

ENERGY CHOICE ACT

FEBRUARY 4, 2026.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GUTHRIE, from the Committee on Energy and Commerce,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 3699]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3699) to prohibit States or local governments from prohibiting or limiting the connection, reconnection, modification, installation, transportation, distribution, or expansion of an energy service based on the type or source of energy to be delivered, 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:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Energy Choice Act”.

SEC. 2. LIMITATIONS ON REGULATION OF ENERGY CHOICE.

A State or local government, or instrumentality or regulatory agency thereof, may not adopt, implement, or enforce a law, regulation, ordinance, building code, standard, or policy that prohibits or limits, or has the effect of directly or indirectly prohibiting or limiting the connection, reconnection, modification, installation, transportation, distribution, expansion, or access to an energy service based on the type or source of energy that is sold in interstate commerce to be delivered to an end-user of such energy service.

PURPOSE AND SUMMARY

H.R. 3699, the Energy Choice Act, was introduced by Representative Langworthy (R-NY) on June 4, 2025, and referred to the Committee on Energy and Commerce on June 4, 2025. H.R. 3699 prohibits 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 energy or fuel source that is sold.

BACKGROUND AND NEED FOR LEGISLATION

On May 3, 2023, the state of New York signed into law legislation to ban the use of fossil fuel equipment and building systems for new construction starting in 2026.¹ While New York was the first state to institute a ban on natural gas in new buildings, several other states and localities have followed suit, including those in Washington, California, and the District of Columbia.² The result of these natural gas bans are families and consumers not having choices regarding what energy source best fits their needs.

Natural gas is used by tens of millions of American families across the United States. As recent as 2020, data from the U.S. Energy Information Administration found that 61 percent of American households use natural gas for at least one energy end use, most commonly stoves, furnaces for space heating, and water heaters.³ In states like California, which has implemented a ban on natural gas, penetration of end use reaches at least 80 percent of households.⁴ Two thirds of the American population uses natural gas over other fuel sources because it is affordable, reliable, and plentiful. This significant portion of the U.S. population using natural gas as a fuel source underscores the impactful and far-reaching nature of natural gas bans.

Natural gas is one of the most affordable forms of energy. Price data has shown that in the vast majority of states, using natural gas for space heating is cheaper than electric alternatives, and geo-

¹ S.B. S4006C, 2023–2024 Leg. Sess. (NY. 2023).

² Tom DiChristopher and Anna Duquiatan, *States that outlaw gas bans account for 31% of US residential/commercial gas use*, S&P Global (Jun. 9, 2022), <https://www.spglobal.com/market-intelligence/en/news-insights/articles/2022/6/states-that-outlaw-gas-bans-account-for-31-of-us-residential-commercial-gas-use-70749584>.

³ U.S. ENERGY INFO. ADMIN. (EIA), *The majority of U.S. households used natural gas in 2020*, (Mar. 23, 2023), <https://www.eia.gov/todayinenergy/detail.php?id=55940>.

⁴ *Id.*

graphic location is an important component of price differences.⁵ In states such as New York, the price difference can be staggering. Certain natural gas furnaces had an average annual energy cost of \$548, while the cost for certain electric heat pumps was \$1,138, more than double the price of an identically rated natural gas furnace.⁶ This trend is similar for most other states, with colder regions generally showing greater price differences as seen in New York. These bans force consumers to pay higher prices for their home energy needs, while using energy in a less efficient manner.

Additionally, natural gas use bolsters the resilience of our nation's grid and the consumers which rely upon it. Homes that rely on electric stoves, electric heat pumps for space heating, electric water heaters, and other electric appliances use significantly more kilowatt hours of electricity than homes using natural gas. Meanwhile, the United States is facing a grid reliability crisis as demand grows without generation growth to match it. A significant portion of this load increase is a result of all-electric agendas. Natural gas helps alleviate this trend by providing energy for imperative functions of a household without increasing the demand on the grid. Furthermore, natural gas bolsters home resiliency as many natural gas appliances can continue critical functions if power service is interrupted.

When gas bans are enacted, American families, the economy, and consumers pay the price. This prejudice towards natural gas not only limits consumer choice but also increases costs for everyday Americans to heat their homes in the winter. H.R. 3699 addresses this critical issue by prohibiting any state or local authority from establishing any law or regulation that prohibits or limits access to an energy service based on the type or source of energy. The Committee intends for this legislation to apply only to bans on an energy service based upon the fuel source. It is not intended to impact state or local energy projects, safety measures, or zoning decisions. This legislation is fuel neutral, leaving the choice up to consumers, not the heavy hand of the federal government.

COMMITTEE ACTION

On September 16, 2025, the Subcommittee on Energy held a legislative hearing on H.R. 3699. The Subcommittee received testimony from:

- Jeff Novak, Acting General Counsel and Principal Deputy General Counsel, U.S. Department of Energy;
- 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; and,
- Andrew deLaski, Executive Director, Appliance Standards Awareness Project.

On November 19, 2025, the Subcommittee on Energy met in open markup session and forwarded H.R. 3699, as amended to the full Committee by a voice vote. On December 3, 2025, the full Com-

⁵American Gas Association, *Natural Gas or a Heat Pump? Where you Live Matters*, (Jan. 26, 2024), <https://www.aga.org/natural-gas-or-a-heat-pump-where-you-live-matters/>.

⁶*Id.*

mittee on Energy and Commerce met in open markup session and ordered H.R. 3699, without amendment, favorably reported to the House by a record vote of 24 yeas and 21 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 11**

BILL: H.R. 3699, Energy Choice Act

AMENDMENT: MN_03, offered by Rep. Castor.

DISPOSITION: Not agreed to, by a roll call vote of 21 yeas and 26 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis				Ms. Matsui	X		
Mr. Hudson				Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke			
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey			
Mr. Allen		X		Ms. Kelly			
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger				Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin				Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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**COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 12**

BILL: H.R. 3699, Energy Choice Act

AMENDMENT: Final Passage

DISPOSITION: Agreed to, by a roll call vote of 24 yeas and 21 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis				Ms. Matsui		X	
Mr. Hudson				Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke			
Mr. Dunn	X			Mr. Ruiz		X	
Mr. Crenshaw	X			Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey			
Mr. Allen	X			Ms. Kelly			
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger				Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks	X			Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez		X	
Mr. Obernolte				Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez		X	
Mrs. Houchin				Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee	X			Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans							
Mr. Goldman	X						
Mrs. Fedorchak	X						

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OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3699 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

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.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to 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.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3699 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearings were used to develop or consider H.R. 3699:

On February 5, 2025, the Subcommittee on Energy held a hearing on H.R. 3699. The title of the hearing was “Powering America’s Future: Unleashing American Energy.” The Subcommittee received testimony from:

- Amanda Eversole, Executive Vice President and Chief Advocacy Officer, American Petroleum Institute;
- Brigham McCown, Senior Fellow and Director, Initiative on American Energy Security, The Hudson Institute;
- Gary Arnold, Business Manager, Denver Pipefitters Local 208; and,
- Tyler O’Conner, Partner, Crowell & Moring LLP.

On February 26, 2025, the Subcommittee on Oversight and Investigations held a hearing on H.R. 3699. The title of the hearing

was “Examining the Biden Administration’s Energy and Environment Spending Push.” The Subcommittee received testimony from:

- Johnathan Black, Chief Advisor for Strategic Planning and Program Oversight, Office of Inspector General, U.S. Department of Energy;
- J. Alfredo Gomez, Director, Natural Resources and Environment team, U.S. Government Accountability Office;
- Nicole Murley, Acting Inspector General, Office of Inspector General, U.S. Environmental Protection Agency; and,
- Frank Rusco, Director, Natural Resources and Environment team, U.S. Government Accountability Office.

On March 5, 2025, the Subcommittee on Energy held a hearing on H.R. 3699. The title of the hearing was “Scaling for Growth: Meeting the Demand for Reliable, Affordable Electricity.” The Subcommittee received testimony from:

- Todd Brickhouse, CEO and General Manager, Basin Electric Power Cooperative;
- Asim Z. Haque, Senior Vice President for Governmental and Member Services, PJM;
- Noel W. Black, Senior Vice President of Regulatory Affairs, Southern Company; and
- Tyler H. Norris, James B. Duke Fellow, Duke University.

On September 9, 2025, the Subcommittee on Energy held a hearing on H.R. 3699. The title of the hearing was “Building the American Dream: Examining Affordability, Choice, and Security in Appliance and Buildings Policies.” The Subcommittee received testimony from:

- Buddy Hughes, Chairman, National Association of Home Builders;
- Ben Lieberman, Senior Fellow, Competitive Enterprise Institute;
- Jim Steffes, Senior Vice President of Regulatory Affairs, Washington Gas; and,
- Kara Saul-Rinaldi, Chief Policy Officer, Building Performance Association.

On September 16, 2025, the Subcommittee on Energy held a legislative hearing on H.R. 3699. The title of the hearing was “Appliance and Buildings Policies: Restoring the American Dream of Home Ownership and Consumer Choice.” The Subcommittee received testimony from:

- Jeff Novak, Acting General Counsel and Principal Deputy General Counsel, U.S. Department of Energy;
- 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.; and,
- Andrew deLaski, Executive Director, Appliance Standards Awareness Project.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional

Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3699 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were 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.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1: Short title

Section 1 provides a short title of the “Energy Choice Act.”

Section 2: Limitations on regulation of energy choice

Section 2 prohibits State or local governments from adopting any law, regulation, ordinance, buildings code, standard or policy that prohibits or limits, or indirectly prohibits or limits, the connection, reconnection, modification, installation, transportation, distribution, expansion or access to an energy service based on the type or source of the energy sold.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

MINORITY VIEWS

H.R. 3699 restricts state and local governments from issuing any rule or taking any action that would even indirectly limit an energy source in any way. Aside from the obvious federal overreach, the bill is overly broad and would have potentially disastrous consequences for state and local economic and safety regulations. The federal government has no business interfering in state and local efforts to keep communities safe.

The majority’s report largely focuses on preventing so-called “gas bans,” or restrictions by state and local governments on the usage of natural gas in new residential and commercial construction by developers. However, as written, H.R. 3699 restricts states and local governments from far more than just implementing gas bans. The bill covers laws, rules, building codes and standards, or any other policies adopted by state and local governments—and targets not only those actions that would directly impact energy, but those that would indirectly impact energy as well. The result of the restriction on indirect limitations is that the bill could prohibit state and local governments from enforcing electrical safety codes, ordering the shutoff of gas during natural disasters, or regulating the prices that data centers pay for electricity.

Stakeholders raised similar concerns as the bill moved through the committee process. The Public Health Law Center noted that the bill eliminates “large swathes of commonsense health and safety protections” and threatens long-standing regulations on the price of energy utilities.¹ A letter sent to Chairman Guthrie ahead of the Committee’s markup of the bill noted that the bill could have the presumably unintended consequence of limiting Americans’ ability to access community choice aggregation programs, which allow greater access to different sources of energy.²

In response to these concerns, Subcommittee on Energy Ranking Member Kathy Castor (D–FL) offered an amendment that would have restricted the bill’s prohibition to only direct prohibitions on energy technologies. Her amendment also would have added a savings clause to the bill, ensuring that the bill did not inadvertently restrict the ability of states or local governments to regulate utility rates or energy infrastructure safety. The amendment was defeated on a party-line vote.³

Unfortunately, one amendment was adopted that enhanced concerns about the scope and applicability of the bill. As introduced, the bill included a definition of “energy” that the restriction on

¹Public Health Law Center, *Bad Choice: H.R. 3699’s Threat to Public Health and Energy Affordability* (Sept. 19, 2025) (<https://www.publichealthlawcenter.org/commentary/250919/9/19/25-bad-choice-hr-3699s-threat-public-health-and-energy-affordability>).

²Letter from Local Energy Aggregation Network to Rep. Brett Guthrie, Chairman, House Committee on Energy and Commerce, Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce (Dec. 2, 2025).

³Full Committee, *Markup of 15 Bills*, 119th Cong. (Dec. 3, 2025).

state and local government policies applied to. However, in the Energy Subcommittee’s markup of the bill, an amendment was adopted stripping the bill of the definition—leaving the ultimate scope and applicability of the bill even more unclear than before.⁴

If Republicans are truly focused on combating prohibitions on energy sources, they should turn their attention to the Administration’s war on clean energy. As one of the nation’s grid operators recently stated in a court filing, killing just a single offshore wind project “will cause irreparable harm to the 67 million Americans served by PJM [the grid operator] given this region’s . . . critical need for new generation resources . . .”⁵ That was the damage done by one cancellation—and 324 energy projects have been canceled or delayed since President Trump took office.⁶ Republicans should focus on stopping the President’s attack on clean, cheap energy instead of limiting state and local officials’ ability to enforce safety codes.

For the reasons stated above, I dissent from the views contained in the Committee’s report and oppose H.R. 3699.

FRANK PALLONE, Jr.,
Ranking Member.



⁴Subcommittee on Energy, *Markup of 8 Bills*, 119th Cong. (Nov. 19, 2025).

⁵Proposed Amicus Curiae PJM Interconnection, L.L.C.’s Motion for Leave to File Amicus Curiae Brief (Jan. 9, 2026) *Dominion Energy Virginia v. U.S. Dept. of Interior*, (No. 2:25 CV 830).

⁶Climate Power, *SNAPSHOT: Trump’s Unfolding Energy Crisis* (Dec. 2025).