119TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
119–351

FULL RESPONSIBILITY AND EXPEDITED ENFORCEMENT ACT

OCTOBER 28, 2025.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COMER, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 689]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 689) to require each agency to evaluate the permitting system of the agency, to consider whether permitting by rule could replace that system, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

69–006

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 "Full Responsibility and Expedited Enforcement Act" or the "FREE Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Agencies near unanimously operate under a permitting system that gives agencies broad discretion and requires the Government to review each permitting application.

(2) Agencies near unanimously operate under a permitting system that either does not have time constraints, or has time constraints that agencies do not follow.

(3) The combination of broad discretion and the lack of time constraints often results in a tedious, time consuming, and often expensive permitting system for the Government and applicants. Moreover, agencies will sometimes use their discretion and the time consuming nature of permitting to stall or discourage permit issuance.

(4) There is a compelling interest in avoiding unnecessary delay and expense in Federal permitting.

(5) Permit by rule is a process that seeks to overcome agency delay and the cumbersome cost of agency review to Government and private interests.

(6) Permit by rule is a process of permitting that includes specific written standards for obtaining a permit, a simple requirement for an applicant to certify compliance with each of the standards, and a streamlined approval process with a prompt deadline for agency action on applications that only allows the Government to verify that all conditions are met. The Government retains the right and responsibility to audit and enforce compliance with permitting requirements. Focusing upon permittees who are violating the law or standards rather than gatekeeping will make permitting more efficient while allowing an agency to protect the compelling interests for which permitting systems are intended.

SEC. 3. PERMITTING BY RULE.

(a) OFFICE OF MANAGEMENT AND BUDGET GUIDANCE.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall issue a memorandum to the head of each agency that establishes guidance for the implementation of the requirements of this section, including on the meaning of the terms "permitting by rule" and "permit".

(b) REPORT TO CONGRESS REQUIRED.—

(1) SUBMISSION OF REPORT.—Not later than 240 days after the date on which the guidance required under subsection (a) is issued, the head of each agency shall submit to Congress, including any committee of Congress with jurisdiction over permits for that agency, and the Comptroller General a report on the following:

(A) A list and description of each type of permit issued by the agency.

(B) The statutory and regulatory requirements for obtaining each such type of permit.

(C) For each type of permit issued by the agency, a specific description of each step the agency follows to review a permit application.

(D) For each type of permit issued by the agency, an estimate of the time the agency typically takes to review an application, beginning on the date on which an application is submitted and ending on the date on which a successful application is granted.

(E) For each type of permit issued by the agency, a description of each action typically taken for a case in which an application is found not to meet statutory or regulatory requirements for the issuance of a permit.

(F) A list of primary interests that each type of permit is intended to foster or protect.

(G) An individual determination for each type of permit issued by the agency of whether permitting by rule could in whole or in part replace the current system for issuing the type of permit.

(H) For each type of permit issued by the agency for which permitting by rule could in whole or in part replace the current system for issuing the type of permit, an identification of any administrative or other practical challenges the head of the agency anticipates in transitioning to permitting by rule for the type of permit.

(I) An identification of each type of permit for which the head of the agency has determined the agency could not reasonably, in whole or in part, issue permits by rule under current facts and circumstances, describing with particularity each reason why permitting by rule could not reasonably be used for any such permit and what legal or practical measures could be pursued to eliminate or mitigate said reason.

(2) PUBLIC COMMENT.—In preparing the report required pursuant to paragraph (1), the head of an agency may solicit and consider public comment regarding the report.

(3) EXTENSION OF SUBMISSION DEADLINE.—In the case that the head of an agency is not able to submit the report required pursuant to paragraph (1), the deadline to submit the report shall be extended by an additional 90 days if the head of the agency submits to Congress, including any committee of Congress with jurisdiction over permits for that agency, and the Comptroller General a notification of the intended extension of the deadline under this paragraph.

(4) ATTORNEY FEES.—If the head of an agency does not file the report required pursuant to paragraph (1) by the applicable deadline under this subsection, the agency shall pay, from any funds made available to the agency by appropriation or otherwise, the attorney fees and costs of an applicant for a claim filed by the applicant for the failure or delay of the agency to take action with respect to an application for a permit submitted to the agency by the applicant if—

(A) the claim is filed against the agency in an appropriate United States district court during the period beginning on the expiration of the applicable deadline under this subsection and ending on the date on which the agency files the report;

(B) the court determines that the agency unreasonably delayed such action; and

(C) the applicant prevails in the claim.

(c) ESTABLISHMENT OF PROCESSES FOR PERMITTING BY RULE.—

(1) APPLICATION FOR AND APPROVAL OF PERMITS.—Not later than 12 months after the date on which the report is submitted pursuant to subsection (b), for each type of permit issued by the agency for which the head of the agency determined under subsection (b)(1)(G) that permitting by rule could in whole or in part replace the current system for issuing the type of permit, the head of each agency shall establish by rule a permitting by rule application process that does the following:

(A) Specifies in writing each requirement and substantive standard that must be certified to be met by an applicant who files an application to qualify for a permit under permitting by rule.

(B) Allows an applicant to file an application that contains only each required certification described in subparagraph (A) and any supporting documentation the applicant chooses to submit in support of each such certification.

(C) Deems an application for a permit under permitting by rule granted if—

(i) the application contains each certification described in subparagraph (A); and

(ii) a period of 180 days after the date on which the completed application was submitted has expired and the head of the agency has not otherwise approved or disapproved the application.

(2) CORRECTION OF APPLICATION.—The head of an agency shall contact an applicant within 7 days after the date on which an application is submitted under paragraph (1) if any required certification is missing from the application.

(3) AUDIT OF APPLICATION.—The head of an agency may audit an application for a permit under permitting by rule and verify certifications of compliance with requirements and substantive standards for permitting by rule and may include reasonable requests for documentation.

(4) DISAPPROVAL OF APPLICATION AND ENFORCEMENT.—

(A) REASON FOR DISAPPROVAL.—The head of an agency may only disapprove an application submitted for a permit under permitting by rule if the head of the agency identifies a requirement or substantive standard described in paragraph (1)(A) that was not met by the application, informs the applicant of how to correct the application, provides a reasonable opportunity for the applicant to make such correction before the final action of the agency on the application, and states with particularity in any final action disapproving the application the facts and reasoning for such denial.

(B) AUDIT OF COMPLIANCE AND ENFORCEMENT FOLLOWING GRANT OF A PERMIT UNDER PERMITTING BY RULE.—

(i) AUDIT.—The head of an agency may audit a permit granted under permitting by rule and verify compliance with requirements and substantive standards for permitting by rule, which may include reasonable requests for documentation.

(ii) ENFORCEMENT.—The head of an agency may require corrective action, suspend, or revoke a permit granted under permitting by rule at any time if the head of the agency finds that a requirement or substantive standard under permitting by rule is not being met by the recipient of the permit.

(C) DIRECT APPEAL.—An applicant whose application for a permit under permitting by rule is disapproved, of whom corrective action is required under a permit granted under permitting by rule, or whose permit granted under permitting by rule is suspended or revoked may appeal such disapproval, corrective action, suspension, or revocation in an appropriate United States district court.

(D) BURDEN OF PROOF.—In an appeal under subparagraph (C), the agency shall bear the burden of proof to show that an application was lawfully disapproved or that the agency lawfully required corrective action or suspended or revoked a permit.

(E) ATTORNEY FEES.—If the court finds for the applicant or permit holder under this paragraph and that the agency was not substantially justified in disapproving, requiring corrective action under, suspending, or revoking a permit, the agency shall pay the attorney fees and costs of the applicant from any funds made available to the agency by appropriation or otherwise.

(d) CONGRESSIONAL OVERSIGHT.—Not later than 2 years after the date on which the report is submitted pursuant to subsection (b), the head of each agency shall submit to Congress a report on the implementation by the agency of permitting by rule for each type of permit issued by the agency for which the head of the agency determined under subsection (b)(1)(G) that permitting by rule could in whole or in part replace the current system for issuing the type of permit.

(e) CONCURRENT USE OF PREVIOUS PERMITTING SYSTEM.—If the head of the agency determines in the report submitted pursuant to subsection (b) that the permitting system in effect at the agency before the date of the enactment of this Act for any type of permit provides value that permitting by rule does not, but that permitting by rule could in whole or in part replace the current system for issuing the type of permit, the head of the agency may maintain for that type of permit both the permitting system previously in effect and permitting by rule, and the applicant may choose which system to use to apply for a permit of that type from the agency.

(f) GAO REPORTS.—

(1) REPORT ON ACCURACY OF AGENCY REPORTS.—Not later than 90 days after the expiration of the deadline to submit the reports required under subsection (b), the Comptroller General shall submit to Congress a report on the completeness and accuracy of the reports, including the recommendations of the Comptroller General concerning legal or practical measures that could be pursued to eliminate or mitigate any legal or practical challenges to the transition by agencies to permitting by rule for any type of permit.

(2) REPORT ON PROGRESS BY AGENCIES.—Not later than 180 days after submission by the agencies of the reports required under subsection (c), the Comptroller General shall submit to Congress a report on the progress by agencies in the implementation of this Act, including any recommendation concerning legal or practical measures that could be pursued to eliminate or mitigate any remaining legal or practical challenges to the transition by agencies to issuance of permits under permitting by rule for any type of permit.

(3) SUPPLEMENTS TO THE REPORTS.—The Comptroller General may submit supplements to the report described in paragraph (1) or (2) with regard to a report submitted by the head of an agency after the Comptroller General submits the report required pursuant to paragraph (1) or (2).

(g) DEFINITIONS.—In this section:

(1) AGENCY; RULE.—The terms "agency" and "rule" have the meaning given those terms in section 551 of title 5, United States Code.

(2) COMPLETED APPLICATION.—The term "completed application" means an application submitted under subsection (c) that contains certifications that the applicant meets each requirement and substantive standard specified under subsection (c)(1)(A).

(3) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(4) PERMIT.—The term "permit" has the meaning given the term "license" in section 551 of title 5, United States Code, and as further elucidated by the Director in the guidance issued under subsection (a).

(5) PERMITTING BY RULE.—The term "permitting by rule" means the application process that an agency establishes by rule for granting a certain type of permit described in subsection (b), as further elucidated by the Director in the guidance issued under subsection (a).

(6) SUBSTANTIVE STANDARD.—The term "substantive standard" means all qualities, statuses, actions, benchmarks, measurements, or other written descriptions that would qualify a party to perform the permitted action.

SUMMARY AND PURPOSE OF LEGISLATION

H.R. 689, the "Full Responsibility and Expedited Enforcement Act" or "FREE Act", streamlines federal permitting government-wide by expanding use of permitting by rule (PBR) rather than extensive case-by-case review of individual permit applications. The FREE Act directs federal agencies to evaluate their permitting systems and report to Congress within 240 days, identifying for which types of permits PBR can replace current systems and thoroughly justifying any determinations that PBR cannot be used. Agencies must then adopt PBR within 12 months for identified types of permits. Under PBR, agencies must grant within 30 days all applications for coverage under a permit-by-rule that meet objective permit standards set forth in the applicable rule. Agencies remain free to deny applications that do not meet requirements in the rule and may verify compliance.

BACKGROUND AND NEED FOR LEGISLATION

The federal permitting process has long and justly been criticized for being slow, expensive, and opaque. A recent report by S&P Global, for example, found that developing a new mine in the United States—from discovery to production—takes on average nearly 29 years, the second longest in the world.[1] This is but one example of the significant problems experienced by many seeking permits from federal agencies for a variety of purposes. Such delays hinder economic activity, stall project implementation, and increase costs for both the government and private entities.

One of the factors contributing to unnecessary delays in federal permitting is the use of individual and often time-consuming review of permit applications for activities that share common features. By adopting a permitting by rule system to address permitting of such activities, agencies can significantly reduce these inefficiencies. Accordingly, the FREE Act seeks to modernize the federal permitting process by increasing the use of PBR across the federal government. PBR, sometimes also referred to as general permitting, allows a permitting agency to promulgate by regulation a permit for widespread and common activities, such as for water discharges related to home construction. Once a given PBR rule is promulgated, permit applicants can obtain coverage under the permit established by the rule by certifying that their activities comply

[1] S&P Global, *United States Ranks Next to Last in Development Time for New Mines that Produce Critical Minerals for Energy Transition, S&P Global Finds*, PR NEWSWIRE, (Jul. 18, 2024), *available at* https://press.spglobal.com/2024-07-18-United-States-Ranks-Next-to-Last-in-Development-Time-for-New-Mines-that-Produce-Critical-Minerals-for-Energy-Transition,-S-P-Global-Finds.

with the rule's requirements. Increased use of PBR is long overdue in the federal government and promises to ease the delay and expense that characterizes federal permitting today.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title is the "Full Responsibility and Expedited Enforcement Act", or the "FREE Act".

Section 2. Findings

This section details findings of Congress supporting the need for the legislation.

Section 3. Permitting by rule

Subsection (a) requires the Office of Management and Budget (OMB) to issue implementing guidance to agencies within 120 days of enactment of this Act, including on the meaning of certain terms in the bill.

Subsection (b) requires each federal agency to evaluate its current permitting system and report to Congress within 240 days after the issuance of the OMB guidance issued under subsection (a) to identify permits they administer, statutory and regulatory requirements to obtain those permits, and assessing the degree to which permitting by rule could replace the current system. Authorizes agencies to solicit public comment in preparing the report.

Subsection (b) requires agencies to establish, by rule, a permit-by-rule application process within 12 months, for each type of permit issued by the agency as identified in the report required by subsection (a), under which applications are deemed granted if they meet all requirements and are not approved or denied within 180 days.

Agencies may contact applicants to correct missing certifications that requirements are met.

Agencies may deny applications if requirements are not met, audit for compliance, and require corrective action for granted permits.

Provides for direct appeals in federal court for applicants whose applications are denied or whose granted permits are suspended. The agency shall bear the burden of proof in such appeals.

Allows applicants who succeed on appeal to recover their attorney fees from the permitting agency.

Subsection (c) requires agencies to report to Congress within 2 years after the subsection (a) report on their progress in transitioning to and implementing each type of permit for which permit by rule is implemented under the Act.

Subsection (d) allows agencies to maintain both their previous permitting systems and permitting by rule, allowing applicants to choose which system to use in their individual cases.

Subsection (e) requires the Government Accountability Office (GAO) to submit a report to Congress within 90 days on agency compliance with the subsection (a) report to Congress, including any legislative recommendations to enable agencies to transition. Requires GAO to submit a similar report within 180 days on agency compliance with the subsection (c) transition progress report to Congress.

Subsection (f) provides definitions for terms used in the Act.

Subsection (g) provides for definitions for terms used in the Act, including "agency," "rule," "completed application," "Director," "permit," "permitting by rule," and "substantive standard."

LEGISLATIVE HISTORY

H.R. 689 was introduced on January 23, 2025, by Representative Celeste Malloy (R–UT). The following Representatives are cosponsors of the bill: Brad Finstad (R–MN), Blake Moore (R–UT), David Valadao (R–CA), Jodey Arrington (R–TX), Burgess Owens (R–UT), August Pfluger (R–TX), Juan Ciscomani (R–AZ), Pete Stauber (R–MN), Michelle Fishbach (R–MN), Dan Newhouse (R–WA), Mike Collins (R–GA), Rudy Yakym (R–IN), Vince Fong (R–CA), Paul Gosar (R–AZ), Russ Fulcher (R–ID), Mike Kennedy (R–UT), Harriet Hageman (R–WY), and Jeff Hurd (R–CO). Delegate James Moylan (R–GU) is also a cosponsor. The bill was referred to the Committee on Oversight and Government Reform. The Committee held related hearings on February 26, April 1, and April 29, 2025. The Committee considered H.R. 689 at a business meeting on May 21, 2025, and ordered the bill as amended favorably reported by a recorded vote.

COMMITTEE CONSIDERATION

On May 21, 2025, the Committee met in open session and ordered the bill, H.R. 689, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 23–19, a quorum being present.

ROLL CALL VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following roll call vote occurred during the Committee's consideration of H.R. 689:

A roll call vote was held on favorably reporting H.R. 689. The bill was agreed to in a recorded vote of 23–19, a quorum being present.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
119TH CONGRESS
RATIO 26-21
ROLL CALL

Vote on: Final Passage – H.R. 689, the Full Responsibility and Expedited Enforcement (FREE) Act
Date: 5/21/2025 **VOTE #: 4**

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) *(Chairman)*	X			MR. CONNOLLY (VA) *(Ranking Member)*			
MR. JORDAN (OH)				MS. NORTON (DC)		X	
MR. TURNER (OH)	X			MR. LYNCH (MA)		X	
MR. GOSAR (AZ)	X			MR. KRISHNAMOORTHI (IL)		X	
MS. FOXX (NC)				MR. KHANNA (CA)		X	
MR. GROTHMAN (WI)	X			MR. MFUME (MD)		X	
MR. CLOUD (TX)	X			MS. BROWN (OH)		X	
MR. PALMER (AL)	X			MS. STANSBURY (NM)		X	
MR. HIGGINS (LA)	X			MR. GARCIA (CA)		X	
MR. SESSIONS (TX)	X			MR. FROST (FL)		X	
MR. BIGGS (AZ)	X			MS. LEE of PENNSYLVANIA (PA)		X	
MS. MACE (SC)	X			MR. CASAR (TX)		X	
MR. FALLON (TX)	X			MS. CROCKETT (TX)		X	
MR. DONALDS (FL)				MS. RANDALL (WA)			
MR. PERRY (PA)	X			MR. SUBRAMANYAM (VA)		X	
MR. TIMMONS (SC)	X			MS. ANSARI (AZ)		X	
MR. BURCHETT (TN)	X			MR. BELL (MO)		X	
MS. GREENE OF GEORGIA (GA)	X			MS. SIMON (CA)		X	
MS. BOEBERT (CO)	X			MR. MIN (CA)		X	
MRS. LUNA (FL)	X			MS. PRESSLEY (MA)		X	
MR. LANGWORTHY (NY)	X			MS. TLAIB (MI)		X	
MR. BURLISON (MO)	X						
MR. CRANE (AZ)	X						
MR. JACK (GA)	X						
MR. MCGUIRE (VA)	X						
MR. GILL (TX)	X						

Roll Call Totals: Ayes: 23 Nays: 19 Present:
Passed: ____X____ Failed: ______

Explanation of Amendments

During Committee consideration of the bill, Representative James Comer (R–KY), Chairman of the Committee, offered an amendment in the nature of a substitute that made a certain technical change to the bill. The amendment in the nature of a substitute passed by voice vote.

List of Related Committee Hearings

In accordance with House rule XIII, clause 3(c)(6), (1) the following hearing was used to develop or consider H.R. 689:

On February 26, 2025, the Committee held a hearing titled "Leading the Charge: Opportunities to Strengthen America's Energy Reliability" with Mr. Alex Epstein, President and Founder, Center for Industrial Progress; Ms. Mandy Gunasekara, former Chief of Staff, U.S. Environmental Protection Agency; Mr. Alex Herrgott, Chief Executive Officer and President, the Permitting Institute; Dr. Rachel Cleetus, Policy Director, Climate and Energy Program, Union of Concerned Scientists.

(2) The following related hearing was held:

On April 1, 2025, the Committee held a hearing titled "America's AI Moonshot: The Economics of AI, Data Centers, and Power Consumption" with Mr. Neil Chilson, Head of AI Policy, the Abundance Institute; Mr. Josh Levi, President, Data Center Coalition; Mr. Mark P. Mills, Executive Director, National Center for Energy Analytics; and Mr. Tyson Slocum, Energy Program Director, Public Citizen.

(3) The following related hearing was held:

On April 29, 2025, the Committee held a hearing titled "Made in the USA: Igniting the Industrial Renaissance of the United States" with Mr. Kevin Czinger, Founder and Executive Chairman, Divergent 3D; Mr. Chris Power, Founder and Chief Executive Officer, Hadrian; Mr. Austin Bishop, Chief Executive Officer, New American Industrial Alliance; and Dr. Adm S. Hersh, Ph.D., Senior Economist, Economic Policy Institute.

Statement of Oversight Findings and Recommendations of the Committee

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the Background and Need for Legislation section above.

Statement of General Performance Goals and Objectives

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals or objectives of this bill are to reduce unnecessary burdens in and streamline the federal permitting process across all federal agencies.

Application of Law to the Legislative Branch

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill does not relate to employment or access to public services and accommodations in the legislative branch.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 3(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

Pursuant to section 5(b) of Public Law 92–463 (5 U.S.C. 1004(b)), the Federal Advisory Committee Act, the Committee finds that this Committee Print does not direct the establishment of an advisory committee.

UNFUNDED MANDATES REFORM ACT STATEMENT

Pursuant to section 423 of the *Congressional Budget Act of 1974* the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974*.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(d)(1) of House rule XIII, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

H.R. 689, FREE Act **As ordered reported by the House Committee on Oversight and Government Reform on May 21, 2025**			
By Fiscal Year, Millions of Dollars	2026	2026-2030	2026-2035
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	*	20	not estimated

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between -$500,000 and $500,000.

H.R. 689 would require federal agencies to report to the Congress on the permits that they issue and to assess the feasibility of replacing current permitting processes with a permitting-by-rule process, which would allow streamlined permitting for applicants certifying that they have met specific conditions. Agencies would have limited discretion to deny applications under that new process.

The bill also would require the Office of Management and Budget (OMB), within 120 days of enactment, to issue guidance on establishing permitting by rule. H.R. 689 would require agencies to report to the Congress on their plans for implementation and, within 12 months of reporting, establish permitting-by-rule processes for eligible activities. The bill also would require the Government Accountability Office to evaluate and report on federal permitting systems.

Based on the cost of similar reporting requirements, CBO anticipates that the workload of each of the 24 largest federal agencies would increase by more than $500,000 over the 2026–2030 period. We estimate that implementing those provisions would cost $20 million over that period. Any related spending would be subject to the availability of appropriated funds.

How agencies would interpret and implement the bill's requirements is uncertain. The bill would require OMB to define what a permit is and would give agencies wide discretion to determine which types of permits would qualify for permitting by rule. CBO has no basis to estimate the specific processes that agencies would consider to be subject to the bill's requirements or suitable for permitting by rule.

Because the bill would not change agencies' legal responsibilities and because each agency would determine which processes to replace with permitting by rule, CBO expects that enacting H.R. 689 would not significantly affect how agencies implement permitting processes under current law. As a result, we estimate that implementing the bill would have an insignificant effect both on direct spending and on revenues over the 2026–2035 period.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H.Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The requirements of clause 3(e) of rule XIII of the Rules of the House of Representatives do not apply to H.R. 689.

MINORITY VIEWS

Democrats strongly oppose H.R. 689, the Full Responsibility and Expedited Enforcement Act. Federal agencies review permit applications required for projects such as infrastructure, transportation, energy, and mining. These agencies consider important factors like public interest, pollution risks, and whether the project would be a good use of our public lands. This Act would allow corporations to pollute our waters and lands for oil, gas, and mining projects.

This bill would prevent agencies from properly reviewing permit applications by stripping agencies of the ability to do a proper review of permit applications that they receive. Rather than carefully reviewing permit applications on a case-by-case basis, the agencies would have to create processes for categorical approval if limited threshold standards are met.

The bill undermines public permitting review by favoring corporate applicants over the expertise of the civil servants who work to protect our lands and access to clean air and clean water. For example, the bill would allow an applicant to skip over the administrative appeal process and immediately sue the federal government in U.S. District Court if a permit is denied or if a permit holder's action is restricted for non-compliance.

The bill also shifts the burden of proof onto the agency to show that an applicant did not meet the already limited standards, rather than requiring an applicant to prove that it did meet those standards.

The bill further empowers corporate polluters and discourages federal enforcement actions by requiring agencies to pay for the attorney fees of a permit holder or applicant that prevails under the completely skewed legal framework under the bill.

Most alarmingly, this permit-by-rule system would eliminate any opportunity for the public to weigh in on permit applications through a notice-and-comment period, as is currently standard for most permits. This would prevent the communities who would be directly affected by permitted projects from having their voices heard, even when their land could be taken or their water polluted.

We must maintain federal agencies' ability to thoroughly review permit applications to ensure that all proper measures are taken to protect our lands, air, and water under the rule of law.

ROBERT GARCIA,
Ranking Member.

○