troubling, especially if other countries are counting on the U.S. commitment when they develop their own submissions for the upcoming Paris Conference. When a President makes a commitment on behalf of the United States, this is not something that should be taken lightly. I think most Americans would be concerned to learn that the President is making a commitment to the international community that he does not intend to meet. In international negotiations, a commitment by the President on behalf of the United States is different from a campaign promise, which is made in the heat of a campaign and which voters understand may not be fulfilled.

In my experience, when the President or the State Department enters into an agreement with other countries on an environmental issue, without seeking legislation to implement the agreement or the advice and consent of the Senate, this commitment is supported by a detailed analysis of how the commitment will be fulfilled under existing law. On the other hand, if other countries are taking the same approach as the Administration is apparently taking at the Paris Conference – and treating their INDCs as nothing more than aspirational goals – the Paris Conference will accomplish much less than meets the eye.

Serious Flaws with the Administration's Most Significant Climate Change Initiative

While major portions of the Administration's strategy remain unclear, we do know that the so-called "Clean Power Plan" (CPP) plays a central role. It appears that, of all the actions that the Administration has announced thus far, this is the one that is supposed to account for the largest emission reduction. This does not bode well for the Administration's 26% commitment because (1) the Clean Power Plan rests on shaky legal footing and is likely to be invalidated by

the courts; (2) it can easily be rescinded or modified by the next President; and (3) even if it passes legal muster and the next Administration chooses to implement it, many years of Clean Air Act history show that it simply cannot be implemented on the schedule proposed by the Administration. Thus, even in the unlikely event that the CPP is actually implemented, it will not achieve substantial emission reductions by 2025.

The Supreme Court has made it clear that EPA has authority to regulate carbon dioxide (CO2) and other greenhouse gases (GHGs) under the Clean Air Act (CAA). But the Supreme Court has not given EPA a roving mandate to do whatever it thinks best when it comes to regulating greenhouse gases. In the CAA, Congress created a number of different regulatory programs with carefully defined limits. Some of these programs can be used to regulate greenhouse gases, but EPA may only do so in a way that complies with the limits established by Congress.

A recent Supreme Court decision makes this point quite clearly. On June 23, 2014, the Court issued its decision in *Utility Air Regulatory Group v. Environmental Protection Agency* (UARG) In that case, the Court overruled EPA's determination that emissions of CO2 and other GHGs trigger certain CAA permitting requirements. Although the Court did allow EPA to require GHG permit limits for projects that must have permits for conventional pollutants, it reminded EPA that the Agency does not have unfettered authority to regulate carbon emissions in any way the Agency might want. Instead, the Court ruled that EPA must craft regulations that are consistent with the statutory language of the CAA.

Section 111 of the Clean Air Act

EPA has relied on Section 111 of the CAA as the basis for the Clean Power Plan. Section 111, in essentially its current form, has been in place since 1970, and anyone who works on CAA issues is familiar with it. Before issuing any type of regulation under Section 111, EPA must first identify specific types of facilities (which are generally known as "sources" under the CAA) that, in EPA's judgment, emit air pollution that endangers public health. As part of this process, EPA creates "source categories" and carefully defines the type of facilities that fall within these categories.

For power plants (and other types of sources as well), EPA has also created "subcategories" to reflect the fact that there are different types of power plants – traditional coal-fired plants, plants known as IGCC plants that burn gasified coal, combined-cycle natural gas plants, and simple-cycle natural gas plants. Sometimes there are different subcategories for different sizes of the same type of plant. These subcategories are important because the best system for controlling emissions can be quite different for different types of plants. More importantly, the emission rate that can be achieved with these systems can vary greatly for different types of plants. For ease of explanation, I will use "category" to refer to both categories and subcategories.

Once EPA has defined a category, it then develops, under Section 111(b), a "standard of performance" for a particular pollutant. Once such a standard is issued, any new facility that falls within the defined category must comply with it. These standards are often called "new source performance standards" or NSPS. The CAA includes two complementary definitions of

the term "standard of performance," and any EPA regulation issued under Section 111 must comply with both of them.

> Section 111(a): The term "standard of performance" means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.
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> Section 302(l): "The term "standard of performance" means a requirement of continuous emission reduction, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction."

As a shorthand, CAA practitioners often refer to the first definition as BSER, because a standard of performance must reflect the application of the "best system of emission reduction" (BSER) to sources that fall within the category being regulated.

Under Section 111(b), EPA has set dozens of different "standards of performance" by identifying the BSER that can be applied to the types of facilities included in the regulated category. As noted above, these standards are generally set as an emission rate that can be achieved by the use of BSER, and any new facility in the category must meet them. Last year, EPA used Section 111(b) to propose standards of performance for CO2 emissions from different types of new fossil fuel power plants. As proposed, these standards would establish an allowable emission rate in terms of CO2 emissions per MMBtu – in essence, an allowable amount of CO2 per unit of electricity produced. If these standards are finalized and upheld in court, then any new coal- or gas-fired power plant must meet the standard of performance that applies to that particular type of plant.

Section 111(d) comes into play only after EPA has set a standard of performance for new plants in a source category under Section 111(b) – and only for pollutants that are not regulated as either "criteria pollutants" or "hazardous air pollutants" under other parts of the CAA.[1] Because virtually all pollutants are regulated as either criteria or hazardous air pollutants, Section 111(d) has only been used five times before, but the key term in section 111(d) is the same as the key term in Section 111(b) -- and is a term that EPA has interpreted consistently (with one exception in a regulation that was vacated in court) for almost 40 years. Here is what it says:

> The Administrator [of EPA] shall prescribe regulations which shall establish a procedure . . . under which each state shall submit to the Administrator a plan which establishes standards of performance for any existing source . . . to which a

[1] Given that EPA has already regulated power plants under Section 112, there are significant legal questions as to whether EPA has authority to regulate power plants at all under Section 111(d). Attorneys General in many states, along with many other parties, have already raised this issue, and the courts may well decide that EPA is precluded from issuing any type of power plant regulation under Section 111(d). In today's testimony, however, I will assume that EPA does have authority to use 111(d) to regulate carbon emissions from power plants and will focus only on the type of regulation that is legally permissible under Section 111(d).

> section 111(b) standard of performance would apply if such existing source were a new source.

The statutory scheme is quite straightforward. Under Section 111(b), EPA is required to establish "standards of performance" for any new source within a listed category; and then, under Section 111(d), each state is required to submit a plan that establishes "standards of performance" for "any existing source" in the same category. In either case, it is quite clear from the statute that this standard applies to an individual source – to any new source in the country or to "any existing source" in the state.

This is also clear from another part of Section 111(d), which says that EPA's 111(d) regulations

> shall permit the State in applying a standard of performance *to any particular source* under a plan submitted under this paragraph to take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies.

Thus, the statute certainly contemplates that a standard of performance is something that each and every regulated source must meet. EPA agrees with this reading when it comes to new sources and, until recently, for existing sources as well. Over the years, the Agency has established dozens of different "standards of performance" for new sources, and all of them apply to any new source within the regulated category or subcategory. This is even true for carbon emissions. EPA recently proposed "standards of performance" to regulate carbon emissions from new fossil fuel power plants based on its view of the best system of emission reduction that can be applied to each type of plant. If these standards are finalized and upheld in court, each new plant must meet the applicable standard of performance.

But for existing sources, EPA now claims that a "standard of performance" can actually be much broader. Rather than requiring states to submit plans that establish standards for individual power plants, EPA is proposing to require states to submit plans to regulate the whole "electricity system" in the state – and anything connected to that system by either producing or using electricity. Rather than set an emission rate for each existing plant, each state must meet a statewide CO2 emission rate based on a rather complex formula that includes most, but not all, the power generating sources in the state and an estimate of the CO2 emissions avoided by energy efficiency programs designed to reduce electricity demand in the state. This legally binding CO2 emission rate varies substantially from state to state depending on EPA's view of how each state should change its current electricity system.

This whole program is based on a 45-year old provision in the CAA which says that, under certain circumstances, EPA may requires states to submit "a plan which establishes standards of performance for any existing source . . . to which a section 111(b) standard of performance would apply if such existing source were a new source." To support its expansive new reading of this provision, EPA points to one part of the statutory definition of the term "standard of performance," which says:

> The term "standard of performance" means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.

EPA focuses on the word "system" and argues that a "system" can involve many different things that all fit together, like the electricity system in a state. But the statute does not say that EPA can regulate a "system." It says that EPA and the states are to set standards for emissions of air pollutants based on the "application of the best system of emissions reduction." The question is not what a "system" may be. Rather, the question is the best system as "applied to what"? EPA says, "as applied to anything that produces or uses electricity." But the answer, according to the statute and more than 40 years of regulatory history, is "as applied to the individual sources within the source category being regulated." In the context of Section 111(d), this means to "any existing source," as long as, "in applying a standard of performance to any particular source," the state is able to "take into consideration, among other factors, the remaining useful life of the existing source to which such standard applies.

The other part of the CAA definition of the term "standard of performance," in Section 302(l), also makes this clear:

> The term "standard of performance" means a requirement of continuous emission reduction, including any requirement relating to the operation or maintenance *of a source* to assure continuous emission reduction.

The only plausible reading of the statute is that a standard of performance must be based on "the best system of emission reduction" that can achieve a "continuous emission reduction" at "a source" being regulated, whether it is a new source or an existing source. However, although the term "standard of performance" is the same for both new and existing sources, EPA now claims that, when it comes to existing power plants (but not new ones), the term empowers it to require 49 states to change the way that electricity is produced and used within their borders. If so, this would be a breathtaking expansion in EPA's authority based on a novel reading of a statutory provision that has existed for almost 40 years. This is why a number of Supreme Court observers believe that, in its recent *UARG* decision (which was released just weeks after EPA announced its proposal to regulate existing power plants), the Court may have been sending a message to EPA:

> When an agency claims to discover in a long-extant statute an unheralded power to regulate 'a significant portion of the American economy,' Brown & Williamson, 529 U. S., at 159, we typically greet its announcement with a measure of skepticism. We expect Congress to speak clearly if it wishes to assign to an agency decisions of vast 'economic and political significance.'"

Likelihood that the Clean Power Plan Will Be Modified or Rescinded by the Next Administration

Given the implementation schedule that EPA has proposed for CPP, it will be implemented almost entirely by the next administration. And when the next administration takes office in January 2017, it is virtually certain that the litigation over the legality of the CPP will still be going on, so that the new administration will need to decide whether to defend and implement the CPP as finalized under the Obama Administration. In recognition of this fact, representatives from other countries have reportedly been asking Obama Administration officials about the chance that the next administration will modify or even revoke the CPP altogether.

In response to such questions, the Administration has expressed confidence that the Clean Power Plan will be immune to a change of course by future administrations. Todd Stern, the lead U.S. negotiator in global climate talks, has stated that, "Undoing the kind of regulation we're putting in place is very tough."

As someone who has worked on CAA issues for more than 25 years, and who has been involved in transitions between different administrations, I can say with some confidence that Mr. Stern is simply incorrect. It is certainly true that some regulations, for legal or practical reasons, are very difficult for a new administration to change or rescind, but the CPP is not one of those regulations. For legal, practical, and political reasons, it would be relatively easy for a new administration to modify or simply revoke the CPP altogether and start from scratch with a more legally defensive approach.

A Realistic Schedule for Implementing the Clean Power Plan

Because the CPP relies on Section 111(d) of the CAA, there are many steps that states and EPA must take before the CPP will achieve meaningful emission reductions. And more than 40 years of Clean Air Act history show that it will take many years to take all these steps. So even if the next administration chooses to defend the CPP and do its best to implement it, and even if the CPP passes muster in the courts, it simply cannot be implemented on the schedule proposed by the Obama Administration. Thus, even if the CPP ends up being implemented, it will not achieve substantial emission reductions by 2025.

Environmental law is littered with well-intentioned "requirements" that are not met because it is not feasible to meet them. So the fact that the CPP "requires" states and EPA itself to meet certain deadlines does not mean that these deadlines will be met. To start with, the CPP will require states to develop and submit plans to EPA to show how they will meet their individual state targets. Under the proposal, states would be required to submit these plans within 2 or 3 years, depending on whether they are working with other states to develop a regional compliance plan.

Many if not most states will need to go to their state legislature to obtain new authority to take all the steps that EPA envisions. If such legislation is adopted, and even where it is not needed, various state agencies will need to work with a whole variety of stakeholders – utilities, environmental advocacy groups, large energy consumers, and consumer groups, and others – to develop a detailed proposal that can be published for public comment. And in most states, this

plan is likely to be subject to significant controversy. After a comment period that will need to last at least 3 months – and longer in many states – the state will need to review and then draft written responses to all the comments it has received and then develop and publish a final plan that can be submitted to EPA. States actually have to develop similar but much simpler plans under another section of the CAA, and history has shown that it usually takes many years to develop, propose, and then finalize such plans. In most states, these plans can then be challenged in state court if someone believes they are arbitrary or otherwise inconsistent with state law.

As envisioned under the CPP, 49 different states will at some point submit their plans to EPA for review and approval. EPA's proposed rule "requires" that EPA review and then approve or disapprove all these plans within one year. But again, history has shown that this is simply not possible. EPA must analyze each of these plans and then develop a written proposal explaining why it believes the plan should be approved or disapproved. This may be difficult for many reasons – in part because of the difficulty of predicting how much electricity will be generated from intermittent wind and solar plants and how much electricity demand will be avoided by energy efficiency program. Once EPA does develop its proposal regarding the approval or disapproval of a state plan, it must be published for public comment and then subjected to a public hearing. EPA must then review and draft responses to all the comments it has received and then publish a final decision explaining its rationale for approving or disapproving a state plan. If anyone is unhappy with EPA's decision, it can be challenged in federal court. And remember, EPA may be required to do this for 49 different state plans.

If EPA disapproves a state plan, it must then develop and propose a federal plan for that state. Again, this proposal must be put out for public comment and subjected to a public hearing. And again, once this process is complete, EPA must respond to all the comments it has received and then develop and issue a final plan for that state. EPA does develop similar plans under other sections of the CAA, and history has shown that, even when EPA is only working on one or two such plans, it usually takes many years for the Agency to finalize them. Part of this delay is due to the fact that, while EPA is working on a federal plan for a state, the state may also be working on a revised state plan that addresses the concerns that EPA raised when it disapproved the original state plan. And because of the long-standing relationships between EPA and state environmental agencies, EPA will need to be involved in this process even while it is trying to develop a federal plan. And of course, once EPA finalizes a federal plan for a state, that plan can also be challenged in federal court.

This brief summary only captures the highlights when it comes to the administrative steps that EPA and states will need to take to implement the CPP. But it should provide some indication of why the CPP will not be implemented on the schedule that EPA has proposed. In my judgement (and the judgment of other CAA experts I have consulted about these issues), it is unlikely that the CPP will achieve much in the way of emission reductions until after 2025.

Disregard for Congress and Possible Legislative Approaches

Given all the legal and practical issues discussed above, one might be tempted to wonder whether it would be preferable for Congress to pass new legislation designed to deal with GHG emissions – legislation that could avoid all these problems. President Obama has said on several occasions that he would like comprehensive climate change legislation to be adopted, but his

Administration has not taken any steps to develop such legislation – even when his party was in control of both Houses of Congress. To be sure, the President has repeatedly called on Congress to pass climate change legislation, but the Administration has never made a serious effort to engage Congress or stakeholders on the difficult issues involved in passing this type of legislation.

In my view, it is useful to contrast the Obama Administration's approach to climate change legislation to the approach taken by the George H.W. Administration when President Bush called for a fundamental overhaul of the Clean Air Act. That approach led to the 1990 Clean Air Act Amendments – the last major environmental statute to be passed by Congress.

President Bush did not just call on Congress to pass legislation. His Administration worked with EPA staffers to develop a detailed legislative proposal that was submitted to Congress. Famously, Congressman John Dingell, the Democratic Chairman of the House Energy and Commerce Committee at the time, said that he did not like the Administration's proposed legislation but was very happy to get it – because it served as a starting point for all the debate and discussion and compromises that resulted in the 1990 Amendments.

As I mentioned above, I was a White House staffer at the time and had a front row seat for the drama behind the 1990 Amendments. I was able to witness the efforts that were needed to develop and pass legislation that was ultimately supported by a wide range of industry and environmental groups and significant majorities of both Republicans and Democrats in Congress.

While the relevant congressional committees were working on the legislation, the Bush Administration did not just stand back and hope for the best. By my count, at least five senior White House officials were involved in the legislative effort on almost a daily basis for more than a year – meeting with members of Congress and congressional staffers and with industry and environmental groups and often working on specific legislative compromises. Political officials at EPA and DOE were also involved, and the White House made career EPA officials available to congressional staffers and members of Congress to explain the nuances of the Clean Air Act and the competing legislative proposals.

Perhaps most importantly, the Bush Administration also worked with its supporters in the business community who may not have been enthusiastic about the proposed legislation. When senior Administration officials believed that industry groups were being unreasonable, it told them so and pushed them to support reasonable compromises.

I do not pretend that the 1990 Amendments represent an ideal piece of legislation. History has shown that parts of it are unnecessarily burdensome and expensive and that we could have achieved the same level of environmental protection at a much lower cost through more effective regulatory approaches. But the process that led to the 1990 Amendments is instructive. It shows what an administration can do – even when both Houses of Congress are controlled by the opposing party -- to get legislation through Congress when such legislation is a priority for the President.

In my view, it is a shame that the Obama Administration has not made this type of effort when it comes to climate change legislation and has instead pursued an ill-advised and almost

certainly illegal regulatory approach. It has created great uncertainty for everyone and will not achieve the emission reductions that the Obama Administration has promised to the international community.

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Again, I very much appreciate the opportunity to appear before the Committee and hope my testimony will be helpful to you as you review the Administration's pledge to reduce U.S. greenhouse gas emissions.