

TO AUTHORIZE THE MARION PARK PROJECT AND COMMITTEE OF THE
PALMETTO CONSERVATION FOUNDATION TO ESTABLISH A COMMEMO-
RATIVE WORK ON FEDERAL LAND IN THE DISTRICT OF COLUMBIA, AND
ITS ENVIRONS TO HONOR BRIGADIER GENERAL FRANCIS MARION

JULY 20, 2006.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 5057]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 5057) to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.

(a) FINDINGS.—The Congress finds that:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him". Thus, the legend of the "Swamp Fox" was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. At present, and since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) **AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.**—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the Commemorative Works Act).

(d) **USE OF FEDERAL FUNDS PROHIBITED.**—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) **DEPOSIT OF EXCESS FUNDS.**—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) **DEFINITIONS.**—For the purposes of this section, the terms “commemorative work” and “the District of Columbia and its environs” have the meanings given to such terms in section 8902(a) of title 40, United States Code.

Amend the title so as to read:

A bill to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

PURPOSE OF THE BILL

The purpose of H.R. 5057, as ordered reported, is to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion.

BACKGROUND AND NEED FOR LEGISLATION

General Francis Marion, known as “The Swamp Fox” was a Revolutionary officer from South Carolina. He led a band of irregular fighters in the back- and low-country swamps of South Carolina fighting the British troops under Lord Cornwallis. He is generally credited as the “Father of Guerilla Warfare,” and is recognized as such at various war colleges.

Gen. Marion was a lifelong citizen-soldier and planter, living on his plantation, Pond Bluff, and fighting as a lieutenant in the French and Indian War in the 1750s, the Cherokee Campaign of 1760, as a captain at the Battle of Sullivan's Island on June 28, 1776, and as a lieutenant colonel at the Battle of Savannah on October 9, 1779. He was carried out of Charleston in 1780 with a broken ankle suffered by jumping out of a window to escape a Loyalist trap, thus avoiding the fall of Charleston under Gen. Benjamin Lincoln and his 5,000 Continental Troops.

After Charleston had fallen and the Americans were driven from the field at the Battle of Camden in August of 1780, General Marion and his soldiers, whites and blacks, free and slave, along with friendly Native Americans, were the only organized fighting force in action in America. It is believed that they were the first integrated fighting force in America as well. General Marion went on to disrupt British supply lines that set up patriot successes and ultimately, the Colonies' victory.

Marion Park in the District of Columbia is named after the famous general; however, there is very little recognition of the man himself at the park. The Marion Park Project Committee was established in partnership with the nonprofit Palmetto Conservation Foundation with the goal of placing a monument to General Marion at the park.

The nonprofit has coordinated this effort with the National Park Service and is now seeking authorization from Congress so the project may move forward. No federal funds will be authorized for the establishment of the commemorative work, and the Marion Park Project Committee will be responsible for raising the funds.

COMMITTEE ACTION

H.R. 5057 was introduced on March 30, 2006, by Congressman Joe Wilson (R-SC). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks. On May 25, 2006, the Subcommittee on National Parks held a hearing on H.R. 5057. On June 21, 2006, the Committee on Resources met to consider the bill.

The Subcommittee was discharged from further consideration of the bill by unanimous consent. Congressman Stevan Pearce (R-NM) offered an amendment in the nature of a substitute to correct the reference to the nonprofit organization authorized to establish the commemorative work. The amendment corrects the name to read "the Marion Park Project, a committee of the Palmetto Conservation Foundation." The Pearce amendment was adopted by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, clause 3 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in car-

rying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 5057 “would affect revenues and direct spending, but we estimate that such effects would not be significant.”

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 5057—A bill to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion

H.R. 5057 would authorize a nonprofit organization to establish a commemorative work honoring Brigadier General Francis Marion. CBO estimates that implementing H.R. 5057 would have no significant impact on the federal budget. Enacting the legislation would affect revenues and direct spending, but we estimate that such effects would not be significant.

H.R. 5057 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 5057 would authorize the Palmetto Conservation Foundation to establish the monument to the Revolutionary War hero on federal lands in Washington, D.C., subject to the requirements of the Commemorative Works Act (CWA) and without the use of federal funds. Under the CWA, any entity that receives a permit to construct a memorial in the District of Columbia or its environs must deposit an amount equal to 10 percent of the memorial’s estimated construction cost in the U.S. Treasury. The funds deposited are then available without further appropriation for maintenance and preservation of the structure.

Based on information provided by the National Park Service, CBO estimates that the federal government would collect a deposit from the nonprofit organization of less than \$100,000 once the memorial has been built. Based on the history of similar commemorative projects, we expect that the deposit would not be received for several years, and spending of any amounts received would be minimal in any fiscal year. The bill also would require the organization to pay the Treasury any amounts that it collects from contributors in excess of construction costs, but CBO estimates that no such amounts would be paid.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

