

109TH CONGRESS
2^D SESSION

S. 3683

To preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

IN THE SENATE OF THE UNITED STATES

JULY 18, 2006

Mr. SESSIONS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States.

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. FINDINGS.**

4 Congress finds that—

5 (1) the Mt. Soledad Veterans Memorial (re-
6 ferred to in this Act as the “Memorial”) has proudly
7 stood overlooking San Diego, California, for more
8 than 52 years as a tribute to the members of the

1 United States Armed Forces who sacrificed their
2 lives in defense of the United States;

3 (2) the Memorial was dedicated on April 18,
4 1954, as “a lasting memorial to the dead of the
5 First and Second World Wars and the Korean con-
6 flict” and now serves as a memorial to American
7 veterans of all wars, including the War on Ter-
8 rorism;

9 (3) the United States has a long history and
10 tradition of memorializing members of the Armed
11 Forces who die in battle with a cross or other reli-
12 gious emblem of faith, and a memorial cross is fully
13 integrated as the centerpiece of the multifaceted Me-
14 morial, which is replete with secular symbols;

15 (4) the patriotic and inspirational symbolism of
16 the Memorial provides solace to the families and
17 comrades of the veterans it memorializes;

18 (5) the Memorial has been recognized by Con-
19 gress as a National Veterans Memorial and is con-
20 sidered a historically significant national memorial;

21 (6) 76 percent of the voters of the city of San
22 Diego supported donating the Memorial to the
23 United States, only to have a California superior
24 court judge invalidate that election;

1 (7) the city of San Diego has diligently pursued
 2 every possible legal recourse to preserve the Memo-
 3 rial in its entirety for persons who have served in
 4 the Armed Forces and who will serve and sacrifice
 5 in the future; and

6 (8) Congressional action is necessary to pre-
 7 serve the Memorial because the city of San Diego is
 8 under a district court order to remove the Memorial
 9 from city property by August 1, 2006.

10 **SEC. 2. ACQUISITION OF MEMORIAL.**

11 (a) IN GENERAL.—To effectuate the purpose of sec-
 12 tion 116 of division J of the Consolidated Appropriations
 13 Act, 2005 (16 U.S.C. 431 note; 118 Stat. 3346), which
 14 designated the Memorial as a national memorial honoring
 15 veterans of the United States Armed Forces to preserve
 16 a historically significant war memorial, there is vested in
 17 the United States all right, title, and interest in and to,
 18 and the right to immediate possession of, the Memorial,
 19 as described in subsection (d).

20 (b) COMPENSATION.—

21 (1) IN GENERAL.—The United States shall pay
 22 to each owner of property the title to which is taken
 23 by the United States pursuant to this section com-
 24 pensation in an amount equal to, as applicable—

1 (A) the agreed negotiated value of the
2 property; or

3 (B) the valuation of the property according
4 to an applicable judgment.

5 (2) SOURCE OF FUNDS.—A payment under
6 paragraph (1) shall be made from the permanent
7 judgment appropriation established pursuant to sec-
8 tion 1304 of title 31, United States Code.

9 (3) FULL FAITH AND CREDIT.—The full faith
10 and credit of the United States is pledged to the
11 payment of any judgment entered against the
12 United States with respect to a taking of property
13 pursuant to this section.

14 (4) FAILURE TO NEGOTIATE SETTLEMENT.—If
15 the applicable parties do not reach a negotiated set-
16 tlement with respect to a taking under this section
17 by the date that is 1 year after the date of enact-
18 ment of this Act, the Secretary of Defense may ini-
19 tiate a proceeding in a court of competent jurisdic-
20 tion to determine the amount of compensation to be
21 paid by the United States with respect to the taking.

22 (c) MAINTENANCE.—On acquisition of the Memorial
23 by the United States, the Secretary of Defense shall—

24 (1) manage the property subject to the taking;
25 and

1 (2) offer to enter into a memorandum of under-
2 standing with the Mt. Soledad Memorial Association
3 for the continued maintenance of the Memorial by
4 the Association.

5 (d) LEGAL DESCRIPTION.—

6 (1) IN GENERAL.—The Memorial referred to in
7 this section is the portion of Pueblo Lot 1265 of the
8 Pueblo Lands of San Diego, California, as depicted
9 on the map of San Diego County, California, num-
10 bered 36, prepared by James Pascoe, dated 1879,
11 and on file in the office of the County Recorder of
12 San Diego County, and more particularly described
13 as the area bounded by the back of the existing
14 inner sidewalk on top of Mt. Soledad, being a circle
15 with radius of 84 feet, the center of which is located
16 as follows:

17 (A) Beginning at the southwesterly corner
18 of Pueblo Lot 1265, S. 17 degrees, 14'33" E.
19 (record S. 17 degrees 14'09" E.), 607.21 feet
20 along the westerly line of that lot from its inter-
21 section with the north line of La Jolla Scenic
22 Drive South, designated as parcel 2 in City
23 Council Resolution No. 216644 (August 25,
24 1976).

1 (B) Thence N. 39 degrees 59'24" E.,
2 1147.62 feet to the center of the circle.

3 (2) SURVEY.—The exact boundaries and legal
4 description of the Memorial shall be determined by
5 a survey to be prepared by the Secretary of Defense.

6 (3) PROHIBITION ON EXPANSION.—On acqui-
7 sition of the Memorial by the United States, the
8 boundaries of the Memorial shall not be expanded.

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