



THE FULL RESPONSIBILITY AND EXPEDITED ENFORCEMENT ACT (FREE ACT) H.R. 689 & S. 238

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 180 days of application submission, then a permit can be automatically granted.

The FREE Act requires all federal agencies to evaluate their permitting systems, determine which of their permits can reasonably be issued under a permit-by-rule system, and submit a report to Congress with their findings no later than 240 days after enactment of the FREE Act. One year after the submission of the report, agencies begin implementation of a permit-by-rule system. Permits will be granted if applicants meet all requirements and substantive standards identified by agencies. The proposal empowers agencies with an option to audit permit-by-rule applicants, verify compliance, and make reasonable requests for information.

When compliance standards are not being met, agencies may require corrective action, suspend, or revoke permits issued under permit-by-rule. In these instances, applicants can appeal to a U.S. district court, where the agency must prove non-compliance.

WHY IT MATTERS: The FREE Act has the potential to significantly reduce bureaucratic delays in federal permitting processes from years to just 180 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.

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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S. 238

Sen. Cynthia Lummis (R-WY)

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SUPPORT:

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