

It's a common misconception that Congress has never passed any climate change legislation. True, Congress hasn't passed the comprehensive emission limits that many of us would like to see. But it has passed laws regulating two powerful greenhouse gases, and some other climate laws stretching back over the past five decades. The story begins under President Nixon and extends through the Biden years. These statutes will be difficult for Trump to repeal.

I'll discuss these laws in chronological order. I'm not including laws that simply incentivize clean energy or those that fund pure science, even though both are vitally important parts of climate policy. Only laws that specifically cover climate or greenhouse gases are included.

Climate first cropped up in the **Clean Air Act of 1970**. Some pollution standards are set on the basis of effects on public welfare, and section 302(h) defines public welfare to include effects on climate. It has been assumed that this referred only to local climatic effects. but it [now seems clear](#) that Senator Muskie, a key figure behind the law, and some other Senators were aware of the issue of global climate change. More than three decades later, the Clean Air Act was interpreted by the Supreme Court to authorize EPA regulation of greenhouse gases in the famous case *Massachusetts v. EPA*.

Next up was the **Global Climate Protection Act of 1987**, which was signed by Ronald Reagan. This law was part of an omnibus bill dealing with the State Department. The 1987 law acknowledged the possible dangers of climate change. It called for international agreement and required the president to "present a coordinate national policy on global climate change" to Congress. Reagan's then-Vice President, George H.W. Bush, followed up as President by negotiating and signing the U.N. Framework Convention on Climate Change. This treaty still provides the basis for international climate negotiations today.

Three years later came the **Global Change Research Act of 1990**. It's the basis for the U.S. National Climate Assessment, which provides authoritative scientific information about climate change risks, impacts, and responses in the U.S. It also calls for a U.S. role in coordinating climate research globally. The law says that "industrial, agricultural, and other human activities" are "contributing to processes of global change that may significantly alter the Earth habitat within a few human generations."

Congress also found that these processes could contribute to significant global warming, altering world climate patterns and increase global sea levels. "Over the next century," Congress found, "these consequences could adversely affect world agricultural and marine production, coastal habitability, biological diversity, human health, and global economic and social well-being."

Project 2025 calls for repealing the 1990 Act. There is no reason to think that Republicans will be able to assemble the necessary sixty votes, which would require seven Democratic Senators to join them.

**2018 National Defense Authorization Act (NDAA)** Fast forward to 2017, when the Republican-controlled U.S. Congress made more findings about climate change. It declared in the 2018 defense law that “it is the sense of Congress that... climate change is a direct threat to the national security of the United States...” As I [wrote](#) at the time, this provision didn’t sneak through the Republican Congress. Conservatives made a dramatic effort to remove this language, which went down to defeat when other Republicans crossed the aisle to oppose the amendment.

Although this particular law was especially notable, climate change has featured in a series of earlier and later defense authorization acts, primarily in requirements that the military consider the impacts of climate change on its facilities and operations. (For instance, naval bases are generally located at sea level, and thus structures are at risk from sea level rise.) I won’t list all of those defense laws separately, but they would make this list of statutes much longer. Unlike politicians, the military can afford to operate with its eyes closed to proven science.

The **Growing Climate Solutions Act of 2021** was aimed at helping farmers, ranchers, and private forest landowners enter the offsets market. It authorized the Agriculture Department to establish a voluntary technical assistance program and a third-party certification program to help establish help make it easier to qualify for offsets.

Enacted in 2023, the **American Innovation and Manufacturing (AIM) Act** directs the EPA to address hydrofluorocarbons (HFCs) by phasing down the production and consumption of HFCs in the United States by 85% by 2036, mirroring the Kigali Amendment (a climate-related treaty that the Senate had ratified in 2022. HFC are super-powerful greenhouse gases, so this law has an outsized impact on climate.

The **Inflation Reduction Act (IRA)**, passed in 2022, contains hundreds of billions of dollars in funding for clean energy. Although this funding is hugely important, I am including the IRA in this list for two others reasons.

First, the IRA also includes several provisions designed to reenforce the holding of *Massachusetts v. EPA* that the Clean Air Act covers climate change, as well as upholding the ability of California to regulate carbon emissions from vehicles. This language will make it more difficult for conservative courts to engage in their own rollback of climate regulation.

Second, the IRA establishes a fee on methane emissions by the oil and gas industry, which is the closest this country has ever come to a carbon tax. Methane doesn't stay in the atmosphere as long as CO<sub>2</sub>, but while it remains, it's a much stronger warming agent. The fee is designed in a way that reinforces EPA regulations of methane emission.

These laws vary in their impacts, but the Clean Air Act and the laws addressing HFCs and methane all have significant effects on warming. There are also many laws incentivizing the use of renewable energy, such as tax credits going back decades and more recently the IRA. Congress needs to do much more, but it is a caricature to accuse it of complete inaction.

It also means that, contrary to a common misconception, climate policy isn't something that EPA just made up out of whole cloth. Rather, it is grounded in congressional enactments that no President can wipe away by executive order.