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9 **A HOUSE RESOLUTION**

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11 TO EXPRESS SUPPORT TO THE WESTERN STATES OF THE
12 UNITED STATES OF AMERICA AND THE FEDERAL
13 TRANSFER OF PUBLIC LANDS TO THE WESTERN STATES,
14 AND TO URGE THE UNITED STATES CONGRESS TO
15 ENGAGE IN GOOD FAITH COMMUNICATION AND
16 COOPERATION TO COORDINATE THE TRANSFER OF
17 TITLE TO THE WESTERN STATES.

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19 Whereas, under Article IV, Section 3, of the United States
20 Constitution, "The congress shall have power to dispose of and
21 make all needful rules and regulations respecting the territory or
22 other property belonging to the United States"; and

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24 Whereas, the Constitutional Convention intended this provision of
25 the Constitution to maintain the status quo that had been established
26 to transfer federal territorial lands only to create new states with the
27 same rights of sovereignty, freedom, and independence as the
28 original states; and

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30 Whereas, under these express terms of trust, over time the states
31 claiming federal territorial land ceded their western land to the
32 confederated Union to allow the confederated government to
33 dispose of the lands only to create new states and apply the net
34 proceeds of any sales of the lands only to pay down the public debt;
35 and

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37 Whereas, the United States Constitution contains no expression of
38 intent to authorize the federal government to indefinitely exercise
39 control over western public lands beyond the duty to manage the
40 lands pending the disposal of the lands to create new states, and
41 therefore the lands should be returned to the western states; and
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1 Whereas, in order to promote legitimate federal interests the western
2 states should upon transfer of the public lands directly to the state
3 where the public land is located agree to affirmatively cede lands
4 for the national park system, the national wilderness preservation
5 system, and lands reserved for federal military use, military parks,
6 and military reservations to the federal government under Article I,
7 Section 8, Clause 17, of the United States Constitution, on condition
8 that the lands permanently remain national park lands, and that they
9 not be sold, transferred, left in substantial disrepair, or conveyed to
10 any party other than to the state where the land is located; and
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12 Whereas, limiting the ability of western states to access and utilize
13 the public lands' natural resources within their borders is having a
14 negative impact upon the economy of the western states and
15 therefore the economy of the entire United States; and
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17 Whereas, in order to provide a fair, just, and equitable remedy for
18 the federal government's past and continuing breaches of its solemn
19 promises to the western states, the South Carolina House of
20 Representatives:

21 (1) calls on the federal government to transfer title to all federal
22 public lands within the western states to the state where the land is
23 located;

24 (2) urges the United States Congress to engage in good faith
25 communication, cooperation, and consultation with the western
26 states to coordinate the transfer of the public lands, and supports the
27 western states in these efforts;

28 (3) calls upon the western states to agree, upon transfer of the
29 public lands, to affirmatively cede to the federal government all
30 lands currently designated as part of the National Park System under
31 16 U.S.C. Section 1a-1, the National Wilderness Preservation
32 System under 16 U.S.C. Section 1131, or for military use, military
33 parks, or military reservations;

34 (4) urges that if any public land in the western states be sold to
35 private owners, the net proceeds be paid to the Bureau of the Public
36 Debt to pay down the federal debt; and

37 (5) calls on all other states of the United States to pass a similar
38 resolution in support of the transfer of the federal public lands to the
39 western states. Now, therefore,
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41 Be it resolved by the House of Representatives:
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1 That the members of the House of Representatives of the State of
2 South Carolina, by this resolution, express support to the western
3 states of the United States of America and the federal transfer of
4 public lands to the western states, and urges the United States
5 Congress to engage in good faith communication and cooperation
6 to coordinate the transfer of title to the western states.

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8 Be it further resolved that upon its adoption copies of this resolution
9 be forwarded to the United States Department of the Interior, the
10 Majority Leader of the United States Senate, the Speaker of the
11 United States House of Representatives, the members of the South
12 Carolina Congressional Delegation, and the Governors, Senate
13 Presidents, and Speakers of the House of Representatives of the 49
14 other states.

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