

105TH CONGRESS  
1ST SESSION

# S. 940

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 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

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

6 **SEC. 2. FINDINGS.**

7 The Senate makes the following findings:

1           (1) September 2, 1997, marks the 52d anniver-  
2 sary of the United States victory over Japan in  
3 World War II.

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

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

16          (4) It is in the public interest to establish Mid-  
17 way Atoll as a national memorial to the Battle of  
18 Midway to express the enduring gratitude of the  
19 American people for victory in the battle and to in-  
20 spire future generations of Americans with the hero-  
21 ism and sacrifice of the members of the Armed  
22 Forces who achieved that victory.

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

24 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 (c) 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.

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