

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5683

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2006

Mr. HUNTER (for himself, Mr. BILBRAY, and Mr. ISSA) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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

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

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

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 their faith, and a memorial cross is  
13 fully integrated as the centerpiece of the multi-fac-  
14 eted Mt. Soledad Veterans Memorial that is replete  
15 with secular symbols.

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

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

24 (6) 76 percent of the voters of San Diego sup-  
25 ported donating the Mt. Soledad Memorial to the

1 Federal Government only to have a superior court  
2 judge of the State of California invalidate that elec-  
3 tion.

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

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

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

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

1 morial in San Diego, California, as more fully described  
2 in subsection (d).

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

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

1 (d) LEGAL DESCRIPTION.—The Mt. Soledad Vet-  
2 erans Memorial referred to in this section is all that por-  
3 tion of Pueblo lot 1265 of the Pueblo Lands of San Diego  
4 in the City and County of San Diego, California, according  
5 to the map thereof prepared by James Pascoe in 1879,  
6 a copy of which was filed in the office of the County Re-  
7 corder of San Diego County on November 14, 1921, and  
8 is known as miscellaneous map No. 36, more particularly  
9 described as follows: The area bounded by the back of the  
10 existing inner sidewalk on top of Mt. Soledad, being also  
11 a circle with radius of 84 feet, the center of which circle  
12 is located as follows: Beginning at the Southwesterly cor-  
13 ner of such Pueblo Lot 1265, such corner being South  
14 17 degrees 14'33" East (Record South 17 degrees 14'09"  
15 East) 607.21 feet distant along the westerly line of such  
16 Pueblo lot 1265 from the intersection with the North line  
17 of La Jolla Scenic Drive South as described and dedicated  
18 as parcel 2 of City Council Resolution No. 216644 adopted  
19 August 25, 1976; thence North 39 degrees 59'24" East  
20 1147.62 feet to the center of such circle. The exact bound-  
21 aries and legal description of the Mt. Soledad Veterans  
22 Memorial shall be determined by survey prepared by the  
23 Secretary of Defense. Upon acquisition of the Mt. Soledad

- 1 Veterans Memorial by the United States, the boundaries
- 2 of the Memorial may not be expanded.

