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A motion to reconsider was laid on the table.

**AUTHORIZING ESTABLISHMENT OF
COMMEMORATIVE WORK TO
HONOR BRIGADIER GENERAL
FRANCIS MARION**

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass 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, as amended.

The Clerk read as follows:

H.R. 5057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**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 Briga-

dier 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.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5057 introduced by Congressman JOE WILSON of South Carolina would authorize the Marion Park Project to establish a commemorative work on Federal land in the District of Columbia to honor Brigadier General Francis Marion. General Francis Marion, known as The Swamp Fox, was a Revolutionary War officer from South Carolina. He led a band of irregular fighters in the back- and low-country swamps of South Carolina to fight the British troops under Lord Cornwallis. He is generally credited as the father of guerrilla warfare.

Marion Park in the District of Columbia is named after the famous gen-

eral; however, there is very little recognition of the man himself at the park. The Marion Park Project was established in partnership with the non-profit Palmetto Conservation Foundation with the goal of placing a monument to General Marion at the park. The group 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 will be responsible for raising the funds.

Finally, I would like to recognize the work of our colleague, Congressman WILSON, and the important contribution of Congressman HENRY BROWN in bringing this legislation to this House floor today, and I would urge my colleagues to support H.R. 5057.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. General Francis Marion, also known as The Swamp Fox, was a pivotal figure in the American Revolutionary War and is deserving of commemoration here in our Nation's capital.

No Federal funds will be used for this memorial project; and the design, the construction, and the maintenance will proceed pursuant to the Commemorative Works Act. Furthermore, while this memorial will be authorized for placement at a site here in Washington, DC, it will not be on the National Mall.

We support passage of H.R. 5057. The bill was introduced by my good friend from South Carolina, Congressman JOE WILSON.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today as a supporter and chief sponsor of H.R. 5057, the "Brigadier General Francis Marion Memorial Act." General Marion, more commonly known as The Swamp Fox, was a renowned patriot who represented my State of South Carolina and our fledgling Nation well with his brave service in the Revolutionary War. As a South Carolinian, I am proud his legacy has been honored with a memorial park here in Washington. This particularly is meaningful to me as General Marion and I share the heritage of French Huguenots who have contributed so much to American history. I am grateful that a statue of the Swamp Fox will be erected on its premises as an inspiration for our citizens. Passage of this bill is a crucial first step in making this dream a reality.

I would specifically like to thank Ken Driggers and Nancy Stone-Collum of the Palmetto Conservation Foundation, which serves as a conduit for the fundraising part of this process. Additionally, I would like to thank the South Carolina Humanities Council for supporting John McCabe, the enthusiastic histories who originally had the vision to honor the "Swamp Fox." John created the Francis Marion Park Project to assist in the fundraising

and planning efforts, and I cannot be more pleased with the progress that has taken place. Also, the National Park Service deserves recognition for their guidance through this important process.

The entire South Carolina delegation, as well as Chairman RICHARD POMBO, have lent their support to this project. As such, I am confident our efforts will be successful.

In conclusion, God bless our troops and we will never forget September 11.

Mr. BROWN of South Carolina. Mr. Speaker, H.R. 5057 is an important bill for my constituents in South Carolina's First Congressional District.

General Francis Marion is an important part of the history of South Carolina and the national forest bearing his name is located within my Congressional District.

Francis Marion commanded the only Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines. General Marion's tactics, which were unheard of in rules of warfare at this time, commanded lightning raids on British convoys, and then he and his forces would retreat into the swamps to avoid capture. British General 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. His victory at the Battle of Eutaw Springs in September of 1771 was officially recognized by Congress.

H.R. 5057 seeks to authorize the Marion Park Project and the Committee of the Palmetto Conservation Foundation to establish a statue of General Francis Marion on Federal land in the District of Columbia in Marion Park at no Federal Government expense.

I was proud to work with Resources Chairman POMBO and National Parks Subcommittee Chairman PEARCE to assist in the passage of this bill through the committee not only for my constituents in South Carolina's First District but for all South Carolinians.

I urge all of my colleagues to support H.R. 5057.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time and encourage my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 5057, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended 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."

A motion to reconsider was laid on the table.

NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY TRANSFER ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 310) to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

The Clerk read as follows:

S. 310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Newlands Project Headquarters and Maintenance Yard Facility Transfer Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the memorandum of agreement between the District and the Secretary identified as Contract No. 3-LC-20-805 and dated June 9, 2003.

(2) DISTRICT.—The term "District" means the Truckee-Carson Irrigation District in the State of Nevada.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.

(a) CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act and in accordance with the Agreement and any applicable laws, the Secretary shall convey to the District all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The real property referred to in paragraph (1) is the real property within the Newlands Projects, Nevada, that is—

(A) known as "2666 Harrigan Road, Fallon, Nevada"; and

(B) identified for disposition on the map entitled "Newlands Project Headquarters and Maintenance Yard Facility".

(b) CONSIDERATION.—Notwithstanding any other provision of law, amounts received by the United States for the lease or sale of Newlands Project land comprising the Fallon Freight Yard shall, for purposes of this section, be treated as consideration for the real property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed the conveyance under subsection (a) within 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) explains the reasons why the conveyance has not been completed; and

(2) specifies the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—In accordance with the Agreement, the Secretary may not convey the real property under subsection (a) until—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable requirements relating to cultural resources have been complied with for the real property to be conveyed under subsection (a); and

(2) any required environmental site assessment, remediation, or removal has been completed with respect to the real property to be conveyed under subsection (a).

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission by, or occurrence relat-

ing to, the District or any employee, agent, or contractor of the District with respect to the real property conveyed under subsection (a) that occurs before, on, or after the date of the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

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Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Senate 310, introduced by Senator JOHN ENSIGN, transfers 35 acres of Federal land to the Truckee-Carson Irrigation District. This transfer, which includes the Newlands Project Headquarters and Maintenance Yard Facility, will allow the irrigation district to make permanent improvements on the property for the continued operations and maintenance of the facility. The bill also stipulates that environmental analyses, including those under the National Environmental Policy Act, must be completed prior to transfer.

Congressman JIM GIBBONS is the author of the House companion measure, H.R. 540, which passed the House of Representatives in May of 2005. He should be commended for his work and leadership on this issue. This legislation is a win for the local water users and a win for the American taxpayers.

I urge my colleagues to support this commonsense bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, we on this side of the aisle have no objection to passage of S. 310. This simple and noncontroversial transfer of a small amount of real property has been adequately explained by the majority, and, in fact, this is the second time this measure has come before the House.

Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, despite the overwhelming enthusiastic support for this legislation, we have no other speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 310.