

Calendar No. 228

105TH CONGRESS
1ST Session

S. 940

[Report No. 105-114]

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.

OCTOBER 28, 1997

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

JUNE 19, 1997

Mr. HELMS (for himself, Mr. AKAKA, Mr. LOTT, Mr. MCCAIN, and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 28, 1997

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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

1 **SEC. 2. FINDINGS.**

2 The Senate makes the following findings:

3 (1) September 2, 1997, marks the 52d anniversary
4 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 offensive
11 against United States or 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 Nimitz
16 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 establish Mid-
19 way Atoll as a national memorial to the Battle of
20 Midway to express the enduring gratitude of the
21 American people for victory in the battle and to in-
22 spire future generations of Americans with the hero-
23 ism and sacrifice of the members of the Armed
24 Forces who achieved that victory.

25 **SEC. 3. SENSE OF THE SENATE.**

26 It is the sense of the Senate that—

1 (1) Midway Atoll and the surrounding seas de-
2 serve to be a national memorial;

3 (2) the historical significance of the Battle of
4 Midway deserves more recognition;

5 (3) the historic structures on Midway Atoll de-
6 serve to be protected and maintained;

7 **SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL**
8 **AS A NATIONAL MEMORIAL TO THE BATTLE**
9 **OF MIDWAY.**

10 (a) **IN GENERAL.**—Not later than six months after
11 the date of enactment of this Act, the Secretary of the
12 Interior shall, acting through the Director of the National
13 Park Service and in consultation with the Director of the
14 United States Fish and Wildlife Service, the International
15 Midway Memorial Foundation, Inc. (hereafter referred to
16 as the “Foundation”), and Midway Phoenix Corporation,
17 carry out a study of the feasibility and advisability of es-
18 tablishing Midway Atoll as a national memorial to the
19 Battle of Midway.

20 (b) **CONSIDERATIONS.**—In studying the establish-
21 ment of Midway Atoll as a national memorial to the Battle
22 of Midway under subsection (a), the Secretary shall con-
23 sider the following:

24 (1) Whether, and under what conditions, to
25 lease or otherwise allow the Foundation or another

1 appropriate organization to administer, maintain,
2 and utilize fully for use as a national memorial to
3 the Battle of Midway the lands (including any equip-
4 ment, facilities, infrastructure, and other improve-
5 ments) and waters of Midway Atoll.

6 (2) Whether, and under what circumstances the
7 needs and requirements of the wildlife refuge should
8 take precedence over the needs and requirements of
9 a national memorial on Midway Atoll.

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

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

16 (e) REPORT.—Upon completion of the study required
17 under subsection (a), the Secretary shall submit to Con-
18 gress a report on the study, including any recommenda-
19 tions for further legislative action. The report shall also
20 include an inventory of all past and present structures of
21 historic significance on Midway Atoll.

22 **SEC. 5. RULE OF STATUTORY CONSTRUCTION.**

23 Nothing under this Act should be construed to delay
24 or inhibit discussions between the Foundation and the
25 United States Fish and Wildlife Service or any other gov-

1 ernment entity regarding the future role of the Founda-
2 tion on Midway Atoll.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited the “Battle of Midway National*
5 *Memorial Study Act”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress makes the following findings:*

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

11 *(2) The Battle of Midway proved to be the turn-*
12 *ing point in the war in the Pacific, as United States*
13 *Navy forces inflicted such severe losses on the Impe-*
14 *rial Japanese Navy during the battle that the Impe-*
15 *rial Japanese Navy never again took the offensive*
16 *against the United States or the allied forces.*

17 *(3) During the Battle of Midway on June 4,*
18 *1942, an outnumbered force of the United States*
19 *Navy, consisting of 29 ships and other units of the*
20 *Armed Forces under the command of Admiral Nimitz*
21 *and Admiral Spruance, out-maneuvered and out-*
22 *fought 350 ships of the Imperial Japanese Navy.*

23 *(4) It is in the public interest to study whether*
24 *Midway Atoll should be established as a national me-*
25 *morial to the Battle of Midway to express the endur-*

1 *ing gratitude of the American people for victory in*
2 *the battle and to inspire future generations of Ameri-*
3 *cans with the heroism and sacrifice of the members of*
4 *the Armed Forces who achieved that victory.*

5 *(5) The historic structures and facilities on Mid-*
6 *way Atoll should be protected and maintained.*

7 **SEC. 3. PURPOSE.**

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

19 **SEC. 4. STUDY OF THE ESTABLISHMENT OF MIDWAY ATOLL**
20 **AS A NATIONAL MEMORIAL TO THE BATTLE**
21 **OF MIDWAY.**

22 *(a) IN GENERAL.—Not later than six months after the*
23 *date of enactment of this Act, the Secretary of the Interior*
24 *shall, acting through the Director of the National Park*
25 *Service and in consultation with the Director of the United*

1 *States Fish and Wildlife Service, the International Midway*
2 *Memorial Foundation, Inc. (hereafter referred to as the*
3 *“Foundation”), and Midway Phoenix Corporation, carry*
4 *out a study of the suitability and feasibility of establishing*
5 *Midway Atoll as a national memorial to the Battle of Mid-*
6 *way.*

7 (b) *CONSIDERATIONS.—In studying the establishment*
8 *of Midway Atoll as a national memorial to the Battle of*
9 *Midway under subsection (a), the Secretary shall address*
10 *the following:*

11 (1) *The appropriate federal agency to manage*
12 *such a memorial, and whether and under what condi-*
13 *tions, to lease or otherwise allow the Foundation or*
14 *another appropriate entity to administer, maintain,*
15 *and fully utilize the lands (including any equipment,*
16 *facilities, infrastructure, and other improvements)*
17 *and waters of Midway Atoll if designated as a na-*
18 *tional memorial.*

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

1 (3) *Whether, and under what conditions, to per-*
2 *mit the use of the facilities on Sand Island for pur-*
3 *poses other than a wildlife refuge or a national me-*
4 *memorial.*

5 (4) *Whether to impose conditions on public ac-*
6 *cess to Midway Atoll as a national memorial.*

7 (c) *REPORT.*—*Upon completion of the study required*
8 *under subsection (a), the Secretary shall submit, to the*
9 *Committee on Energy and Natural Resources of the United*
10 *States Senate and the Committee on Resources of the House*
11 *of Representatives, a report on the study, which shall in-*
12 *clude any recommendations for further legislative action.*
13 *The report shall also include an inventory of all known past*
14 *and present facilities and structures of historical signifi-*
15 *cance on Midway Atoll and its environs. The report shall*
16 *include a description of each historic facility and structure*
17 *and a discussion of how each will contribute to the designa-*
18 *tion and interpretation of the proposed national memorial.*

19 **SEC. 5. CONTINUING DISCUSSIONS.**

20 *Nothing in this Act shall be construed to delay or pro-*
21 *hibit discussions between the Foundation and the United*
22 *States Fish and Wildlife Service or any other government*
23 *entity regarding the future role of the Foundation on Mid-*
24 *way Atoll.*