

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5057

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IN THE SENATE OF THE UNITED STATES

JULY 25, 2006

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. COMMEMORATIVE WORK TO HONOR BRIGA-**  
4 **DIER GENERAL FRANCIS MARION AND HIS**  
5 **FAMILY.**

6 (a) FINDINGS.—The Congress finds that:

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

13 (2) Brigadier General Marion commanded the  
14 Williamsburg Militia Revolutionary force in South  
15 Carolina and was instrumental in delaying the ad-  
16 vance of British forces by leading his troops in dis-  
17 rupting supply lines.

18 (3) Brigadier General Marion’s tactics, which  
19 were unheard of in rules of warfare at the time, in-  
20 cluded lightning raids on British convoys, after  
21 which he and his forces would retreat into the  
22 swamps to avoid capture. British Lieutenant Colonel  
23 Tarleton stated that “as for this damned old swamp  
24 fox, the devil himself could not catch him”. Thus,  
25 the legend of the “Swamp Fox” was born.

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

4           (5) Brigadier General Marion's troops are be-  
5           lieved to be the first racially integrated force fight-  
6           ing for the United States, as his band was a mix of  
7           Whites, Blacks, both free and slave, and Native  
8           Americans.

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

12          (7) Although the Congress has authorized the  
13          establishment of commemorative works on Federal  
14          lands in the District of Columbia honoring such cele-  
15          brated Americans as George Washington, Thomas  
16          Jefferson, and Abraham Lincoln, the National Cap-  
17          ital has no comparable memorial to Brigadier Gen-  
18          eral Francis Marion for his bravery and leadership  
19          during the Revolutionary War, without which the  
20          United States would not exist.

21          (8) Brigadier General Marion's legacy must live  
22          on. At present, and since 1878, United States Res-  
23          ervation 18 has been officially referred to as Marion  
24          Park. Located between 4th and 6th Streets, S.E., at  
25          the intersection of E Street and South Carolina Ave-

1 nue, S.E., in Washington, DC, the park lacks a for-  
2 mal commemoration to this South Carolina hero who  
3 was important to the initiation of the Nation's herit-  
4 age.

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

11 (b) AUTHORITY TO ESTABLISH COMMEMORATIVE  
12 WORK.—The Marion Park Project, a committee of the  
13 Palmetto Conservation Foundation, may establish a com-  
14 memorative work on Federal land in the District of Co-  
15 lumbia and its environs to honor Brigadier General  
16 Francis Marion and his service.

17 (c) COMPLIANCE WITH STANDARDS FOR COMMEMO-  
18 RATIVE WORKS.—The commemorative work authorized by  
19 subsection (b) shall be established in accordance with  
20 chapter 89 of title 40, United States Code (commonly  
21 known as the Commemorative Works Act).

22 (d) USE OF FEDERAL FUNDS PROHIBITED.—Fed-  
23 eral funds may not be used to pay any expense of the es-  
24 tablishment of the commemorative work authorized by  
25 subsection (b). The Marion Park Project, a committee of

1 the Palmetto Conservation Foundation, shall be solely re-  
2 sponsible for acceptance of contributions for, and payment  
3 of the expenses of, the establishment of that commemora-  
4 tive work.

5 (e) DEPOSIT OF EXCESS FUNDS.—If, upon payment  
6 of all expenses of the establishment of the commemorative  
7 work authorized by subsection (b) (including the mainte-  
8 nance and preservation amount provided for in section  
9 8906(b) of title 40, United States Code), or upon expira-  
10 tion of the authority for the commemorative work under  
11 chapter 89 of title 40, United States Code, there remains  
12 a balance of funds received for the establishment of that  
13 commemorative work, the Marion Park Project, a com-  
14 mittee of the Palmetto Conservation Foundation, shall  
15 transmit the amount of the balance to the Secretary of  
16 the Treasury for deposit in the account provided for in  
17 section 8906(b)(1) of such title.

18 (f) DEFINITIONS.—For the purposes of this section,  
19 the terms “commemorative work” and “the District of

1 Columbia and its environs” have the meanings given to  
2 such terms in section 8902(a) of title 40, United States  
3 Code.

Passed the House of Representatives July 24, 2006.

Attest:

KAREN L. HAAS,

*Clerk.*