

Presidential Documents

Executive Order 13022 of October 31, 1996

Administration of the Midway Islands

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 48 of the Hawaii Omnibus Act, Public Law 86-624, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. The Midway Islands, Hawaiian group, and their territorial seas, located approximately between the parallels of 28 degrees 5 minutes and 28 degrees 25 minutes North latitude and between the meridians of 177 degrees 10 minutes and 177 degrees 30 minutes West longitude, were placed under the jurisdiction and control of the Department of the Navy by the provisions of Executive Order 199-A of January 20, 1903, and Part II of Executive Order 11048 of September 4, 1962, and are hereby transferred to the jurisdiction and control of the Department of the Interior. The provisions of Executive Order 199-A of January 20, 1903, and the provisions of Executive Order 11048 of September 4, 1962, that pertain to the Midway Islands are hereby superseded.

Sec. 2. The Midway Islands Naval Defensive Sea Area and the Midway Islands Naval Airspace Reservation are hereby dissolved. The provisions of Executive Order 8682 of February 14, 1941, as amended by Executive Order 8729 of April 2, 1941, are hereby superseded.

Sec. 3. (a) The Secretary of the Interior, through the United States Fish and Wildlife Service, shall administer the Midway Islands as the Midway Atoll National Wildlife Refuge in a manner consistent with Executive Order 12996 of March 25, 1996, for the following purposes:

- (1) maintaining and restoring natural biological diversity within the refuge;
- (2) providing for the conservation and management of fish and wildlife and their habitats within the refuge;
- (3) fulfilling the international treaty obligations of the United States with respect to fish and wildlife;
- (4) providing opportunities for scientific research, environmental education, and compatible wildlife dependent recreational activities; and
- (5) in a manner compatible with refuge purposes, shall recognize and maintain the historic significance of the Midway Islands consistent with the policy stated in Executive Order 11593 of May 13, 1971.

(b) The Secretary of the Interior shall be responsible for the civil administration of the Midway Islands and all executive and legislative authority necessary for that administration, and all judicial authority respecting the Midway Islands other than the authority contained in 48 U.S.C. 644a.

Sec. 4. Any civil or criminal proceeding that is pending under the Midway Islands Code, 32 CFR Part 762, upon the date of this order, shall remain under the jurisdiction of the Secretary of the Navy. Actions arising after the date of this order are the responsibility of the Secretary of the Interior and shall be administered pursuant to regulations promulgated by the Secretary of the Interior.

Sec. 5. To the extent that any prior Executive order or proclamation is inconsistent with the provisions of this order, this order shall control.

Sec. 6. Nothing in this order shall be deemed to reduce, limit, or otherwise modify the authority or responsibility of the Attorney General of the United States to represent the legal interests of the United States in civil or criminal cases arising under the provisions of 48 U.S.C. 644a.



THE WHITE HOUSE,
October 31, 1996.

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