

The original documents are located in Box 54, folder “8/19/76 S2642 Ninety-Six National Historic Site South Carolina” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library

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APPROVED
AUG 19 1976

88/19/76

THE WHITE HOUSE

ACTION

WASHINGTON
August 14, 1976

Last Day: August 23

MEMORANDUM FOR THE PRESIDENT

FROM:

JIM CANNON *H.D. Quinn*

SUBJECT:

S. 2642 - Ninety Six National Historic Site, South Carolina

Attached for your consideration is S. 2642, sponsored by Senators Thurmond and Hollings.

The enrolled bill establishes the Ninety Six National Historic Site in South Carolina and authorizes appropriations of not more than \$320,000 and \$2,463,000 for land acquisition and development, respectively. Ninety Six was the location of a village and fort in the 18th century that was the focal point for several major battles during the French and Indian and Revolutionary Wars.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 2642 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

AUG 13 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 2642 - Ninety Six National
Historic Site, South Carolina
Sponsors - Sen. Thurmond (R) South Carolina
and Sen. Hollings (D) South Carolina

Last Day for Action

August 23, 1976 - Monday

Purpose

Establishes the Ninety Six National Historic Site in South Carolina and authorizes appropriations of not more than \$320,000 and \$2,463,000 for land acquisition and development, respectively.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

The Ninety Six Historic Site is now an area of woods, meadows, and fields located in Greenwood, South Carolina. Ninety Six was the location of a village and fort in the 18th Century that was the focal point for several major battles during the French and Indian and the

Revolutionary Wars. The village, its fort, and other historic and archaeological remains are now preserved at the site as a county park. This area also played a substantial role in the settlement of the western Carolinas during the 1700s. The site has been designated a National Historic Landmark and the Advisory Board on National Parks, Historic Sites, Buildings and Monuments has recommended that it be preserved and interpreted as a unit of the National Park System.

S. 2642 would establish the Ninety Six National Historic Site comprising not more than 1,120 acres in the State of South Carolina. The bill would authorize the Secretary of the Interior to acquire lands, waters, and interests therein by donation, purchase, or exchange although State or local lands could be acquired only by donation. The site would be administered as a unit of the National Park System. Within two years from the date of establishment of the historic site, the Secretary would be required to prepare and transmit to Congress a general management plan for its development.

The enrolled bill would authorize appropriations of not more than \$320,000 and \$2,463,000 for land acquisition and development, respectively.

In reporting to the Congress, Interior recommended enactment of a substitute bill in lieu of S. 2642. The substitute bill was very similar to S. 2642 in its substantive effect, and the enrolled bill incorporates several of its features. Several other aspects of the substitute bill, as noted in the table below, were not fully adopted by the Congress:

	<u>Appropriation Authorization</u>		
	<u>Acres</u>	<u>Land Acquisition</u>	<u>Development</u>
Interior's substitute bill	1000	\$ 250,000	\$ 2,000,000
(Congressional increase)	(+120)	(+70,000)	(+463,000)
Enrolled bill	1120	\$ 320,000	\$ 2,463,000

Although the enrolled bill exceeds Interior's substitute bill in terms of area and the appropriation authorizations, we concur in the Department's approval recommendation. The site is a National Historic Landmark, and it would be a worthwhile addition to the National Park System.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazaruscc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date:

August 14

Time:

1100am

SUBJECT:

S. 2642-96 national Historical Site, S.C.

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 13 1976

Dear Mr. Lynn:

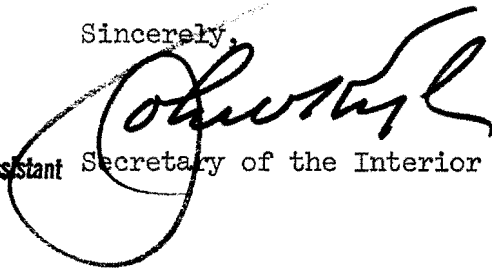
This responds to your request for the views of this Department on S. 2642, "To provide for the establishment of the Ninety Six National Historic Site in the State of South Carolina, and for other purposes."

We recommend that the President approve the bill.

S. 2642 would authorize the establishment of the Ninety Six National Historic Site in the State of South Carolina at the present site of the Old Ninety Six and Star Fort which is a national historic landmark. The bill authorizes the appropriation of such sums as may be necessary to carry out its purposes, but not to exceed \$320,000 for acquisition of lands and interests in lands, and \$2,463,000 for development.

The site of Old Ninety Six and Star Fort is presently a national historic landmark. On October 8, 1975, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended to the Secretary that the area should be added to the National Park System. This recommendation came as a result of an alternatives study conducted by the National Park Service, of this Department. The planned development of this site will consist of a visitor center, maintenance area, two employee residences, comfort stations, a trail system, a parking area, utilities, a minimal amount of archeological investigations, and interpretive devices.

Sincerely,


Assistant Secretary of the Interior

Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C. 20503



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: August 13

Time: 600pm

FOR ACTION: George Humphreys
Max Friedersdorf
Ken Lazarus
cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults
RKW

FROM THE STAFF SECRETARY

DUE: Date: August 14

Time: 1100am

SUBJECT:

S. 2642-96 national Historical Site, S.C.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks.

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

THE WHITE HOUSE

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WASHINGTON

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Date: August 13

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Max Friedersdorf
Ken Lazarus

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

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Time: 1100am

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ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

8/13
no objection
RAC for KL

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

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Max Friedersdorf
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SUBJECT:

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ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

I recommend approval

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

NINETY SIX AND STAR FORT NATIONAL HISTORIC SITE

MAY 11, 1976.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 2642]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 2642) to authorize the Secretary of the Interior to establish the Old Ninety Six and Star Fort National Historical Park in the State of South Carolina, and for other purposes, having considered the same, reports favorably thereon with an amendment to the title and text and recommends that the bill as amended do pass.

AMENDMENTS

1. Strike all after the enacting clause and insert in lieu thereof the following:

That in order to preserve and commemorate for the benefit and enjoyment of present and future generations an area of unique historical significance associated with the settlement and development of the English Colonies in America and with the southern campaign of the American Revolutionary War, including the Star Fort, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests therein by donation, purchase, or exchange, not to exceed 1,000 acres, in the vicinity of the Old Ninety Six and Star Fort National Historic Landmark in the State of South Carolina, for establishment as the Ninety Six National Historic Site, as generally depicted on the map entitled "96 New Area Study Alternative 2, Ninety Six Site, Ninety Six, South Carolina, Sheet 8 of 17" as found in the Old Ninety Six and Star Fort Area Study Report by the National Park Service, dated September 1975, which shall be on file and available for public inspection in the offices of the National Park Service, Washington, District of Columbia:

Provided, that lands and interests therein owned by the State of South Carolina or any political subdivision thereof may be acquired only by donation. The Secretary shall establish the Historic Site by publication of a notice to that effect in the "Federal Register" at such time as he determines that sufficient property to constitute an administrable unit has been acquired. The Secretary may from time to time revise the boundaries of the historic site, but the total acreage of the site may not exceed 1,115 acres.

SEC. 2. Pending establishment of the site and thereafter, the Secretary shall administer property acquired pursuant to this Act in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), as amended.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed \$320,000 for acquisition of lands and interests in lands, and \$2,463,000 for development."

2. Amend the title to read as follows:

To authorize the Secretary of the Interior to establish the Ninety Six and Star Fort National Historic Site in the State of South Carolina, and for other purposes.

PURPOSE

S. 2642 would authorize the establishment of the Ninety Six and Star Fort National Historic Site to be administered as a part of the National Park System.

BACKGROUND AND NEED

The Ninety Six Historic Site is located in Greenwood, South Carolina, in the western or Upper Piedmont section of the state. The site is situated two miles south of the town of Ninety Six, approximately half way between Greenville, South Carolina, and Augusta, Georgia. The area is primarily agricultural. The site itself is covered by woods, meadows, and fields.

Ninety Six was one of the most important sites in the southern theater of the American Revolutionary War. While in command of the southern department, Cornwallis emphasized the strategic importance of Ninety Six. Here the first land battle of the Revolution in the South took place on November 19-21, 1775, when Maj. Andrew Williamson's force of patriots was besieged by loyalists commanded by Maj. Joseph Robinson. This was the beginning of a vicious civil war which raged across South Carolina until 1781. In 1780, Ninety Six fell into the hands of the British, who fortified the town extensively and made it one of their major outposts. From May 22 to June 19, 1781, the loyalist garrison under Lt. Col. John Harris Cruger held out within their star-shaped fort against Nathaniel Greene's entire force of Continentals, until Lord Rawdon marched with 2,000 British troops to the relief of the post.

Count Thaddeus Kosciusko, one of the great heroes of the American Revolution, reconnoitered the loyalist position at Star Fort for General Greene and engineered the attack. Specifically, Count Kosciusko supervised the digging of a series of parallel siege trenches and a mine shaft, intended to tunnel beneath a section of the eight-pointed, earthen Star Fort.

No fewer than 1,536 American Whigs fought 2,440 American Tories and one British regular in two battles at Ninety Six during the Revolutionary War. Altogether, approximately 4,000 Americans met here in armed conflict over differences in political ideology. Today, the star-shaped redoubt which gives the fort its name remains in a remarkably well-preserved condition. The only other original Revolutionary War fortifications in the entire Nation which are still extant are at Yorktown, which is already a part of the National Park System. Kos-

ciusko's mine shaft and siege trenches have been found by archeologists and constitute a unique survival of 18th century warfare in the United States.

On February 17, 1974, the Secretary of the Interior officially designated "Old Ninety Six and Star Fort" a National Historic Landmark and on October 8, 1975, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments unanimously recommended to the Secretary of the Interior that the Old Ninety Six and Star Fort historic site be preserved and appropriately interpreted as a unit of the Park System. This recommendation came as a result of an alternatives study conducted by the National Park Service, of the Department of the Interior. That study considered alternatives of either maintaining the present status of the site as a county park in Greenwood County, South Carolina, or administration by the National Park Service with varying degrees of acreage and development.

The alternative recommended by the Advisory Board was for a minimum degree of acquisition and development by the National Park Service. The present county park consists of 695.40 acres and contains the site of the village Old Ninety Six, the Star Fort with its Revolutionary War earthworks, and other historic and archeological remains associated with frontier life in western South Carolina.

The site embodies a unique combination of three major guidelines represented in the Interior Department's National Park System plan for preservation of historic areas: (1) European exploration and settlement of America (major facet—settlement of the Carolinas), (2) development of the English Colonies, 1700-1775 (subthemes—population growth and territorial expansion), and (3) the American Revolution (specifically, the War in the South). No other national historical park includes all of these major themes.

LEGISLATIVE HISTORY

S. 2642 was introduced in the Senate on November 11, 1975. Hearings were conducted by the Subcommittee on Parks and Recreation March 24, 1976.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on April 28, 1976, by unanimous vote of a quorum present recommends that the Senate pass S. 2642 if amended, as described herein.

COMMITTEE AMENDMENTS

The Committee amendments, (1) alter the acreage from the 1,000 acres discussed during Subcommittee hearings to 1,115 acres with a total acquisition costs of \$320,000. This amendment resulted from discussions between Senator Thurmond, the sponsor of this legislation, and the National Park Service at the request of Subcommittee Chairman, Senator Johnston; and additional clerical and technical amendments were made to the text.

(2) The amendment to change the title from "Old Ninety Six . . ." to "Ninety Six . . ." was made for historical accuracy.

COST AND BUDGETARY CONSIDERATIONS

The fiscal year impact land acquisition authorization of \$320,000 cannot be accurately estimated due to the fact that appropriations have been limited to amounts available under the Land and Water Conservation Fund each fiscal year. It is anticipated that funds will be allocated for this project at some point from the general appropriations for land acquisition by the National Park Service.

The development schedule for the next five fiscal years is as follows:

Year	Roads, trails, parkways	Buildings, utilities	Total
1.....	89,000	232,000	321,000
2.....	44,000	237,000	281,000
3.....	300,000	1,245,000	1,545,000
4.....		166,000	166,000
5.....		150,000	150,000
Total.....	433,000	2,030,000	2,463,000

The operations schedule for the next five fiscal years is as follows:

Year	Operation of system ¹	Planning and development of facilities	Total
1.....	113,400		113,400
2.....	84,600		84,600
3.....	176,600		176,600
4.....	219,100		219,100
5.....	217,600		217,600
Total.....	811,300		811,300

¹ These figures include an additional 3 permanent positions plus 1 temporary the 1st year rising to 9 permanent and 2 less-than-permanent the 5th fiscal year.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Office of Management and Budget and from the Department of the Interior setting forth Executive agency recommendations relating to S. 2642 are set forth below:

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 20, 1976.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of February 6, 1976, for the views of the Office of Management and Budget on S. 2642, a bill "To authorize the Secretary of the Interior to establish the Old Ninety Six and Star Fort National Historical Park in the State of South Carolina, and for other purposes."

In its report to your Committee, the Department of the Interior recommends the enactment of a substitute bill in lieu of S. 2642. The Interior substitute bill is essentially identical to S. 2642 in terms of

its substantive effect, however, the Department's proposal would establish this national historic landmark in a manner which conforms with the authorities that are now applicable to most historical areas in the National Park System.

We concur with the views expressed by Interior in its report and, accordingly, recommend enactment of the Department's substitute bill in lieu of S. 2642.

Sincerely yours,

JAMES M. FREY,
Assistant Director for Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 5, 1976.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 2642, a bill "To authorize the Secretary of the Interior to establish the Old Ninety Six and Star Fort National Historical Park in the State of South Carolina, and for other purposes."

We recommend the enactment of the enclosed substitute bill in lieu of S. 2642.

S. 2642 would authorize the establishment of the Old Ninety Six Star Fort National Historical Park, to be administered as a part of the National Park System.

The site of Old Ninety Six and Star Fort is a national historic landmark. On October 8, 1975, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended to the Secretary that the area should be added to the National Park System. This recommendation came as a result of an alternatives study conducted by the National Park Service, of this Department. That study considered alternatives of either maintaining the present status of the site as a county park in Greenwood County, South Carolina, or administration by the National Park Service with varying degrees of acreage and development.

The alternative recommended by the Advisory Board was for a minimum degree of acquisition and development by the National Park Service. The present county park consists of 695.40 acres and contains the site of the village Old Ninety Six, the Star Fort with its Revolutionary War earthworks, and other historic and archeological remains associated with frontier life in western South Carolina. The alternative selected by the Advisory Board calls for an additional 267.32 acres to be purchased in fee at a cost of approximately \$198,000 (1974 figures). The land to be acquired would be used to locate visitor use facilities and to preserve historic lands. Development costs are expected to be about \$1,530,000 (1974 prices).

The development would consist of a visitor center, maintenance area, two employee residences, comfort stations, trail system, parking area, utilities, a minimal amount of archeological investigations, and interpretive devices.

COST AND BUDGETARY CONSIDERATIONS

The fiscal year impact land acquisition authorization of \$320,000 cannot be accurately estimated due to the fact that appropriations have been limited to amounts available under the Land and Water Conservation Fund each fiscal year. It is anticipated that funds will be allocated for this project at some point from the general appropriations for land acquisition by the National Park Service.

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5.....	217,600		217,600
Total.....	811,300		811,300

¹ These figures include an additional 3 permanent positions plus 1 temporary the 1st year rising to 9 permanent and 2 less-than-permanent the 5th fiscal year.

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OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 20, 1976.

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Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of February 6, 1976, for the views of the Office of Management and Budget on S. 2642, a bill "To authorize the Secretary of the Interior to establish the Old Ninety Six and Star Fort National Historical Park in the State of South Carolina, and for other purposes."

In its report to your Committee, the Department of the Interior recommends the enactment of a substitute bill in lieu of S. 2642. The Interior substitute bill is essentially identical to S. 2642 in terms of

its substantive effect, however, the Department's proposal would establish this national historic landmark in a manner which conforms with the authorities that are now applicable to most historical areas in the National Park System.

We concur with the views expressed by Interior in its report and, accordingly, recommend enactment of the Department's substitute bill in lieu of S. 2642.

Sincerely yours,

JAMES M. FREY,
Assistant Director for Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 5, 1976.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 2642, a bill "To authorize the Secretary of the Interior to establish the Old Ninety Six and Star Fort National Historical Park in the State of South Carolina, and for other purposes."

We recommend the enactment of the enclosed substitute bill in lieu of S. 2642.

S. 2642 would authorize the establishment of the Old Ninety Six Star Fort National Historical Park, to be administered as a part of the National Park System.

The site of Old Ninety Six and Star Fort is a national historic landmark. On October 8, 1975, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended to the Secretary that the area should be added to the National Park System. This recommendation came as a result of an alternatives study conducted by the National Park Service, of this Department. That study considered alternatives of either maintaining the present status of the site as a county park in Greenwood County, South Carolina, or administration by the National Park Service with varying degrees of acreage and development.

The alternative recommended by the Advisory Board was for a minimum degree of acquisition and development by the National Park Service. The present county park consists of 695.40 acres and contains the site of the village Old Ninety Six, the Star Fort with its Revolutionary War earthworks, and other historic and archeological remains associated with frontier life in western South Carolina. The alternative selected by the Advisory Board calls for an additional 267.32 acres to be purchased in fee at a cost of approximately \$198,000 (1974 figures). The land to be acquired would be used to locate visitor use facilities and to preserve historic lands. Development costs are expected to be about \$1,530,000 (1974 prices).

The development would consist of a visitor center, maintenance area, two employee residences, comfort stations, trail system, parking area, utilities, a minimal amount of archeological investigations, and interpretive devices.

While the Revolutionary War Star Fort is a major feature of the area and the primary reason for its designation as a national historic landmark, nevertheless, the fort is but one of several Revolutionary War historical resources at the site. Accordingly, we do not believe the Star Fort needs to be emphasized in designating the site. We further recommend that S. 2642 be amended to provide for the establishment of the Old Ninety Six National Historic Site, rather than a national historical park, since the term "Historic Site" is now used for nearly all historical area additions to the National Park System.

Further, S. 2642 does not contain certain authorities and clarifying language that the National Park Service recommends as necessary to provide for proper management of areas under its administration. This includes authority to adjust boundaries to include significant resources and proper location of facilities. At the Old Ninety Six site, this adjustment authority is necessary because the primary reason for acquiring lands in addition to those existing in the county park is to include the expected location of the encampment of General Nathaniel Greene's Patriot troops during the 1781 siege of the Star Fort. Since the location of the enactment has not been definitely identified, minor adjustment of the boundaries may become necessary.

S. 2642 provides for administration of the site under the authority of the Act of August 25, 1916. Since the Old Ninety Six site is a historical area, we recommend the bill also include the authorities of the Historic Sites Act of August 21, 1935.

Because of the many suggested changes, we have enclosed a draft bill incorporating all of these recommendations. We recommend that this bill be substituted for S. 2642 and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Signed NATHANIEL REED,
Assistant Secretary of the Interior.

Enclosure.

A BILL To authorize the establishment of the Old Ninety Six National Historic Site in the State of South Carolina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations an area containing a significant and unique historical values related to the southern campaign of the Revolutionary War with special emphasis on the siege of 1781, including the Star Fort, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests therein by donation, purchase, or exchange, not to exceed 1,000 acres, in the vicinity of the Old Ninety Six and Star Fort National Historic Landmark in the State of South Carolina, for establishment as the Old Ninety Six National Historic Site, as generally depicted on the map entitled "96 New Area Study Alternative 2, Ninety Six Site, Ninety Six, South Carolina, Sheet 8 of 17" as found in the Old

Ninety Six and Star Fort Area Study Report by the National Park Service, dated September 1975, which shall be on file and available for public inspection in the offices of the National Park Service, Washington, District of Columbia: *Provided*, that lands and interests therein owned by the State of South Carolina or any political subdivision thereof may be acquired only by donation. The Secretary shall establish the Historic Site by publication of a notice to that effect in the "Federal Register" at such time as he determines that sufficient property to constitute an administrable unit has been acquired. The Secretary may from time to time revise the boundaries of the historic site, but the total acreage of the site shall not exceed 1,000 acres.

SEC. 2. Pending establishment of the site and thereafter, the Secretary shall administer property acquired pursuant to this Act in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 661; 16 U.S.C. 461-467), as amended.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed \$250,000 for acquisition of lands and interests in lands, and \$2,000,000 for development.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2642 as reported.

○

PROVIDING FOR THE ESTABLISHMENT OF THE OLD NINETY-SIX STAR FORT NATIONAL BATTLEFIELD IN THE STATE OF SOUTH CAROLINA

MAY 14, 1976.—Committed to the Committee of the White House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 9549]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 9549) to provide for the establishment of the Old Ninety-Six Star Fort National Battlefield in the State of South Carolina, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That in order to preserve for the benefit and enjoyment of present and future generations an area containing significant and unique historical values related to the southern campaign of the Revolutionary War with special emphasis on the siege of 1781, including the Star Fort, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests therein by donation, purchase, or exchange, not to exceed 1,120 acres, in the vicinity of the Old Ninety Six and Star Fort National Historic Landmark in the State of South Carolina, for establishment as the Old Ninety Six National Historic Site, as generally depicted on the map entitled "96 New Area Study Alternative 2, Ninety Six Site, Ninety Six, South Carolina, Sheet 8 of 17", and dated May 1976, which shall be on file and available for public inspection in the offices of the National Park Service, Washington, District of Columbia: *Provided*, that lands and interests therein owned by the State of South Carolina or any political subdivision thereof may be acquired only by donation. The Secretary shall establish the Historic Site by publication of a notice to that effect in the Federal Register at such time as he determines that sufficient property to constitute an administrable unit has been acquired. After advising the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives in writing, the Secretary may from time to time revise the boundaries of the historic site, but the total acreage of the site shall not exceed 1,120 acres.

SEC. 2. Pending establishment of the site and thereafter, the Secretary shall administer property acquired pursuant to this Act in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), as amended.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than \$320,000 for the acquisition of lands and interests in lands.

(b) For the development of essential public facilities there are authorized to be appropriated not more than \$500,000. Within two years from the date of establishment of the historic site pursuant to this Act, the Secretary shall, after consulting with the Governor of the State of South Carolina, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the development of the historic site consistent with the objectives of this Act, indicating:

- (1) the facilities needed to accommodate the health, safety and interpretive needs of the visiting public;
- (2) the location and estimated cost of all facilities; and
- (3) the projected need for any additional facilities within the Old Ninety Six National Historic Site.

Amend the title so as to read:

To provide for the establishment of the Old Ninety Six National Historic Site in the State of South Carolina, and for other purposes.

PURPOSE

H.R. 9549¹ provides for the acquisition, protection and development

¹H.R. 9549 was introduced by Representative Derrick and a similar bill (S. 2642) has been approved by the Senate.

of the archeological remnants of the old frontier town of "Ninety Six" and the Revolutionary War associated star fort in South Carolina as a new historical unit of the National Park System.

BACKGROUND

In about 1751, Robert Gouedy built a trading post approximately 96 miles from a large Cherokee Indian village, that distance giving rise to the new settlement's name. Numerous buildings sprang up, and the town which evolved became an important outpost on the western frontier of South Carolina.

Political conflict between loyalists and patriots here later resulted in the first land battle of the Revolutionary War south of New England. British troops occupied Ninety Six in 1780, fortifying the village and constructing a star-shaped fort. Leading the patriots, General Nathanael Greene besieged the post for nearly a month in 1781, but failed to take Ninety Six. Nevertheless, Greene pinned down so many British troops here that it helped assure American victory at three other critical battle points of the war—Kings Mountain, Cowpens, and Yorktown.

The British burned the town of Ninety Six after General Greene's retreat, so that only the earthen outline of the star fort and various archeological remnants of the town and the military encampment are presently visible on the surface.

Archeological exploration and salvage present the most exciting and interesting possibilities for this area, whose resources appear to be virtually untouched to date. A fascinating story of our country's early history and development could unfold here.

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Efforts by local citizens to stir interest in the cultural resources at Ninety Six occurred as early as 1903, and various groups have worked since that time to preserve the site.

In 1963, the South Carolina legislature established the Star Fort Historical Commission to acquire, protect and preserve a 694 acre site. Since 1970, some archeological work has been undertaken. This site has been designated a national historic landmark, and on October 8, 1975, was recommended for addition to the National Park System by the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

LEGISLATIVE HISTORY

On April 20, 1976, members of the Subcommittee on National Parks and Recreation had the opportunity to visit the site of Old Ninety Six. Hearings were held in Washington, D.C., on April 29, 1976. All witnesses supported the thrust of the legislation. The witness for the Department of the Interior suggested a different bill text which would essentially accomplish the same objectives of H.R. 9549.

On May 7, 1976, the Subcommittee on National Parks and Recreation adopted the new text suggested by the Department, with several amendments, and ordered it favorably reported for consideration by the Committee on Interior and Insular Affairs.

SECTION-BY-SECTION ANALYSIS

Section 1 provides for the acquisition of not to exceed 1,120 acres of lands and interests therein for the establishment of the Old Ninety Six National Historic Site in South Carolina. Lands owned by the State or any political subdivision may be acquired only by donation. The area is to be established when the Secretary finds that sufficient lands are acquired to constitute an administrable unit. After advising the appropriate Committees of the Congress, minor boundary adjustments may be made by the Secretary.

Section 2 provides for the management of the area in accordance with earlier basic laws governing administration of the National Park System.

Section 3 authorizes not more than \$320,000 for acquisition and \$500,000 for development, with a requirement that the Secretary report within two years, after consultation with the Governor of South Carolina, to the Committees on Interior and Insular Affairs of the Congress with regard to a final master plan for the development of the area.

COMMITTEE AMENDMENT

The Committee adopted a substitute text for H.R. 9549 which preserves the basic thrust of H.R. 9549, as introduced. The new text adds to, or differs from, the original text as follows:

1. Changes the name from "Old Ninety-Six Star Fort National Battlefield", to "Old Ninety Six National Historic Site", principally

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in conformance with more conventional nomenclature used for similar units of the National Park System.

2. Changes permissible donation of lands to requirement that any lands owned by the state or political subdivisions thereof may be acquired only by donation, a conventional practice in most park legislation.

3. Sets an acreage limitation of 1,120 acres (an increase of 154 acres), identifies boundaries by map reference and provides for the filing of maps.

4. Provides for Secretarial revision of boundaries, upon written notification of the Interior and Insular Affairs Committees of the Congress.

5. Places a specific limitation on funds which may be appropriated for land acquisition and development, with a requirement that the Secretary report to the Interior and Insular Affairs Committees of the Congress within two years after establishment as to a final master plan for the development of the Historic Site.

COST

As amended by the Committee, H.R. 9549 authorizes the appropriation of not more than \$320,000 for the acquisition of lands, and not more than \$500,000 for the development of facilities.

BUDGET ACT COMPLIANCE

The amounts authorized for land acquisition will be appropriated from the Land and Water Conservation Fund. Although the fund is the identified source of income for these expenditures, specific appropriations must still be made as a part of the budget process. This authority would be considered along with other Federal recreation land acquisition needs allocated for this purpose. No requirement is made that any of the lands be acquired for the Old Ninety Six National Historic Site in any given fiscal year.

INFLATIONARY IMPACT

The sums authorized by H.R. 9549 should not produce any significant inflationary impact on the economy.

OVERSIGHT STATEMENT

Since this is new legislation, it did not lend itself to an oversight inquiry. No recommendations were submitted to the Committee pursuant to Rule X, clause 2(b) (2).

COMMITTEE RECOMMENDATION

On May 13, 1976, after adopting the amendment previously discussed, the Committee on Interior and Insular Affairs, meeting in open session, reported H.R. 9549, by voice vote, and recommends that the bill, as amended, be approved.

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DEPARTMENTAL REPORT

The report of the Department of the Interior, dated May 5, 1976 is printed here in full:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 5, 1976.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on H.R. 9549, a bill "To provide for the establishment of the Old Ninety-six Star Fort National Battlefield in the State of South Carolina."

We recommend the enactment of the enclosed substitute bill in lieu of H.R. 9549.

H.R. 9549 would authorize the establishment of the Old Ninety Six Star Fort National Battlefield, to be administered as a part of the National Park System.

The site of Old Ninety Six and Star Fort is a national historic landmark. On October 8, 1975, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments recommended to the Secretary that the area should be added to the National Park System. This recommendation came as a result of an alternatives study conducted by the National Park Service, of this Department. That study considered alternatives of either maintaining the present status of the site as a county park in Greenwood County, South Carolina, or administration by the National Park Service with varying degrees of acreage and development.

The alternative recommended by the Advisory Board was for a minimum degree of acquisition and development by the National Park Service. The present county park consists of 695.40 acres and contains the site of the village Old Ninety Six, the Star Fort with its Revolutionary War earthworks, and other historic and archeological remains associated with frontier life in western South Carolina. The alternative selected by the Advisory Board calls for an additional 267.32 acres to be purchased in fee at a cost of approximately \$198,000 (1974 figures). The land to be acquired would be used to locate visitor use facilities and to preserve historic lands. Development costs are expected to be about \$1,530,000 (1974 prices).

The development would consist of a visitor center, maintenance area, two employee residences, comfort stations, trail system, parking area, utilities, a minimal amount of archeological investigations, and interpretive devices.

While the Revolutionary War Star Fort is a major feature of the area and the primary reason for its designation as a national historic landmark, nevertheless, the fort is but one of several Revolutionary War historical resources at the site. Accordingly, we do not believe the Star Fort needs to be emphasized in designating the site. We further recommend that H.R. 9549 be amended to provide for the

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establishment of the Old Ninety Six National Historic Site, rather than a national battlefield, since the term "Historic Site" is now used for nearly all historical area additions to the National Park System.

Further, H.R. 9549 does not contain certain authorities and clarifying language that the National Park Service recommends as necessary to provide for proper management of areas under its administration. This includes authority to adjust boundaries to include significant resources and proper location of facilities. At the Old Ninety Six site, this adjustment authority is necessary because the primary reason for acquiring lands in addition to those existing in the county park is to include the expected location of the encampment of General Nathanael Greene's Patriot troops during the 1781 siege of the Star Fort. Since the location of the encampment has not been definitely identified, minor adjustment of the boundaries may become necessary.

H.R. 9549 provides that lands for the park may only be acquired by donation. This is appropriate for transferring the existing county park lands to the United States. However, we have no reason to expect donations to be forthcoming for additional private lands we believe are necessary for proper administration of the park, such as those discussed above and a segment of the historic Island Ford road. Thus, we believe the acquisition authority should be expanded to include purchase or exchange.

H.R. 9549 provides for administration of the site under the authority of the Act of August 25, 1916. Since the Old Ninety Six site is a historical area, we recommend the bill also include the authorities of the Historic Sites Act of August 21, 1935.

Finally, H.R. 9549 does not contain any authorization for appropriations to acquire and develop the park. We believe such authority is absolutely essential if the area is to become a viable unit of the National Park System.

Because of the many suggested changes, we have enclosed a draft bill incorporating all of these recommendations. We recommend that this bill be substituted for H.R. 9549 and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

A BILL To authorize the establishment of the Old Ninety Six National Historic Site in the State of South Carolina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations an area containing significant and unique historical values related to the southern campaign of the Revolutionary War with special emphasis on the siege of 1781, including the Star Fort, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests therein by donation, purchase, or exchange, not to exceed 1,000 acres, in the vicinity of the Old

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Ninety Six and Star Fort National Historic Landmark in the State of South Carolina, for establishment as the Old Ninety Six National Historic Site, as generally depicted on the map entitled "96 New Area Study Alternative 2, Ninety Six Site, Ninety Six, South Carolina, Sheet 8 of 17" as found in the Old Ninety Six and Star Fort Area Study Report by the National Park Service, dated September 1975, which shall be on file and available for public inspection in the offices of the National Park Service, Washington, District of Columbia: *Provided*, That lands and interests therein owned by the State of South Carolina or any political subdivision thereof may be acquired only by donation. The Secretary shall establish the Historic Site by publication of a notice to that effect in the "Federal Register" at such time as he determines that sufficient property to constitute an administrable unit has been acquired. The Secretary may from time to time revise the boundaries of the historic site, but the total acreage of the site shall not exceed 1,000 acres.

Sec. 2. Pending establishment of the site and thereafter, the Secretary shall administer property acquired pursuant to this Act in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), as amended.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not to exceed \$250,000 for acquisition of lands and interests in lands, and \$2,000,000 for development."

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Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To provide for the establishment of the Ninety Six National Historic Site in the State of South Carolina, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and commemorate for the benefit and enjoyment of present and future generations an area of unique historical significance associated with the settlement and development of the English Colonies in America and with the southern campaign of the American Revolutionary War, including the Star Fort, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests therein by donation, purchase, or exchange, not to exceed one thousand one hundred and twenty acres, in the vicinity of the Old Ninety Six and Star Fort National Historic Landmark in the State of South Carolina, for establishment as the Ninety Six National Historic Site, as generally depicted on the map entitled "96 New Area Study Alternative 2, Ninety Six Site, Ninety Six, South Carolina, Sheet 8 of 17", and dated May 1976, which shall be on file and available for public inspection in the offices of the National Park Service, Washington, District of Columbia: *Provided,* That lands and interests therein owned by the State of South Carolina or any political subdivision thereof may be acquired only by donation. The Secretary shall establish the historic site by publication of a notice to that effect in the Federal Register at such time as he determines that sufficient property to constitute an administrable unit has been acquired. After advising the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives in writing, the Secretary may from time to time revise the boundaries of the historic site, but the total acreage of the site shall not exceed one thousand one hundred and twenty acres.

Sec. 2. Pending establishment of the site and thereafter, the Secretary shall administer property acquired pursuant to this Act in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), as amended.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than \$320,000 for the acquisition of lands and interests in lands.

(b) For the development of essential public facilities there are authorized to be appropriated not more than \$2,463,000. Within two years from the date of establishment of the historic site pursuant to this Act, the Secretary shall, after consulting with the Governor of the State of South Carolina, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan for the development of the historic site consistent with the objectives of this Act, indicating:

- (1) the facilities needed to accommodate the health, safety, and interpretive needs of the visiting public;
- (2) the location and estimated cost of all facilities; and
- (3) the projected need for any additional facilities within the Ninety Six National Historic Site.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*