

## Calendar No. 233

110TH CONGRESS  
1ST SESSION**H. R. 497****[Report No. 110-103]**

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IN THE SENATE OF THE UNITED STATES

MARCH 6, 2007

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

JUNE 26, 2007

Reported by Mr. BINGAMAN, without amendment

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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. SHORT TITLE.**

4 This Act may be cited as the “Brigadier General  
5 Francis Marion Memorial Act of 2007”.

1 **SEC. 2. COMMEMORATIVE WORK TO HONOR BRIGADIER**

2 **GENERAL FRANCIS MARION AND HIS FAMILY.**

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

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

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

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

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

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

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

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

18          (8) Brigadier General Marion’s legacy must live  
19          on. Since 1878, United States Reservation 18 has  
20          been officially referred to as Marion Park. Located  
21          between 4th and 6th Streets, S.E., at the intersec-  
22          tion of E Street and South Carolina Avenue, S.E.,  
23          in Washington, DC, the park lacks a formal com-  
24          memoration to this South Carolina hero who was im-  
25          portant to the initiation of the Nation’s heritage.

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

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

13           (c) **COMPLIANCE WITH STANDARDS FOR COMMEMO-**  
14 **RATIVE WORKS.**—The commemorative work authorized by  
15 subsection (b) shall be established in accordance with  
16 chapter 89 of title 40, United States Code (commonly  
17 known as the “Commemorative Works Act”).

18           (d) **USE OF FEDERAL FUNDS PROHIBITED.**—Fed-  
19 eral funds may not be used to pay any expense of the es-  
20 tablishment of the commemorative work authorized by  
21 subsection (b). The Marion Park Project, a committee of  
22 the Palmetto Conservation Foundation, shall be solely re-  
23 sponsible for acceptance of contributions for, and payment  
24 of the expenses of, the establishment of that commemora-  
25 tive work.

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

14           (f) DEFINITIONS.—For the purposes of this section,  
15 the terms “commemorative work” and “the District of Co-  
16 lumbia and its environs” have the meanings given to such  
17 terms in section 8902(a) of title 40, United States Code.

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