

109TH CONGRESS
2^D SESSION

S. 3688

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 19, 2006

Mr. MCCAIN (for himself and Mr. GRAHAM) 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 makes the following findings:

5 (1) The Mt. Soledad Veterans Memorial has
6 proudly stood overlooking San Diego, California, for
7 over 52 years as a tribute to the members of the
8 United States Armed Forces who sacrificed their
9 lives in the defense of the United States.

1 (2) The Mt. Soledad Veterans Memorial was
2 dedicated on April 18, 1954, as “a lasting memorial
3 to the dead of the First and Second World Wars and
4 the Korean conflict” and now serves as a memorial
5 to American veterans of all wars, including the War
6 on Terrorism.

7 (3) The United States has a long history and
8 tradition of memorializing members of the Armed
9 Forces who die in battle with a cross or other reli-
10 gious emblem of their faith, and a memorial cross is
11 fully integrated as the centerpiece of the multi-fac-
12 eted Mt. Soledad Veterans Memorial that is replete
13 with secular symbols.

14 (4) The patriotic and inspirational symbolism of
15 the Mt. Soledad Veterans Memorial provides solace
16 to the families and comrades of the veterans it me-
17 morializes.

18 (5) The Mt. Soledad Veterans Memorial has
19 been recognized by Congress as a National Veterans
20 Memorial and is considered a historically significant
21 national memorial.

22 (6) 76 percent of the voters of San Diego sup-
23 ported donating the Mt. Soledad Memorial to the
24 Federal Government only to have a superior court

1 judge of the State of California invalidate that elec-
 2 tion.

3 (7) The City of San Diego has diligently pur-
 4 sued every possible legal recourse in order to pre-
 5 serve the Mt. Soledad Veterans Memorial in its en-
 6 tirety for persons who have served in the Armed
 7 Forces and those persons who will serve and sac-
 8 rifice in the future.

9 (8) Congressional action is now necessary be-
 10 cause the City of San Diego is under a district court
 11 order to remove the Memorial Cross from city prop-
 12 erty by August 1, 2006.

13 **SEC. 2. ACQUISITION OF MT. SOLEDAD VETERANS MEMO-**
 14 **RIAL, SAN DIEGO, CALIFORNIA.**

15 (a) ACQUISITION.—To effectuate the purpose of sec-
 16 tion 116 of division E of Public Law 108–447 (118 Stat.
 17 3346; 16 U.S.C. 431 note), which, in order to preserve
 18 a historically significant war memorial, designated the Mt.
 19 Soledad Veterans Memorial in San Diego, California, as
 20 a national memorial honoring veterans of the United
 21 States Armed Forces, there is hereby vested in the United
 22 States all right, title, and interest in and to, and the right
 23 to immediate possession of, the Mt. Soledad Veterans Me-
 24 morial in San Diego, California, as more fully described
 25 in subsection (d).

1 (b) COMPENSATION.—The United States shall pay
2 just compensation to any owner of the property for the
3 property taken pursuant to this section, and the full faith
4 and credit of the United States is hereby pledged to the
5 payment of any judgment entered against the United
6 States with respect to the taking of the property. Payment
7 shall be in the amount of the agreed negotiated value of
8 the property or the valuation of the property awarded by
9 judgment and shall be made from the permanent judg-
10 ment appropriation established pursuant to section 1304
11 of title 31, United States Code. If the parties do not reach
12 a negotiated settlement within one year after the date of
13 the enactment of this Act, the Secretary of Defense may
14 initiate a proceeding in a court of competent jurisdiction
15 to determine the just compensation with respect to the
16 taking of such property.

17 (c) MAINTENANCE.—Upon acquisition of the Mt.
18 Soledad Veterans Memorial by the United States, the Sec-
19 retary of Defense shall manage the property and shall
20 enter into a memorandum of understanding with the Mt.
21 Soledad Memorial Association for the continued mainte-
22 nance of the Mt. Soledad Veterans Memorial by the Asso-
23 ciation.

24 (d) LEGAL DESCRIPTION.—The Mt. Soledad Vet-
25 erans Memorial referred to in this section is all that por-

1 tion of Pueblo lot 1265 of the Pueblo Lands of San Diego
2 in the City and County of San Diego, California, according
3 to the map thereof prepared by James Pascoe in 1879,
4 a copy of which was filed in the office of the County Re-
5 corder of San Diego County on November 14, 1921, and
6 is known as miscellaneous map No. 36, more particularly
7 described as follows: The area bounded by the back of the
8 existing inner sidewalk on top of Mt. Soledad, being also
9 a circle with radius of 84 feet, the center of which circle
10 is located as follows: Beginning at the Southwesterly cor-
11 ner of such Pueblo Lot 1265, such corner being South
12 17 degrees 14'33" East (Record South 17 degrees 14'09"
13 East) 607.21 feet distant along the westerly line of such
14 Pueblo lot 1265 from the intersection with the North line
15 of La Jolla Scenic Drive South as described and dedicated
16 as parcel 2 of City Council Resolution No. 216644 adopted
17 August 25, 1976; thence North 39 degrees 59'24" East
18 1147.62 feet to the center of such circle. The exact bound-
19 aries and legal description of the Mt. Soledad Veterans
20 Memorial shall be determined by survey prepared by the
21 Secretary of Defense. Upon acquisition of the Mt. Soledad
22 Veterans Memorial by the United States, the boundaries
23 of the Memorial may not be expanded.

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