

American Energy First Act
Section by Section

Section 1. Short title; table of contents

TITLE I: ONSHORE OIL AND GAS

Section 101: Cooperative federalism in oil and gas permitting on available Federal land. Amends the Mineral Leasing Act to allow the Secretary of the Interior to delegate to the states authority for permitting and regulation of oil and gas activities on federal land within that state. Specifically, states may seek approval to process Applications for Permit to Drill (APDs) or drilling plans.

Section 102: Conveyance to certain States of property interest in State share of royalties and other payments. Amends the Mineral Leasing Act of 1920 to provide that the 2% administrative fee charged by the federal government on mineral revenue collection is only assessed on states without approved state programs with delegated authority.

Section 103: Access to Federal oil and gas from non-Federal surface estate. Amends the Mineral Leasing Act of 1920 to clarify that permitting for operations on state or private lands accessing oil and gas resources in which the federal ownership interest is less than 50% will not be considered a federal action and shall not require a federal permit. States are responsible for all permitting, inspection, and enforcement of oil and gas operations on non-federal land.

Section 104: State and Tribal authority for hydraulic fracturing regulations. Amends the Mineral Leasing Act to require the Secretary to defer to state regulations, permitting, and guidance for all activities regarding hydraulic fracturing relating to oil, gas, or geothermal production activities on federal land.

Section 105: Protested lease sales. Requires the Secretary to resolve any protest to a lease sale within 60 days.

Section 106: Clarification regarding liability under the Migratory Bird Treaty Act. Clarifies that incidental or accidental take of migratory birds is not a MBTA violation.

Section 107: Amendments to the Energy Policy Act of 2005. Establishes new categorical exclusions for oil and gas permitting.

Section 108: Administrative protest process reform. Requires those who submit a protest to a lease sale to pay a processing fee depending on the number of pages included in the protest.

Section 109: Notifications of permit to drill. Establishes a Notification for Permit to Drill process for APD applications that do not require significant environmental review.

TITLE II: OFFSHORE OIL AND GAS

Section 201: Limitation of authority of the President to withdraw areas of the Outer Continental Shelf from oil and gas leasing. Amends OCSLA to require that Congress authorize all new mineral withdrawals on the OCS and terminates the President's authority to declare new offshore national monuments with exceptions.

Section 202: Disposition of revenue from oil and gas leasing on the Outer Continental Shelf to Atlantic States and Alaska. Establishes revenue sharing for the Atlantic States and Alaska for oil and gas production off of their coastlines.

Section 203: Gulf of Mexico Outer Continental Shelf Revenue. Increases the State share of oil and gas production revenues in the Gulf of Mexico from 37.5% to 50% and removes the \$500 million per year cap on the funds received by the States under GOMESA.

Section 204: Addressing permits for taking of marine mammals. Establishes timelines for permits under the Marine Mammal Protection Act, and eliminates duplicative regulation by exempting authorized permit holders from section 9 of the Endangered Species Act.

Section 205: Energy Development in the Eastern Gulf of Mexico. Expands energy development in the Gulf of Mexico to the Eastern Gulf Planning Area and requires the Secretary of the Interior to submit a report including options for sharing of revenues from energy production in the Eastern Planning Area with the Gulf States.

Section 206: Annual Lease Sales in the Gulf of Mexico Region. Requires a minimum of two regionwide lease sales to be held annually in the Central and Western Gulf of Mexico Planning Areas.

TITLE III: ALTERNATIVE ENERGY

Section 301: Geothermal, solar and wind leasing priority areas. Directs the Department of the Interior to establish priority areas for geothermal, solar, and wind leasing on federal lands and limits NEPA reviews to 365 days and 150 pages in length.

Section 302: Geothermal production on Federal lands. Authorizes a categorical exclusion for geothermal exploration test projects.

Section 303: Application of Outer Continental Shelf Lands Act with respect to territories of the United States. Amends OCSLA to include territories of the U.S.

Section 304: Disposition of revenues with respect to territories of the United States. Establishes a revenue sharing structure under OCSLA for the territories of the U.S.

Section 305: Wind lease sales for areas of Outer Continental Shelf. Authorizes offshore wind lease sales off the coasts of territories of the U.S. Directs at least one annual wind lease sale per territory if certain conditions are met.

Section 306: Establishment of Coral Reef Conservation Fund. Establishes the Coral Reef Conservation Fund and specifies uses of funds.

Section 307: Parity in offshore wind revenue sharing. Establishes a revenue sharing structure for coastal states for wind leases on the Outer Continental Shelf.

Section 308: Energy and environmental remediation demonstration project for biochar. Directs the establishment of demonstration projects for the development and commercialization of biochar.

TITLE IV: LIMITATIONS ON LEASING MORATORIUMS

Section 401: Coal leases. Prevents the Secretary from issuing a de facto coal moratorium by failing to hold coal lease sales.

Section 402: Congressional authority requirement. Prohibits the Secretary of the Interior from declaring a moratorium on new oil, gas, or coal lease sales on federal lands or waters without the authorization of Congress.

Section 403: Prohibition on moratoria of new energy leases on certain Federal land and on withdrawal of Federal land from energy development. Prohibits the President from carrying out any action that would prohibit or substantially delay leases or other activities for the development of oil, gas, coal, or hardrock or critical minerals on federal lands; prohibits the withdrawal of any energy or mineral resources on federal lands unless authorized by Congress.