

106TH CONGRESS
2D SESSION

S. 3248

To authorize the Hoosier Automobile and Truck National Heritage Trail Area.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26 (legislative day, SEPTEMBER 22), 2000

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

A BILL

To authorize the Hoosier Automobile and Truck National Heritage Trail Area.

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 “Hoosier Automobile
5 and Truck National Heritage Trail Area Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the industrial, cultural, and natural heritage
9 legacies of automobile and truck industry in the
10 State of Indiana are nationally significant;

1 (2) the design and manufacture of the auto-
2 mobile and truck within the State helped establish
3 and expand the industrial power of the United
4 States;

5 (3) the industrial strength of automobile and
6 truck manufacturing was vital to defending freedom
7 and democracy in 2 world wars and played a defin-
8 ing role in American victories;

9 (4) the economic strength of the United States
10 is connected integrally to the vitality of the auto-
11 mobile and truck industry, which employs millions of
12 workers, and on which 1 out of 7 United States jobs
13 depends;

14 (5) the industrial and cultural heritage of the
15 automobile and truck industry in the State includes
16 the social history and living cultural traditions of
17 several generations;

18 (6) the United Auto Workers and other unions
19 played a significant role in the history and progress
20 of the labor movement and the automobile and truck
21 industry;

22 (7) the Secretary of the Interior is responsible
23 for protecting and interpreting the cultural and his-
24 toric resources of the United States, and there are
25 significant examples of those resources within the

1 State to warrant the involvement of the Secretary in
2 developing programs and projects in cooperation
3 with the Hoosier Automobile & Truck National Her-
4 itage Trail Area Partnership, Inc., the State, and
5 other local and governmental bodies, to conserve,
6 protect, and interpret those resources for the edu-
7 cational and recreational benefit of the public;

8 (8) the Partnership would be an appropriate en-
9 tity to oversee the development of the Hoosier Auto-
10 mobile and Truck National Heritage Trail Area;

11 (9) many museums of regional, national, and
12 international stature are located within the Heritage
13 Area, including—

14 (A) the Auburn Cord Duesenberg Museum
15 at Auburn, Indiana;

16 (B) the National Automotive and Truck
17 Museum of the United States at Auburn, Indi-
18 ana;

19 (C) the S. Ray Miller Museum at Elkhart,
20 Indiana;

21 (D) the RV/MH Hall of Fame, Museum,
22 and Library at Elkhart, Indiana;

23 (E) the Studebaker National Museum at
24 South Bend, Indiana;

1 (F) the Door Prairie Museum at LaPorte,
2 Indiana; and

3 (G) the Indianapolis Motor Speedway Mu-
4 seum at Indianapolis, Indiana;

5 (10) Auburn, Indiana, called the “Collector Car
6 Capital of the World”—

7 (A) is the home of the Auburn Cord
8 Duesenberg Museum, the National Automotive
9 and Truck Museum of the United States, and
10 the Kruse Auction Park;

11 (B) is adjacent to the Michigan Auto-
12 mobile National Heritage Area; and

13 (C) is the focal point of the Heritage Area;
14 and

15 (11) the cultural, historic, scenic, and natural
16 resources of the Heritage Area form a cohesive, na-
17 tionally distinctive landscape arising from patterns
18 of human activity shaped by geography, with the re-
19 sult that the Heritage Area is representative of the
20 national experience by virtue of—

21 (A) the physical features that remain;

22 (B) the traditions that have evolved within
23 those features; and

1 (C) the continued use of the Heritage Area
2 by people whose traditions and activities helped
3 to shape that landscape.

4 (b) PURPOSE.—The purpose of this Act is to estab-
5 lish the Heritage Area to—

6 (1) foster a close working relationship with all
7 levels of government, the private sector, and local
8 communities in the State and empower communities
9 in Indiana to conserve their automotive and truck
10 heritage while strengthening future economic oppor-
11 tunities; and

12 (2) conserve, interpret, and develop the histor-
13 ical, cultural, recreational, and natural resources re-
14 lated to the industrial and cultural heritage of the
15 Heritage Area.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) BOARD.—The term “Board” means the
19 Board of Directors of the Partnership.

20 (2) HERITAGE AREA.—The term “Heritage
21 Area” means the Hoosier Automobile and Truck
22 National Heritage Trail Area established by section
23 4.

1 (3) MANAGEMENT PLAN.—The term “Manage-
2 ment Plan” means the management plan for the
3 Heritage Area approved under section 6.

4 (4) PARTNERSHIP.—The term “Partnership”
5 means Hoosier Automobile & Truck National Herit-
6 age Trail Area, Inc., a nonprofit corporation estab-
7 lished under the laws of the State.

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (6) STATE.—The term “State” means the State
11 of Indiana.

12 **SEC. 4. HOOSIER AUTOMOBILE AND TRUCK NATIONAL HER-**
13 **ITAGE AREA.**

14 (a) ESTABLISHMENT.—There is established in the
15 State of Indiana the Hoosier Automobile and Truck Na-
16 tional Heritage Trail Area.

17 (b) AREAS INCLUDED.—

18 (1) IN GENERAL.—There shall be included in
19 the Heritage Area areas containing cultural and his-
20 torical resources that are—

21 (A) relevant to the purposes of this Act;

22 and

23 (B) located in the following counties in the
24 State of Indiana: Adams, Allen, Bartholomew,
25 Brown, Clark, Clinton, Crawford, Daviess,

1 Dearborn, Decatur, DeKalb, Delaware, Dubois,
 2 Elkhart, Fayette, Floyd, Franklin, Gibson,
 3 Greene, Hamilton, Hancock, Harrison, Henry,
 4 Huntington, Jackson, Jay, Jefferson, Jennings,
 5 Johnson, Lake, Knox, Kosciusko, LaGrange,
 6 LaPorte, Lawrence, Madison, Marion, Martin,
 7 Monroe, Morgan, Noble, Ohio, Orange, Perry,
 8 Pike, Porter, Posey, Randolph, Ripley, Rush,
 9 Scott, Shelby, Spencer, Starke, Steuben, Sul-
 10 livan, Switzerland, Tipton, Union,
 11 Vanderburgh, Warrick, Washington, Wayne,
 12 Wells, and Whitley.

13 (2) PRECISE BOUNDARIES.—The precise bound-
 14 aries of the Heritage Area shall be specified in the
 15 management plan.

16 (3) MAP.—The Secretary shall prepare a map
 17 of the Heritage Area, which shall be on file and
 18 available for public inspection in the office of the Di-
 19 rector of the National Park Service.

20 (4) INCLUSION OF PROPERTY IN THE HERITAGE
 21 AREA.—

22 (A) CONSENT OF LOCAL GOVERNMENTS.—
 23 The Partnership shall provide to the govern-
 24 ment of each city, village, and township that

1 has jurisdiction over property proposed to be in-
2 cluded in the Heritage Area—

3 (i) written notice of the proposed in-
4 clusion; and

5 (ii) a period of 60 days in which to
6 object to the inclusion.

7 (B) CONDITIONS FOR INCLUSION OF PROP-
8 ERTY IN HERITAGE AREA.—Property may not
9 be included in the Heritage Area if—

10 (i) the Partnership fails to provide no-
11 tice of the proposed inclusion and a period
12 in which to object in accordance with para-
13 graph (4); or

14 (ii) any local government to which the
15 notice is required to be provided objects to
16 the inclusion, in writing to the Partner-
17 ship, by not later than the end of the 60-
18 day period.

19 (5) ADDITIONS AND REMOVALS OF RESOURCE
20 AREAS.—At the request of the Partnership, the Sec-
21 retary may add or remove areas containing cultural
22 and historic resources described in paragraph (1) to
23 or from the Heritage Area.

1 **SEC. 5. DESIGNATION OF PARTNERSHIP AS MANAGEMENT**
2 **ENTITY.**

3 (a) IN GENERAL.—The Partnership shall be the
4 management entity for the Heritage Area.

5 (b) FEDERAL FUNDING.—

6 (1) AUTHORIZATION TO RECEIVE FUNDS.—The
7 Partnership may receive amounts appropriated to
8 carry out this Act.

9 (2) DISQUALIFICATION.—If a management plan
10 for the Area is not submitted to the Secretary as re-
11 quired under section 6 within the time specified in
12 that section, the Partnership shall cease to be au-
13 thorized to receive Federal funding under this Act
14 until a management plan is submitted to the Sec-
15 retary.

16 (c) USE OF FEDERAL FUNDS.—The Partnership
17 may, for purposes of preparing and implementing the
18 management plan for the Heritage Area, use Federal
19 funds made available under this Act—

20 (1) to make grants and loans to the State of
21 Indiana, political subdivisions of the State, nonprofit
22 organizations, and other persons;

23 (2) to enter into cooperative agreements with or
24 provide technical assistance to Federal agencies, the
25 State, political subdivisions of the State, nonprofit
26 organizations, and other persons;

1 (3) to hire and compensate staff;

2 (4) to obtain funds from any source under any
3 program or law requiring the recipient of funds to
4 make a contribution in order to receive the funds;
5 and

6 (5) to contract for goods and services.

7 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
8 erty.—The Partnership may not use Federal funds re-
9 ceived under this Act to acquire real property or any inter-
10 est in real property.

11 **SEC. 6. MANAGEMENT OF THE HERITAGE AREA.**

12 (a) HERITAGE AREA MANAGEMENT PLAN.—

13 (1) DEVELOPMENT AND SUBMISSION FOR RE-
14 view.—Not later than 3 years after the date of en-
15 actment of this Act, the Board, with public partici-
16 pation, shall develop and submit for review to the
17 Secretary a management plan for the Heritage Area.

18 (2) CONTENTS.—The management plan shall—

19 (A) present comprehensive recommenda-
20 tions for the conservation, funding, manage-
21 ment, and development of the Heritage Area;

22 (B) take into consideration Federal, State,
23 county, and local plans in effect on the date of
24 enactment of this Act and involve residents,

1 public agencies, and private organizations in the
2 Heritage Area;

3 (C) include a description of actions that
4 units of government and private organizations
5 are recommended to take to protect the re-
6 sources of the Heritage Area;

7 (D) specify existing and potential sources
8 of Federal and non-Federal funding for the
9 conservation, management, and development of
10 the Heritage Area; and

11 (E) include—

12 (i) an inventory of resources in the
13 Heritage Area that—

14 (I) includes a list of property in
15 the Heritage Area that should be con-
16 served, restored, managed, developed,
17 or maintained because of the cultural,
18 historic, or natural significance of the
19 property as it relates to the themes of
20 the Heritage Area; and

21 (II) does not include any prop-
22 erty that is privately owned unless the
23 owner of the property consents in
24 writing to the inclusion;

1 (ii) a recommendation of policies for
2 resource management, including policies
3 for the development of intergovernmental
4 cooperative agreements to manage the his-
5 torical, cultural, and natural resources and
6 recreational opportunities of the Heritage
7 Area in a manner that is consistent with
8 the support of appropriate and compatible
9 economic viability;

10 (iii) a program for implementation of
11 the management plan, including plans for
12 restoration and construction and a descrip-
13 tion of any commitments that have been
14 made by persons interested in management
15 of the Heritage Area;

16 (iv) an analysis of means by which
17 Federal, State, and local programs may
18 best be coordinated to promote the pur-
19 poses of this Act; and

20 (v) an interpretive plan for the Herit-
21 age Area.

22 (3) APPROVAL OR DISAPPROVAL OF THE MAN-
23 AGEMENT PLAN.—

24 (A) IN GENERAL.—Not later than 60 days
25 after submission of the Heritage Area manage-

1 ment plan by the Board, the Secretary shall ap-
2 prove or disapprove the management plan.

3 (B) FAILURE TO ACT.—If the Secretary
4 fails to approve or disapprove the management
5 plan within 60 days, the management plan shall
6 be considered to have been approved.

7 (C) DISAPPROVAL AND REVISIONS.—

8 (i) IN GENERAL.—If the Secretary
9 disapproves the management plan, the Sec-
10 retary shall—

11 (I) advise the Board, in writing,
12 of the reasons for the disapproval; and

13 (II) make recommendations for
14 revision of the management plan.

15 (ii) APPROVAL OR DISAPPROVAL.—
16 The Secretary shall approve or disapprove
17 proposed revisions to the management plan
18 not later than 60 days after receipt of such
19 revisions from the Board.

20 (iii) FAILURE TO ACT.—If the Sec-
21 retary has taken no action for 60 days
22 after receipt, the management plan and re-
23 visions shall be considered to have been ap-
24 proved.

1 (b) PRIORITIES.—The Partnership shall give priority
2 to the implementation of actions, goals, and policies set
3 forth in the management plan for the Heritage Area,
4 including—

5 (1) assisting units of government, regional plan-
6 ning organizations, and nonprofit organizations—

7 (A) in conserving the Heritage Area;

8 (B) in establishing and maintaining inter-
9 pretive exhibits in the Heritage Area;

10 (C) in developing recreational opportunities
11 in the Heritage Area;

12 (D) in increasing public awareness of and
13 appreciation for the historical, cultural, and
14 natural resources of the Heritage Area;

15 (E) in the restoration of historic buildings
16 that are located within the boundaries of the
17 Heritage Area and related to the theme of the
18 Heritage Area; and

19 (F) in ensuring that clear, consistent, and
20 environmentally appropriate signs identifying
21 access points and sites of interest are put in
22 place throughout the Heritage Area; and

23 (2) consistent with the goals of the manage-
24 ment plan, encouraging economic viability in the af-
25 fected communities by appropriate means.

1 (c) CONSIDERATION OF INTERESTS OF LOCAL
2 GROUPS.—In preparing and implementing the manage-
3 ment plan for the Heritage Area, the Partnership shall
4 consider the interests of diverse units of government, busi-
5 nesses, private property owners, and nonprofit groups
6 within the Heritage Area.

7 (d) PUBLIC MEETINGS.—The Partnership shall con-
8 duct public meetings at least annually regarding the im-
9 plementation of the Heritage Area management plan.

10 (e) ANNUAL REPORTS.—For any fiscal year in which
11 the Partnership receives Federal funds under this Act or
12 in which a loan made by the Partnership with Federal
13 funds under section 5(c)(1) is outstanding, the Partnership
14 shall submit to the Secretary an annual report that
15 describes—

16 (1) the accomplishments of the Partnership;

17 (2) the expenses and income of the Partnership;

18 and

19 (3) the entities to which the Partnership made
20 any loans and grants during the year for which the
21 report is made.

22 (f) COOPERATION WITH AUDITS.—For any fiscal
23 year in which the Partnership receives Federal funds
24 under this Act or in which a loan made by the Partnership

1 with Federal funds under section 5(c)(1) is outstanding,
2 the Partnership shall—

3 (1) make available for audit by Congress, the
4 Secretary, and appropriate units of government all
5 records and other information pertaining to the ex-
6 penditure of the Federal funds and any matching
7 funds; and

8 (2) require, for all agreements authorizing ex-
9 penditure of Federal funds by other organizations,
10 that the receiving organizations make available for
11 audit all records and other information pertaining to
12 the expenditure of the Federal funds.

13 (g) DELEGATION.—The Partnership may delegate
14 the responsibilities and actions under this section for each
15 county named in section 4(b)(1).

16 **SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

17 (a) TECHNICAL ASSISTANCE AND GRANTS.—

18 (1) IN GENERAL.—The Secretary may provide
19 technical assistance and, subject to the availability
20 of appropriations, grants to

21 (A) the Partnership, for use in developing
22 and implementing the management plan; and

23 (B) units of government, nonprofit organi-
24 zations, and other persons, at the request of the
25 Partnership.

1 (2) PROHIBITION OF CERTAIN REQUIRE-
2 MENTS.—The Secretary may not, as a condition of
3 the award of technical assistance or grants under
4 this section, require any recipient of the technical
5 assistance or a grant to enact or modify land use re-
6 strictions.

7 (3) DETERMINATIONS REGARDING ASSIST-
8 ANCE.—The Secretary shall determine which persons
9 should be provided technical assistance and grants
10 under this subsection and the amount of that
11 assistance—

12 (A) based on the degree to which the use
13 to which persons requesting assistance effec-
14 tively fulfills the objectives of the management
15 plan and achieves the purposes of this Act; and

16 (B) after giving special consideration to
17 projects that provide a greater leverage of Fed-
18 eral funds.

19 (b) PROVISION OF INFORMATION.—In cooperation
20 with other Federal agencies, the Secretary shall provide
21 the public with information concerning the location and
22 character of the Heritage Area.

23 (c) COOPERATIVE AGREEMENTS.—The Secretary
24 may enter into cooperative agreements with public and

1 private organizations for the purposes of implementing
2 this subsection.

3 (d) DUTIES OF OTHER FEDERAL AGENCIES.—Any
4 Federal entity conducting any activity directly affecting
5 the Heritage Area shall—

6 (1) consider the potential effect of the activity
7 on the Heritage Area management plan; and

8 (2) consult with the Partnership with respect to
9 the activity to minimize the adverse effects of the ac-
10 tivity on the Heritage Area.

11 **SEC. 8. NO EFFECT ON LAND USE REGULATION AND PRI-**
12 **VATE PROPERTY.**

13 (a) NO EFFECT ON LAND USE AUTHORITY.—Noth-
14 ing in this Act modifies, enlarges, or diminishes any au-
15 thority of Federal, State, or local government to regulate
16 any use of land under any other law.

17 (b) NO ZONING OR LAND USE POWERS.—Nothing
18 in this Act grants powers of zoning or land use control
19 to the Partnership.

20 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY
21 NOT AFFECTED.—Nothing in this Act affects or author-
22 izes the Partnership to interfere with—

23 (1) the rights of any person with respect to pri-
24 vate property; or

1 (2) any local zoning ordinance or land use plan
2 of the State or a political subdivision of the State.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated to carry out this Act not more than \$1,000,000
6 for any fiscal year, and not more than a total of
7 \$10,000,000.

8 (b) FEDERAL SHARE.—The Federal share of the cost
9 of any activity carried out using funds made available
10 under this Act shall not exceed 50 percent.

11 **SEC. 10. TERMINATION OF AUTHORITY.**

12 The Secretary may not provide any assistance or
13 make any grant under this Act after September 30, 2015.

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