

105TH CONGRESS
1ST SESSION

S. 940

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 1997

Referred to the Committee on Resources

AN ACT

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

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) September 2, 1997, marked the 52nd anni-
4 versary of the United States victory over Japan in
5 World War II.

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

12 (3) During the Battle of Midway on June 4,
13 1942, an outnumbered force of the United States
14 Navy, consisting of 29 ships and other units of the
15 Armed Forces under the command of Admiral Nim-
16 itz and Admiral Spruance, out-maneuvered and out-
17 fought 350 ships of the Imperial Japanese Navy.

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

1 (5) The historic structures and facilities on
2 Midway Atoll should be protected and maintained.

3 **SEC. 3. PURPOSE.**

4 The purpose of this Act is to require a study of the
5 feasibility and suitability of designating the Midway Atoll
6 as a National Memorial to the Battle of Midway within
7 the boundaries of the Midway Atoll National Wildlife Ref-
8 uge. The study of the Midway Atoll and its environs shall
9 include, but not be limited to, identification of interpreta-
10 tive opportunities for the educational and inspirational
11 benefit of present and future generations, and of the
12 unique and significant circumstances involving the defense
13 of the island by the United States in World War II and
14 the Battle of Midway.

15 **SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL**
16 **AS A NATIONAL MEMORIAL TO THE BATTLE**
17 **OF MIDWAY.**

18 (a) IN GENERAL.—Not later than six months after
19 the date of enactment of this Act, the Secretary of the
20 Interior shall, acting through the Director of the National
21 Park Service and in consultation with the Director of the
22 United States Fish and Wildlife Service, the International
23 Midway Memorial Foundation, Inc. (hereafter referred to
24 as the “Foundation”), and Midway Phoenix Corporation,
25 carry out a study of the suitability and feasibility of estab-

1 lishing Midway Atoll as a national memorial to the Battle
2 of Midway.

3 (b) CONSIDERATIONS.—In studying the establish-
4 ment of Midway Atoll as a national memorial to the Battle
5 of Midway under subsection (a), the Secretary shall ad-
6 dress the following:

7 (1) The appropriate federal agency to manage
8 such a memorial, and whether and under what con-
9 ditions, to lease or otherwise allow the Foundation
10 or another appropriate entity to administer, main-
11 tain, and fully utilize the lands (including any equip-
12 ment, facilities, infrastructure, and other improve-
13 ments) and waters of Midway Atoll if designated as
14 a national memorial.

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

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

1 (4) Whether to impose conditions on public ac-
2 cess to Midway Atoll as a national memorial.

3 (c) REPORT.—Upon completion of the study required
4 under subsection (a), the Secretary shall submit, to the
5 Committee on Energy and Natural Resources of the Unit-
6 ed States Senate and the Committee on Resources of the
7 House of Representatives, a report on the study, which
8 shall include any recommendations for further legislative
9 action. The report shall also include an inventory of all
10 known past and present facilities and structures of histori-
11 cal significance on Midway Atoll and its environs. The re-
12 port shall include a description of each historic facility and
13 structure and a discussion of how each will contribute to
14 the designation and interpretation of the proposed na-
15 tional memorial.

16 **SEC. 5. CONTINUING DISCUSSIONS.**

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

Passed the Senate November 4, 1997.

Attest:

GARY SISCO,
Secretary.