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ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

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MEMORANDUM

September 12, 2025

TO: Members of the Subcommittee on Energy
FROM: Committee Majority Staff
RE: Hearing titled “Appliance and Building Policies: Restoring the American Dream of Home Ownership and Consumer Choice.”

I. INTRODUCTION

The Subcommittee on Energy will hold a hearing on Tuesday, September 16, 2025, at 10:15 a.m. (ET) in 2123 Rayburn House Office Building. The hearing is entitled, “Appliance and Building Policies: Restoring the American Dream of Home Ownership and Consumer Choice.” The hearing will review the following legislation:

- H.R. 4626, Don’t Mess with My Home Appliances Act (Rep. Allen)
- H.R. 4758, Homeowner Energy Freedom Act (Rep. Goldman)
- H.R. 3699, Energy Choice Act (Rep. Langworthy)
- H.R. 3474, Federal Mechanical Insulation Act (Rep. Weber)
- H.R. 4593, Saving Homeowners from Overregulation With Exceptional Rinsing (SHOWER) Act (Rep. Fry)
- H.R. 4690, Reliable Federal Infrastructure Act (Rep. Langworthy)
- H.R. 5184, Affordable Housing Over Mandating Efficiency Standards (Affordable HOMES) Act (Rep. Houchin)
- H.R. 1355, Weatherization Enhancement and Readiness Act of 2025 (Rep. Tonko)

II. WITNESSES

Panel 1

- **Jeff Novak**, Acting General Counsel and Principal Deputy General Counsel, U.S. Department of Energy

Panel 2

- **George Lowe**, Vice President of Governmental Affairs and Public Policy, American Gas Association
- **Jennifer Cleary**, Vice President of Regulatory Affairs, Association of Home Appliance Manufacturers
- **Brian Tebbenkamp**, President and Owner, Patriot Homes Inc.
- **Andrew deLaski**, Executive Director, Appliance Standards Awareness Project

III. BACKGROUND

A. Energy Efficiency Standards for Appliances and Equipment

Pursuant to the Energy Policy and Conservation Act of 1975 (EPCA),¹ the Department of Energy (DOE) is authorized to establish minimum energy efficiency standards for consumer appliances and equipment. Since the passage of EPCA and the subsequent creation of DOE's Appliance and Equipment Standards Program, DOE has issued regulations for more than 60 products, representing about 90 percent of home energy use.²

The EPCA requires DOE to follow statutory criteria for prescribing new or amended standards for covered products and equipment. DOE is also required to review energy efficiency standards of covered products no later than six years after the issuance of a final rule. DOE must either publish a determination that the standard does not need amending or issue a Notice of Proposed Rulemaking including a new proposed standard.³ Additionally, DOE may only propose a new standard if the new standard results in a significant conservation of energy, is technologically feasible, and economically justified. EPCA prescribes factors the Secretary of Energy must consider when determining whether a standard is economically justified.⁴

Over the last several years, DOE has proposed or finalized multiple final rules that do not save a significant amount of energy and are not cost-effective. Additionally, DOE has previously proposed standards that discourage the use of natural gas in favor of electric appliances, regardless of the cost or consumer preference.⁵ This violates the consumer protection measures included in EPCA.

¹ 42 U.S.C. § 6295.

² U.S. Dep't. of Energy (DOE) Energy Efficiency and Renewable Energy, Saving Energy & Money with Appliance and Equipment Standards in the U.S., DOE (2017), <https://www.energy.gov/eere/buildings/articles/appliance-and-equipment-standards-fact-sheet>.

³ 42 U.S.C. § 6295(m)(1).

⁴ 42 U.S.C. § 6295(o)(2)(B)(i).

⁵ Press Release of President Biden, Fact Sheet: New Innovation Agenda Will Electrify Homes, Businesses, and Transportation to Lower Energy Bills and Achieve Climate Goals, The White House (Dec. 14, 2022), <https://bidenwhitehouse.archives.gov/ostp/news-updates/2022/12/14/fact-sheet-new-innovation-agenda-will-electrify-homes-businesses-and-transportation-to-lower-energy-bills-and-achieve-climate-goals/>.

B. Building Codes

Across the country, both residential and commercial buildings must comply with a wide range of laws and regulations for design, construction practices, materials, and energy consumption. These requirements may be implemented through building codes, performance standards, and efficiency and fuel-use requirements.

Most widely adopted building energy codes are developed through a consensus-based process by standards setting organizations, like the International Code Council (ICC) and the American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE), before they are considered by state and local jurisdictions. The most recent International Energy Conservation Code (IECC) was developed in 2024 and has been adopted by one state.⁶ According to DOE data, 15 percent of states have adopted the 2021 IECC residential code, 25 percent have adopted the 2018 IECC code, 15 percent have adopted the 2015 IECC code, and 35 percent have adopted the 2009 IECC code. Four percent of states have adopted a pre-2009 code, and 7 percent have no statewide requirement.⁷

The Biden Administration grew the role of the federal government through the adoption and enforcement of gratuitous building codes. The last administration pushed for building codes and standards that adopted “net-zero” emissions requirements, electric appliances and furnaces, and rooftop solar panels. The Inflation Reduction Act also authorized \$1 billion in grants to state governments to adopt certain building codes.⁸

These building codes often demand costly renovations and include prescriptive installation requirements for certain equipment. In fact, studies show that aligning with the 2021 IECC can add up to \$31,000 to the price of a new home and take up to 90 years for a home buyer to recoup the payback value.⁹ This exacerbates housing affordability issues across the country, especially for first-time home buyers.

⁶ Press Release, State of R.I. Gen. Assembly, Assembly passes Sen. Gu bill to update green building code (Jun. 20, 2023), https://www.rilegislature.gov/pressrelease/_layouts/RIL.PressRelease.ListStructure/Forms/DisplayForm.aspx?List=c8baae31%2D3c10%2D431c%2D8dcd%2D9dbbe21ce3e9&ID=373784&Web=2bab1515%2D0dcc%2D4176%2Da2f8%2D8d4beebdf488.

⁷ U.S. Dep’t. of Energy Building Energy Codes Program, Status of State Energy Code Adoption: Residential Buildings, Pac. NW Nat’l. Lab’y., hosted by Tableau Public (last visited Aug. 20, 2025), <https://public.tableau.com/app/profile/doebecp/viz/BECPSstatusofStateEnergyCodeAdoption/ResidentialDashboard>.

⁸ 42 U.S.C. § 18795b.

⁹ Home Builders Association of Greater Kansas City, 2021 IECC Adoption Consumer Impact (last visited Aug. 20, 2025), https://kchba.org/wp-content/uploads/2022/07/KCHBA-2021-IECC-Consumer-Impact_KCMO_Updated-DS.pdf; Home Innovation Research Labs; *see also* National Home Builders Association, 2021 IECC Residential Cost Effectiveness Analysis (Jun. 2021), <https://www.nahb.org/-/media/NAHB/advocacy/docs/top-priorities/codes/code-adoption/2021-iecc-cost-effectiveness-analysis-hirl.pdf?rev=7a1bd7900732483885f80d483f21aa36&hash=707DE5D2CE419E81506D7D87832ADBE9>.

C. Weatherization Assistance Program

The DOE's Weatherization Assistance Program (WAP) was first authorized in Title IV of the Energy Conservation and Production Act.¹⁰ According to DOE, the WAP reduces energy costs for low-income dwelling units by improving the energy efficiency of their homes.¹¹ Since its establishment in 1976, an estimated 7.2 million families have used funding from the program.¹² The WAP uses formula grant funding, in which funding flows from DOE to states and ultimately to local governments and weatherization bodies. Over time, the WAP was amended by Congress to tailor the factors considered by DOE in the distribution of funds. The current funding procedures date back to 1990, when Congress reauthorized the program.¹³

The WAP was most recently reauthorized in the Energy Act of 2020 with funding levels of \$330,000,000 for fiscal year 2021, and \$350,000,000 for fiscal years 2022 through 2025.¹⁴ Section 40551 of the Infrastructure and Jobs Act provided an additional \$3.5 billion of funding for the program.¹⁵ The Energy Act of 2020 also amended the program to allow the Secretary of Energy to consider non-energy benefits of weatherization improvements when determining standards, and it created a new assistance program for WAP enhancement and innovation.¹⁶

D. Manufactured Housing

Under current law, both DOE and the U.S. Department of Housing and Urban Development (HUD) have statutory authority to impose energy efficiency mandates on manufactured housing. In 1974, Congress passed the Manufactured Housing Construction Safety Standards Act of 1974 (MHCSS), which designated HUD as the primary agency with authority over manufactured home construction standards. It delegated preemptive authority to HUD to regulate energy efficiency standards for manufactured housing and specifically requires that the energy conservation standards be cost-effective and take into consideration the design and factory construction techniques of manufactured homes.¹⁷

In 2007, Congress passed the Energy and Independence Security Act (EISA), which included a requirement for DOE to establish energy efficiency standards for manufactured housing based on the most recent version of the IECC in violation of the MHCSS.¹⁸ The IECC standards are overly prescriptive and incompatible with the HUD code. The IECC standards are based on site-built homes, where the builder designs the home to specific conditions and locations. In contrast, manufactured housing producers and retailers do not know the home's final location and orientation and, therefore, are unable to meet the IECC requirements.

¹⁰ Part A—Weatherization Assistance for Low-Income Persons, 42 U.S.C. §§6861 – 6873.

¹¹ U.S. Dep't. of Energy, Weatherization Assistant Program (last visited Sep. 9, 2025), <https://www.energy.gov/scep/wap/weatherization-assistance-program>.

¹² *Id.*

¹³ Corrie E. Clark & Lynn J. Cunningham, The Weatherization Assistance Program Formula, Congressional Research Service (Nov. 12, 2021), <https://www.crs.gov/Reports/R46418?source=search>.

¹⁴ 42 U.S.C. § 6872.

¹⁵ 42 U.S.C. § 6861 (see Pub. L. 117-58, at 135 Stat. 1075 for statutory notes and related subsidiaries).

¹⁶ 42 U.S.C. §6872.

¹⁷ 42 U.S.C. §§ 5401-5426.

¹⁸ 42 U.S.C. § 17071.

Pursuant to EISA, the Biden DOE published a final rule on May 31, 2022, titled “Energy Conservation Program: Energy Conservation Standards for Manufactured Housing.”¹⁹ On September 3, 2025, DOE issued a request for information for public input regarding energy conservation standards for manufactured housing.²⁰ If DOE enforces these standards, there will be two different sets of manufactured home energy standards, which will create significant compliance confusion for manufactured home manufacturers and discourage production of new, affordable homes.

IV. LEGISLATION

A. H.R. 4626, Don’t Mess with My Home Appliances Act (Rep. Allen)

This legislation amends EPCA to reform DOE’s procedures for issuing energy efficiency standards. The legislation prohibits DOE from prescribing any new or amended energy efficiency standards for a product that is not technologically feasible and economically justified. H.R. 4626 defines a minimum threshold for energy or water savings that must be achieved to justify a new regulation and establishes several new factors that DOE must consider, including the cost to low-income households and the full lifecycle costs associated with requiring consumers to purchase a new qualifying appliance. (Rep. Allen introduced this legislation on July 23, 2025).

B. H.R. 4758, Homeowner Energy Freedom Act (Rep. Goldman)

This legislation would repeal the following sections of the Inflation Reduction Act: section 50122, establishing a new high efficiency electric home rebate program; section 50123, establishing the home energy efficiency contractor training grants; and section 50131, to provide financial assistance to states and localities to adopt the certain energy conservation building codes. (Rep. Goldman introduced this legislation on July 25, 2025).

C. H.R. 3699, Energy Choice Act (Rep. Langworthy)

This legislation would prohibit state or local governments from implementing, adopting, or enforcing any law, regulation or policy that directly or indirectly prohibits or limits access to an energy service based on the type or source of energy that is sold. (Rep. Langworthy introduced this legislation on June 4, 2025).

D. H.R. 3474, Federal Mechanical Insulation Act (Rep. Weber)

This legislation would add an assessment of whether mechanical insulation should be updated or installed during comprehensive energy and water evaluations for federal buildings. The legislation defines mechanical insulation properties as products which meet the ASHRAE Reference Standard 90.1. (Rep. Weber introduced this legislation on May 15, 2024).

¹⁹ 87 Fed. Reg. 32728; 10 C.F.R. § 460 (2022).

²⁰ 90 Fed. Reg. 42544.

E. H.R. 4593, Saving Homeowners from Overregulation with Exceptional Rinsing (SHOWER) Act (Rep. Fry)

This legislation would codify the definition of a showerhead to be consistent with the ASME A112.18.1-2018 standard. (Rep. Fry introduced this legislation on July 22, 2025.)

F. H.R. 4690, Reliable Federal Infrastructure Act (Rep. Langworthy)

This legislation would repeal section 433 of the Energy Independence and Security Act, which requires DOE to revise federal building energy efficiency performance standards for new buildings and major renovation with designs that phase out on-site fossil fuel-generated energy consumption. (Rep. Langworthy introduced this legislation on July 23, 2025).

G. H.R. 5184, Affordable Housing Over Mandating Efficiency Standards (Affordable HOMES) Act (Rep. Houchin)

This legislation would repeal section 413 of the Energy Independence and Security Act (EISA) of 2007 relating to energy efficiency standards for manufactured housing. This legislation would also nullify the final rule titled “Energy Conservation Program: Standards for Manufactured Housing,” published in the Federal Register on May 31, 2022.²¹ (Rep. Houchin introduced this legislation on September 8, 2025).

H. H.R. 1355, Weatherization Enhancement and Readiness Act of 2025 (Rep. Tonko)

This legislation would reauthorize the Weatherization Assistance Program through fiscal year 2030 at current funding levels (\$350 million each year). Additionally, H.R. 1355 would amend the Energy Conservation and Production Act to remove the prohibition on dwelling units which have received such funds from eligibility for other federal weatherization programs, and it raises the maximum amount of financial assistance per dwelling unit from \$6,000 to \$12,000. This legislation would also authorize for the first time the Weatherization Readiness Program which provides funds to states and localities to address issues in low-income dwelling units to make the dwelling unit eligible for other weatherization measures. (Rep. Tonko introduced this legislation on February 13, 2025).

V. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Mary Martin or Clara Cargile of the Committee Staff at (202) 225-3641.

²¹ 10 C.F.R. § 460.