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Federalization in CLEAR Act Usurps States Rights To Regulate Own Waters

Federal failures = Federal takeover of state oversight???

A massive federal power grab is included in the Democrat's CLEAR Act in the form of a provision that requires the federal government to take over energy permitting in state waters. This is in response to the oil spill that occurred in federal waters and was supposed to be regulated by the federal government? It has absolutely nothing to do with states.

The mismanagement, corruption and oversight failures of the federal government are being used as justification to expand federal control by seizing management from the states. Logic would dictate that when a disaster of such proportions happens under the watch of an agency, that agency shouldn't then receive additional responsibilities and power.

Today, Texas Governor Rick Perry and other Texas officials slammed the federalization provision in the CLEAR Act in a [letter](#) to the Texas Congressional delegation:

"In light of federal failures, it is incomprehensible that the United States Congress is entertaining proposals that expand federal authority over oil and gas drilling in state water and lands long regulated by states...Given the track record, putting the federal government in charge of energy production on state land and waters not only breaks years of successful precedent and threatens the 10th Amendment to the United States Constitution, but it also undermines common sense and threatens the environmental and economy security of our state's citizens."

The Submerged Lands Act has established nearly 60 years of precedent for states to monitor their own waters—they have done so effectively and efficiently, keeping the highest environmental standards a top priority.

The Interstate Oil and Gas Compact Commission, [which represents 38 States](#), also [wrote House Leadership](#) in opposition to the CLEAR Act's usurpation of state regulatory authority:

"State regulators are highly skilled and deeply dedicated to environmental protection and safety. As the responsible parties closest to oil and gas operations, they are best equipped to detect and head off problems before they occur."

House Democrats should not use the tragedy in the Gulf as an excuse to wrestle away power from individual states and put it in the hands of the federal government. While the language included in the CLEAR Act is limited to state waters, the original provision is derived from a Democrat bill that not only federalizes all state waters, but also extends federal control over state lands and even private property.

“It is unfathomable that this bill looks at the failures of federal oversight and BP in the Deepwater Horizon disaster and sees justification for a federal seizure of control over drilling in state waters. This is unjustifiable and deserves strong opposition. States should not suffer because the federal government didn’t do its job properly. Even more disturbing is that this may be just the tip of the iceberg as Democrats have proposed extending control to also include state lands and private property. The potential ramifications include lost jobs, out-of-control lawsuits, lost energy production, and higher gas and energy prices for Americans.” **said Natural Resources Committee Ranking Member Doc Hastings.**

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