

104TH CONGRESS
1ST SESSION

S. 1098

To establish the Midway Islands as a National Memorial, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day, JULY 10), 1995

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

A BILL

To establish the Midway Islands as a National Memorial, 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 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) September 2, 1995, marks the 50th anni-
9 versary of the United States victory over Japan in
10 World War II.

★(Star Print)

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, an out-
8 numbered force of the United States Navy, consist-
9 ing of 29 ships and other units of the Armed Forces
10 under the command of Admiral Nimitz and Admiral
11 Spruance, out-maneuvered and out-fought 350 ships
12 of the Imperial Japanese Navy.

13 (4) It is in the public interest to erect a memo-
14 rial to the Battle of Midway that is suitable to ex-
15 press the enduring gratitude of the American people
16 for victory in the battle and to inspire future genera-
17 tions of Americans with the heroism and sacrifice of
18 the members of the Armed Forces who achieved that
19 victory.

20 **SEC. 3. ESTABLISHMENT.**

21 (a) IN GENERAL.—There is established the Battle of
22 Midway National Memorial (referred to in this Act as the
23 “Memorial”).

24 (b) LEASE OF LAND.—The Secretary of the Navy
25 shall lease to the International Midway Memorial Founda-

1 tion, Inc. (referred to in this Act as the “Foundation”),
2 for use as a Memorial for the Battle of Midway, the lands
3 (including any equipment, facilities, infrastructure, and
4 other improvements to such lands) and waters of the Mid-
5 way Islands that are owned by the United States, are
6 within the jurisdiction of the Secretary, and are des-
7 ignated as historic landmarks.

8 (c) TERMS AND CONDITIONS OF LEASE.—

9 (1) TERM OF LEASE.—The lease under this
10 subsection shall be for a term of 99 years.

11 (2) CONSIDERATION.—As consideration for the
12 lease under this subsection, the Foundation shall
13 pay to the United States the amount of \$1 per year
14 for each year of the term of the lease. The Secretary
15 shall deposit the amount in the Treasury as mis-
16 cellaneous receipts.

17 (d) MANAGEMENT.—In managing the Memorial, the
18 Foundation shall—

19 (1) determine the boundaries of all properties,
20 including those comprising the airstrip on Eastern
21 Island, bunkers, cable buildings, and gun emplace-
22 ments on the Midway Atolls, which the Secretary of
23 the Interior shall designate as historic landmarks
24 open to the public;

1 (2) maintain the lands (including any equip-
2 ment, facilities, infrastructure, and other improve-
3 ments to such lands) and waters that are so des-
4 ignated;

5 (3) continue management of the remainder of
6 Midway Atolls as a wildlife refuge;

7 (4) provide for use of the waters, shoals, and
8 reefs adjacent to the Midway Islands consistent with
9 protection of the natural habitat of the Hawaiian
10 monk seal and the green sea turtle;

11 (5) allow facilities on Sand Island to continue
12 to function as—

13 (A) a Coast Guard air-sea rescue facility;

14 (B) a commercial air terminal;

15 (C) a private and contract aircraft refuel-
16 ing site; and

17 (D) a seaport facility;

18 (6) at its discretion, erect such structures and
19 facilities on Sand Island as the Foundation consid-
20 ers necessary to support visitors to the Memorial;
21 and

22 (7) establish a Battle of Midway Memorial Mu-
23 seum on Sand Atoll.

24 (e) ACCESS REQUIREMENTS.—

1 (1) ACCESS BY FOUNDATION.—The Secretary
2 shall provide the Foundation such access to the
3 lands and waters covered by the lease under sub-
4 section (b) as the Foundation shall require in order
5 to improve, operate, and maintain the Memorial.

6 (2) ACCESS BY OTHERS.—The Secretary shall
7 not limit the number of members of the public who
8 may have access to the Midway Islands or to the
9 Memorial established under this Act.

10 (f) PERFORMANCE OF FUNCTIONS UNDER CON-
11 TRACT.—The Foundation may perform any of its func-
12 tions under this Act through contracts with private enti-
13 ties under such terms and conditions as the Foundation
14 considers to be in the best interests of the Memorial, in-
15 cluding provisions for payment of a portion of the revenues
16 derived from operations under contract into the fund es-
17 tablished under subsection (h) in appropriate amounts to
18 assist in the accomplishment of the purposes described in
19 paragraph (3) of that subsection.

20 (g) ADVISORY ASSISTANCE FOR FOUNDATION.—The
21 Secretary shall appoint an advisory board which shall pro-
22 vide advisory services to the Foundation for the Memorial.
23 The Secretary shall appoint as members of the advisory
24 board the following:

1 (1) Appropriate employees of the Department
2 of Defense.

3 (2) In consultation with the Secretary of the In-
4 terior, appropriate employees of the United States
5 Fish and Wildlife Service and of the National Park
6 Service.

7 (3) In consultation with the Secretary of Trans-
8 portation, appropriate employees of the Coast
9 Guard.

10 (4) Individuals from the private sector.

11 (5) Members of the Foundation.

12 (h) BATTLE OF MIDWAY MEMORIAL FUND.—

13 (1) ESTABLISHMENT.—The Foundation shall
14 establish a fund to be known as the “Battle of Mid-
15 way Memorial Fund” (referred to in this section as
16 the “Fund”).

17 (2) TRANSFERS INTO THE FUND.—There shall
18 be transferred quarterly into the Fund—

19 (A) user fees and other revenues collected
20 directly by the Foundation;

21 (B) payments required by contracts under
22 subsection (f); and

23 (C) donations received from private
24 sources.

1 (3) PURPOSES.—The Foundation may use
2 amounts in the Fund to pay the costs of making
3 capital improvements to, maintaining, and operating
4 the Memorial.

○