

105TH CONGRESS  
1ST SESSION

# H. R. 2800

To provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 1997

Mr. DUNCAN introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes.

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 “Battle of Midway Na-  
5       tional Memorial Study Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress makes the following findings:

8               (1) September 2, 1997, marked the 52d anni-  
9       versary of the United States victory over Japan in  
10      World War II.

1           (2) The Battle of Midway proved to be the  
2           turning point in the war in the Pacific, as United  
3           States Navy forces inflicted such severe losses on the  
4           Imperial Japanese Navy during the battle that the  
5           Imperial Japanese Navy never again took the offen-  
6           sive against United States or allied forces.

7           (3) During the Battle of Midway on June 4,  
8           1942, an outnumbered force of the United States  
9           Navy, consisting of 29 ships and other units of the  
10          Armed Forces under the command of Admiral Nim-  
11          itz and Admiral Spruance, outmaneuvered and out-  
12          fought 350 ships of the Imperial Japanese Navy.

13          (4) It is in the public interest to study whether  
14          Midway Atoll should be established as a national  
15          memorial to the Battle of Midway to express the en-  
16          during gratitude of the American people for victory  
17          in the battle and to inspire future generations of  
18          Americans with the heroism and sacrifice of the  
19          members of the Armed Forces who achieved that  
20          victory.

21          (5) The historic structures on Midway Atoll  
22          should be protected and maintained.

23 **SEC. 3. PURPOSE.**

24          The purpose of this Act shall be to require a study  
25          of the feasibility and suitability of designating the Midway

1 Atoll as a national memorial to the Battle of Midway with-  
2 in the boundaries of the Midway Atoll National Wildlife  
3 Refuge. The study of the Midway Atoll and its environs  
4 shall include, but not be limited to, identification of inter-  
5 pretive opportunities for the educational and inspirational  
6 benefit of present and future generations, and of the  
7 unique and significant circumstances involving the defense  
8 of the island by the United States in World War II and  
9 the Battle of Midway.

10 **SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL**  
11 **AS A NATIONAL MEMORIAL TO THE BATTLE**  
12 **OF MIDWAY.**

13 (a) IN GENERAL.—Not later than 6 months after the  
14 date of enactment of this Act, the Secretary of the Interior  
15 shall, acting through the Director of the National Park  
16 Service and in consultation with the Director of the United  
17 States Fish and Wildlife Service, the International Mid-  
18 way Memorial Foundation, Inc. (hereafter referred to as  
19 the “Foundation”), and Midway Phoenix Corporation,  
20 carry out a study of the suitability and feasibility of estab-  
21 lishing Midway Atoll as a national memorial to the Battle  
22 of Midway.

23 (b) CONSIDERATIONS.—In studying the establish-  
24 ment of Midway Atoll as a national memorial to the Battle

1 of Midway under subsection (a), the Secretary shall ad-  
2 dress the following:

3           (1) The appropriate Federal agency to manage  
4       such a memorial, and whether and under what con-  
5       ditions to lease or otherwise allow the Foundation or  
6       another appropriate entity to administer, maintain,  
7       and fully utilize for use as a national memorial to  
8       the Battle of Midway the lands (including any equip-  
9       ment, facilities, infrastructure, and other improve-  
10      ments) and waters of Midway Atoll if designated as  
11      a national memorial.

12          (2) Whether designation as a national memorial  
13      would conflict with current management of Midway  
14      Atoll as a wildlife refuge and whether, and under  
15      what circumstances, the needs and requirements of  
16      the wildlife refuge should take precedence over the  
17      needs and requirements of a national memorial on  
18      Midway Atoll.

19          (3) Whether, and under what conditions, to per-  
20      mit the use of the facilities on Sand Island for pur-  
21      poses other than a wildlife refuge or a national me-  
22      morial.

23          (4) Whether to impose conditions on public ac-  
24      cess to Midway Atoll if designated as a national me-  
25      morial.

1       (c) REPORT.—Upon completion of the study required  
2 under subsection (a), the Secretary shall submit to the  
3 Committee on Energy and Natural Resources of the Sen-  
4 ate and the Committee on Resources of the House of Rep-  
5 resentatives a report on the study, which shall include any  
6 recommendations for further legislative action. The report  
7 shall also include an inventory of all known past and  
8 present facilities and structures of historical significance  
9 on Midway Atoll and its environs. The report shall include  
10 a description of each historic facility and structure and  
11 a discussion of how each will contribute to the designation  
12 and interpretation of the proposed national memorial.

13 **SEC. 5. CONTINUING DISCUSSIONS.**

14       Nothing in this Act shall be construed to delay or  
15 prohibit discussions between the Foundation and the Unit-  
16 ed States Fish and Wildlife Service or any other govern-  
17 ment entity regarding the future role of the Foundation  
18 on Midway Atoll.

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