



H.R. 8784/S.4805, THE FULL RESPONSIBILITY AND EXPEDITED ENFORCEMENT ACT (FREE ACT)

WHAT: The Full Responsibility and Expedited Enforcement Act (FREE Act) will modernize the federal permitting process through ‘permit by rule’ implementation. The proposal shifts the burden of proving applicant compliance onto government agencies. If the agency raises no concerns about applicant compliance within 30 days of application submission, then a permit can be automatically granted.

The FREE Act requires all federal agencies to evaluate their permitting systems and determine which of their permits can reasonably be issued under a permit by rule system no later than 240 days after enactment of the FREE Act. Permits will be granted if applicants meet all requirements to a substantive standard. The proposal empowers agencies with an option to audit ‘permit by rule’ applicants, including reasonable requests for information, and enforce denials in instances where substantive standards are not met.

Applicants denied a permit can appeal to a U.S. district court, where the agency must prove non-compliance and lack of good faith effort. Judges are directed to rule in favor of the applicant if a good faith effort was made to comply.

WHY IT MATTERS: The FREE Act has the potential to significantly reduce bureaucratic delays in federal permitting processes from years to just 30 days. This streamlined process will lower the costs of permit applications and administration, benefiting both applicants and agencies. By implementing a ‘permit by rule’ system, the act will increase transparency and predictability, enabling timely project implementation. Standardizing this system is expected to boost project investment and innovation, leading to more projects being completed on shorter timelines. The bill has bipartisan support, underscoring its broad appeal and potential for impactful reform.

WHAT’S NEXT: The FREE Act is a promising step towards permitting reform. It offers Congress a viable option to facilitate the construction of new clean energy projects at the necessary scale. By introducing a new system, this act lays the groundwork for more comprehensive reforms in the future.

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