



## DEPARTMENT OF ENERGY

### 10 CFR Parts 433 and 435

[EERE-2026-FEMP-0067]

RIN 1904-AG17

### Repeal of Fossil Fuel Restrictions for New Federal Buildings and Major Renovations of Federal Buildings

**AGENCY:** Federal Energy Management Program, Department of Energy.

**ACTION:** Notification of stay.

**SUMMARY:** The Department of Energy (DOE) is reviewing its recent guidance related to the implementation of newly adopted provisions regarding Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings (CER). While DOE reviews the CER implementation guidance, DOE is staying the compliance date for the newly adopted provisions in the Code of Federal Regulations (CFR).

**DATES:** As of [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER], the compliance date for 10 CFR part 433, subpart B, and 10 CFR part 435, subpart B, published at 89 FR 35384 (May 1, 2024), and stayed at 90 FR 18911 (May 5, 2025), is further stayed until September 1, 2026

**ADDRESSES:** The docket for this rulemaking, which includes *Federal Register* notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at [www.regulations.gov](http://www.regulations.gov). All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index.

The docket webpage can be found at <https://www.regulations.gov/docket/EERE-2026-FEMP-0067>. The docket webpage contains instructions on how to access all documents, including public comments, in the docket.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Rick Mears, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Federal Energy Management Program, FEMP-1, 1000 Independence Avenue, SW., Washington, DC, 20585-0121, Phone: 240-278-5857, Email: *RescindFossilFuelRestrictions2026FEMP0067@ee.doe.gov*.

**SUPPLEMENTARY INFORMATION:**

On May 1, 2024, DOE issued regulations that require certain new Federal buildings and Federal buildings undergoing major renovations to be designed to reduce their fossil fuel-generated energy consumption and provides a process for Federal agencies to petition for a downward adjustment from these requirements if applicable.<sup>1</sup> This rule amended the regulations governing energy efficiency in Federal buildings found in 10 CFR parts 433 and 435. Specifically, the final rule added subpart B that outlines the fossil fuel-generated energy consumption requirement, the methodology for determining a Federal building's fossil fuel-generated energy consumption, and the process for petitioning for a downward adjustment to 10 CFR parts 433 and 435. Also, the final rule added Appendix A to subpart B, which identifies the targets for specific building types and climate zones for Fiscal Year (FY) 2020-2024 and FY 2025-2029.

The final rule became effective on July 15, 2024, and applied the energy performance standards to certain newly constructed or majorly renovated Federal buildings for which design for construction begins on or after May 1, 2025. 89 FR 35384. On January 17, 2025, DOE posted guidance designed to assist Federal agencies to implement the final rule. Shortly after DOE published this implementation guidance document and the petition template, President Trump announced new energy policies, specifically those relating to energy security and reliability.<sup>2</sup>

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<sup>1</sup> 89 FR 35384, *Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings*, Final Rule (May 1, 2024).

<sup>2</sup> See e.g., Executive Order 14154 of January 20, 2025, *Unleashing American Energy*, 90 FR 8353 (Jan. 29, 2025); Executive Order 14156 of January 20, 2025, *Declaring a National Energy Emergency*, 90 FR 8433 (Jan. 29, 2025); Executive Order 14262 of April 8, 2025, *Strengthening the Reliability and Security of the United States Electric Grid*, 90 FR 15521 (April 14, 2025)

In May 2025, DOE published a notice that delayed the implementation of the final rule for one year. 90 FR 18911 (May 5, 2025). DOE stated that it was reviewing its implementation guidance to ensure that they are consistent with the policies of the current Administration. Accordingly, while DOE reviewed the implementation guidance and associated documents, DOE stayed the provisions of the recent final rule to avoid the regulatory burden to Federal agencies to comply with the rule. Specifically, DOE stayed subpart B, including Appendix A, of 10 CFR part 433 and subpart B, including Appendix A, of 10 CFR part 435. Because DOE stayed these provisions, Federal agencies were not required to comply with the applicable energy performance standards during this time.

As DOE reviews the implementation guidance documents for consistency with the Administration's announced energy policies, the Department is also reviewing the recent final rule to ensure consistency with stated energy policies and guidance relating to agency rulemaking.<sup>3</sup> This review is ongoing. Accordingly, DOE stays the compliance date of the recent final rule that requires certain newly constructed or majorly renovated Federal buildings to meet energy performance standards. Specifically, DOE further stays the compliance date in subpart B of 10 CFR part 433 and subpart B of 10 CFR part 435 until September 1, 2026. Because the compliance date for these provisions is stayed, Federal agencies are not required to comply with these applicable energy performance standards during this time.

### **Signing Authority**

This document of the Department of Energy was signed on April 15, 2026, by Mary Sotos, the Director of the Federal Energy Management Program, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in

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<sup>3</sup> E.g., Executive Order 14219 of February 19, 2025, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*, 90 FR 10583 (Feb. 26, 2025).

compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the *Federal Register*.

Signed in Washington, DC, on April 16, 2026.

Jennifer Hartzell,  
Alternate Federal Register Liaison Officer,  
U.S. Department of Energy.

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