## 109TH CONGRESS 2D SESSION H.R. 5883

To establish a commission to assist in commemoration of the sesquicentennial of the discovery of oil at Drake Well near Titusville, Pennsylvania, on August 27, 1859, and the resulting development of the American petroleum industry.

#### IN THE HOUSE OF REPRESENTATIVES

#### JULY 25, 2006

Mr. PETERSON of Pennsylvania (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. GERLACH, Mr. WELDON of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. SHU-STER, Mr. SHERWOOD, Mr. KANJORSKI, Mr. MURTHA, Ms. SCHWARTZ of Pennsylvania, Mr. DOYLE, Mr. DENT, Mr. PITTS, Mr. HOLDEN, Mr. MURPHY, and Mr. PLATTS) introduced the following bill; which was referred to the Committee on Government Reform

# A BILL

- To establish a commission to assist in commemoration of the sesquicentennial of the discovery of oil at Drake Well near Titusville, Pennsylvania, on August 27, 1859, and the resulting development of the American petroleum industry.
  - 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 "Drake Well Sesqui-
- 5 centennial Commemoration Act".

#### 1 SEC. 2. FINDINGS.

2 Congress finds that—

3 (1) August 27, 2009, is the 150th anniversary
4 of the first successful commercially drilled oil well
5 leading directly to the development of the petroleum
6 industry;

7 (2) the Drake Well near Titusville, Pennsyl-8 vania, represents the start of the life-changing 9 events that would not be possible without petroleum: 10 from plastics to medicines, from kerosene to jet-fuel, 11 from mascara to Vaseline, from the oils that lubri-12 cate our machines to the asphalt we drive on, most 13 aspects of our lives are impacted by the petroleum 14 industry;

(3) the refining of kerosene from petroleum
dramatically changed the course of everyday life by
providing an economical, safe, and widely available
fuel to light up the night throughout the world;

(4) the refining of gasoline from petroleum has
dramatically changed the course of transportation,
commerce, and warfare throughout the world;

(5) the search for oil lead to concurrent development and use of natural gas for engines, illumination, and heat;

25 (6) the achievement by the Pennsylvania Rock
26 Oil Company, the Seneca Oil Company, and "Colo•HR 5883 IH

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1 nel" Edwin L. Drake at Drake Well ignited a tri-2 umph of American ingenuity, inventiveness, and dili-3 gence in developing new technologies, new business models, and new industries which remains an inspi-4 5 ration for all Americans; 6 (7) the early petroleum industry's ability to 7 overcome failures and turn them into successes dra-8 matically impacted our Nation and are deserving of 9 being remembered and celebrated as great American 10 achievements; 11 (8) it is appropriate to remember and renew the 12 legacy of the Drake Well at a time when the values 13 of creativity, ingenuity, and the quest for the Amer-14 ican dream demonstrated by the petroleum industry 15 pioneers are critical to the foundation for the future 16 of the Nation; and 17 (9) as the Nation approaches the 150th anni-18 versary of the Drake Well and the petroleum indus-19 try, it is appropriate to celebrate and commemorate 20 the sesquicentennial period through local, national, 21 and international observances and activities. 22 SEC. 3. ESTABLISHMENT. 23 There is established a commission to be known as the

24 Drake Well Sesquicentennial Commission.

### 1 SEC. 4. MEMBERSHIP.

2	(a) Number and Appointment.—The Commission
3	shall be composed of 9 members, as follows:
4	(1) The Secretary of the Smithsonian Institu-
5	tion or the designee of that Secretary.
6	(2) The Secretary of Energy or the designee of
7	that Secretary.
8	(3) The Secretary of the Interior or the des-
9	ignee of that Secretary.
10	(4) The Secretary of Education or the designee
11	of that Secretary.
12	(5) The chair of the Oil 150 Steering Com-
13	mittee of Pennsylvania or the designee of that chair.
14	(6) The Oil Region Alliance of Business, Indus-
15	try & Tourism Vice President of Heritage Develop-
16	ment for the Oil Region National Heritage Area, or
17	the designee of that Vice President.
18	(7) The Executive Director of Pennsylvania
19	Historical and Museum Commission or designee of
20	that Executive Director.
21	(8) As chosen by the other members of the
22	Commission, the president or head of a United
23	States petroleum society, foundation, or organization
24	of national stature or prominence who is from a pe-
25	troleum producing State other than Pennsylvania.

(9) As chosen by the other members of the

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2 Commission, the president or head of a United 3 States petroleum society, foundation, or organization 4 of national stature or prominence who is from the 5 State of Pennsylvania. 6 (b) VACANCIES.—Any vacancy in the Commission 7 shall be filled in the same manner in which the original 8 designation was made. 9 (c) COMPENSATION.— 10 (1) PROHIBITION OF PAY.—Except as provided 11 in paragraph (2), members of the Commission shall 12 serve without pay or compensation. 13 (2) TRAVEL EXPENSES.—The Commission may

14 adopt a policy, only by unanimous vote, for members 15 of the Commission and related advisory panels to re-16 ceive travel expenses, including per diem in lieu of 17 subsistence. The policy may not exceed the levels es-18 tablished under sections 5702 and 5703 of title 5, 19 United States Code. Members who are Federal em-20 ployees shall not receive travel expenses if otherwise 21 reimbursed by the Federal Government.

(d) QUORUM.—Five members of the Commissionshall constitute a quorum.

24 (e) CHAIRPERSON.—The Commission shall select a25 Chairperson of the Commission by a vote of a majority

of the members designated under subsection (a). The
 Chairperson may be removed by a vote of a majority of
 the Commission's members.

4 (f) VICE CHAIRPERSON.—The Commission shall se5 lect a Vice-Chairperson of the Commission by a vote of
6 a majority of the members designated under subsection
7 (a). The Vice-Chairperson may be removed by a vote of
8 a majority of the Commission's members.

9 (g) ORGANIZATION.—(1) Not later than 90 days after
10 the date of enactment of this Act, the Commission shall
11 meet and select a Chairperson and Vice Chairperson.

(2) Not later than 90 days after the date of enactment of this Act, the Commission shall meet and select
an Executive Director as described in section 7(a).

#### 15 SEC. 5. DUTIES.

16 (a) IN GENERAL.—The Commission shall—

(1) represent the United States and take a
leadership role with other nations in recognizing the
importance of petroleum industry history in general
and the Drake Well discovery in particular, and promote participation by the United States in such activities;

(2) encourage and promote national and inter-national participation and sponsorships in com-

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1	memoration of the Drake Well sesquicentennial by
2	persons and entities such as—
3	(A) petrochemical manufacturing compa-
4	nies;
5	(B) automotive manufacturing companies;
6	(C) farm and construction equipment man-
7	ufacturing companies with products fueled by
8	petroleum;
9	(D) petroleum dependent military organi-
10	zations operating aerospace-related vehicles and
11	diesel powered naval ship fleets and ground
12	transport vehicles;
13	(E) workers employed in petrochemical re-
14	lated industries;
15	(F) workers employed in automotive manu-
16	facturing companies;
17	(G) commercial aviation and trucking com-
18	panies;
19	(H) gas-powered vehicle owners;
20	(I) petroleum researchers, instructors, and
21	enthusiasts;
22	(J) elementary, secondary, and higher edu-
23	cational institutions;

1	(K) civil, patriotic, educational, sporting,
2	arts, cultural, and historical organizations and
3	technical societies;
4	(L) automotive-related museums, societies,
5	and enthusiasts;
6	(M) petroleum-related museums;
7	(N) State and local governments; and
8	(O) publications and journals related to
9	history, petroleum, automotive, transportation,
10	and plastics and other petrochemicals;
11	(3) plan and develop, in coordination with the
12	Oil Region Alliance of Business, Industry & Tour-
13	ism, the Oil 150 Steering Committee, and the Drake
14	Well Museum, programs and activities that are ap-
15	propriate to commemorate the 150th anniversary of
16	the Drake Well;
17	(4) maintain, publish, and distribute a calendar
18	or register of national and international programs
19	and projects concerning, and provide a central clear-
20	inghouse for, information and coordination regard-
21	ing, dates, events, and places of historical and com-
22	memorative significance regarding petroleum history
23	in general and the sesquicentennial of Drake Well in
24	particular;

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(5) provide national coordination for celebration
 dates to take place throughout the United States
 during the sesquicentennial period;

4 (6) assist in conducting educational, civic, and
5 commemorative activities relating to the Drake Well
6 sesquicentennial throughout the United States, espe7 cially activities that occur in the State of Pennsyl8 vania and that highlight the activities of the early
9 petroleum industry history, development, and indus10 try pioneers in the State; and

(7) encourage the publication of popular and
scholarly works related to the history of petroleum
or the Drake Well sesquicentennial.

14 (b) NONDUPLICATION OF ACTIVITIES.—The Com-15 mission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to 16 this Act enhance, but do not duplicate, traditional and es-17 18 tablished activities of Pennsylvania's Oil Region Alliance 19 of Business, Industry & Tourism, the Oil 150 Steering 20 Committee, the Drake Well Museum, the Pennsylvania 21 History and Museum Commission, or any other organiza-22 tion of national stature or prominence.

23 **SEC. 6. POWERS.** 

24 (a) Advisory Committees and Task Forces.—

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(1) IN GENERAL.—The Commission may appoint any advisory committee or task force from
 among the membership of the Advisory Board as established in section 12.

(2) FEDERAL COOPERATION.—To ensure the 5 6 overall success of the Commission's efforts, the Com-7 mission may call upon various Federal departments 8 and agencies to assist in and give support to the 9 programs of the Commission. The head of the Fed-10 eral department or agency, where appropriate, shall 11 furnish the information or assistance requested by 12 the Commission, unless prohibited by law.

(3) PROHIBITION OF PAY OTHER THAN TRAVEL
EXPENSES.—Members of an advisory committee or
task force authorized under paragraph (1) shall not
receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under
section 4(c)(2).

(b) POWERS OF MEMBERS AND AGENTS.—Any mem20 ber or agent of the Commission may, if authorized by the
21 Commission, take any action that the Commission is au22 thorized to take under this Act.

23 (c) AUTHORITY TO PROCURE AND TO MAKE LEGAL24 AGREEMENTS.—

1	(1) IN GENERAL.—Notwithstanding any other
2	provision in this Act, only the Commission may pro-
3	cure supplies, services, and property, and make or
4	enter into leases and other legal agreements, in
5	order to carry out this Act.
6	(2) RESTRICTION.—
7	(A) IN GENERAL.—A contract, lease, or
8	other legal agreement made or entered into by
9	the Commission may not extend beyond the
10	date of the termination of the Commission.
11	(B) Federal support.—The Commission
12	shall obtain property, equipment, and office
13	space from the General Services Administration
14	or the Smithsonian Institution, unless other of-
15	fice space, property, or equipment is less costly.
16	(3) Supplies and property possessed by
17	COMMISSION AT TERMINATION.—Any supplies and
18	property, except historically significant items and ex-
19	cess publications and merchandise, that are acquired
20	by the Commission under this Act and remain in the
21	possession of the Commission on the date of the ter-
22	mination of the Commission shall become the prop-
23	erty of the General Services Administration upon the
24	date of termination. Excess publications and mer-
25	chandise shall become the property of the Oil Region

Alliance of Business, Industry & Tourism upon such
 date.

3 (d) MAILS.—The Commission may use the United
4 States mails in the same manner and under the same con5 ditions as any other Federal agency.

#### 6 SEC. 7. STAFF AND SUPPORT SERVICES.

7 (a) EXECUTIVE DIRECTOR.—There shall be an Exec8 utive Director appointed by a majority vote of the Com9 mission and chosen from among detailees from the agen10 cies and organizations represented on the Commission.
11 The Executive Director may be paid at a rate not to ex12 ceed the maximum rate of basic pay payable for the Senior
13 Executive Service.

(b) STAFF.—The Commission may appoint and fix
the pay of any additional personnel that it considers appropriate, except that an individual appointed under this
subsection may not receive pay in excess of the maximum
rate of basic pay payable for GS-14 of the General Schedule.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE
LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions
of title 5, United States Code, governing appointments in
the competitive service, and may be paid without regard
to the provisions of chapter 51 and subchapter III of chap-

ter 53 of such title, relating to classification and General
 Schedule pay rates, except as provided under subsections
 (a) and (b) of this section.

4 (d) MERIT SYSTEM PRINCIPLES.—The appointment
5 of the Executive Director or any personnel of the Commis6 sion under subsection (a) or (b) shall be made consistent
7 with the merit system principles under section 2301 of
8 title 5, United States Code.

9 (e) STAFF OF FEDERAL AGENCIES.—Upon request 10 by the Chairperson of the Commission, the head of any 11 Federal department or agency may detail, on either a non-12 reimbursable or reimbursable basis, any of the personnel 13 of the department or agency to the Commission to assist 14 the Commission to carry out its duties under this Act.

15 (f) Administrative Support Services.—

16 (1) REIMBURSABLE SERVICES.—The Secretary
17 of the Smithsonian Institution may provide to the
18 Commission on a reimbursable basis any administra19 tive support services that are necessary to enable the
20 Commission to carry out this Act.

(2) NONREIMBURSABLE SERVICES.—The Secretary of the Smithsonian Institution may provide
administrative support services to the Commission
on a nonreimbursable basis when, in the opinion of
the Secretary of the Smithsonian Institution, the

value of such services is insignificant or not practical
 to determine.

3 (g) COOPERATIVE AGREEMENTS.—The Commission 4 may enter into cooperative agreements with other Federal 5 agencies, State and local governments, and private inter-6 ests and organizations that will contribute to public aware-7 ness of and interest in the Drake Well sesquicentennial 8 and toward furthering the goals and purposes of this Act.

9 (h) PROGRAM SUPPORT.—The Commission may re-10 ceive program support from the nonprofit sector.

#### 11 SEC. 8. CONTRIBUTIONS.

(a) DONATIONS.—The Commission may accept donations of personal services and historic materials relating
to the implementation of its responsibilities under the provisions of this Act.

(b) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission
may accept and use voluntary and uncompensated services
as the Commission determines necessary.

(c) REMAINING FUNDS.—Any funds (including funds
received from licensing royalties) remaining with the Commission on the date of the termination of the Commission
may be used to ensure proper disposition, as specified in
the final report required under section 10(b), of historically significant property which was donated to or ac-

quired by the Commission. Any funds remaining after 1 2 such disposition shall be transferred to the Oil Region Alli-3 ance of Business, Industry & Tourism for deposit into the 4 general fund of the Oil Region National Heritage Area 5 to be used for continuation and development of projects emphasizing petroleum history or furthering capital en-6 7 hancements to the Oil Region National Heritage Area his-8 torical venues.

# 9 SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, 10 SEALS, AND MARKS.

(a) IN GENERAL.—The Commission may devise any
logo, emblem, seal, or descriptive or designating mark that
is required to carry out its duties or that it determines
is appropriate for use in connection with the commemoration of the Drake Well sesquicentennial.

(b) LICENSING.—The Commission shall have the sole
and exclusive right to use, or to allow or refuse the use
of, the name "Drake Well Sesquicentennial Commission"
on any logo, emblem, seal, or descriptive or designating
mark that the Commission lawfully adopts.

(c) EFFECT ON OTHER RIGHTS.—No provision of
this section may be construed to conflict or interfere with
established or vested rights.

24 (d) USE OF FUNDS.—Funds from licensing royalties
25 received pursuant to this section shall be used by the Com-

1 mission to carry out the duties of the Commission speci-2 fied by this Act.

3 (e) LICENSING RIGHTS.—All exclusive licensing
4 rights, unless otherwise specified, shall be conveyed to the
5 Oil Region Alliance of Business, Industry & Tourism upon
6 termination of the Commission.

#### 7 SEC. 10. REPORTS.

8 (a) ANNUAL REPORT.—In each fiscal year in which 9 the Commission is in existence, the Commission shall pre-10 pare and submit to Congress a report describing the ac-11 tivities of the Commission during the fiscal year. Each an-12 nual report shall also include—

(1) recommendations regarding appropriate activities to commemorate the Drake Well sesquicentennial, including—

16 (A) the production, publication, and dis17 tribution of books, pamphlets, films, and other
18 educational materials;

19 (B) bibliographical and documentary20 projects and publications;

21 (C) conferences, convocations, lectures,
22 seminars, and other similar programs;

23 (D) the development of exhibits for librar24 ies, museums, and other appropriate institu25 tions;

1	(E) ceremonies and celebrations commemo-
2	rating specific events that relate to the history
3	of petroleum;
4	(F) programs focusing on the history of
5	petroleum and its benefits to the United States
6	and humankind; and
7	(G) competitions, commissions, and awards
8	regarding historical, scholarly, artistic, literary,
9	musical, and other works, programs, and
10	projects related to the Drake Well sesquicenten-
11	nial;
12	(2) recommendations to appropriate agencies or
13	advisory bodies regarding the issuance of commemo-
14	rative coins, medals, and stamps by the United
15	States relating to Drake Well, petroleum, or the
16	Drake Well sesquicentennial;
17	(3) recommendations for any legislation or ad-
18	ministrative action that the Commission determines
19	to be appropriate regarding the commemoration of
20	the Drake Well sesquicentennial;
21	(4) an accounting of funds received and ex-
22	pended by the Commission in the fiscal year that the
23	report concerns, including a detailed description of
24	the source and amount of any funds donated to the
25	Commission in the fiscal year; and

1	(5) an accounting of any cooperative agree-
2	ments and contract agreements entered into by the
3	Commission.
4	(b) FINAL REPORT.—Not later than September 30,
5	2010, the Commission shall submit to the President and
6	Congress a final report. The final report shall contain—
7	(1) a summary of the activities of the Commis-
8	sion;
9	(2) a final accounting of funds received and ex-
10	pended by the Commission;
11	(3) any findings and conclusions of the Com-
12	mission; and
13	(4) specific recommendations concerning the
14	final disposition of any historically significant items
15	acquired by the Commission, including items do-
16	nated to the Commission under section 8(a).
17	SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.
18	(a) IN GENERAL.—
19	(1) AUDIT.—The Comptroller General of the
20	United States shall audit on an annual basis the fi-
21	nancial transactions of the Commission, including fi-
22	nancial transactions involving donated funds, in ac-
23	cordance with generally accepted auditing standards.
24	(2) Access.—In conducting an audit under
25	this section, the Comptroller General—

1	(A) shall have access to all books, ac-
2	counts, financial records, reports, files, and
3	other papers, items, or property in use by the
4	Commission, as necessary to facilitate the audit;
5	and
6	(B) shall be afforded full facilities for
7	verifying the financial transactions of the Com-
8	mission, including access to any financial
9	records or securities held for the Commission by
10	depositories, fiscal agents, or custodians.
11	(b) FINAL REPORT.—Not later than December 30,
12	2010, the Comptroller General of the United States shall
13	submit to the President and to Congress a report detailing
14	the results of any audit of the financial transactions of
15	the Commission conducted by the Comptroller General.
16	SEC. 12. ADVISORY BOARD.
17	(a) ESTABLISHMENT.—There is established a Drake
18	Well Sesquicentennial Federal Advisory Board.
19	(b) NUMBER AND APPOINTMENT.—
20	(1) IN GENERAL.—The Advisory Board shall be
21	composed of 20 members as follows:
22	(A) The Secretary of the Interior or the
23	designee of that Secretary.
24	(B) The Secretary of Energy or the des-
25	ignee of that Secretary.

1	(C) The Librarian of Congress or the des-
2	ignee of that Librarian.
3	(D) The Secretary of the Air Force or the
4	designee of that Secretary.
5	(E) The Secretary of the Navy or the des-
6	ignee of that Secretary.
7	(F) The Secretary of Transportation or the
8	designee of that Secretary.
9	(G) The Secretary of Education or the des-
10	ignee of that Secretary.
11	(H) Five citizens of the United States, ap-
12	pointed by the President, who—
13	(i) are not officers or employees of
14	any government (except membership on
15	the Board shall not be construed to apply
16	to the limitation under this clause); and
17	(ii) shall be selected based on their ex-
18	perience in the fields of petroleum history,
19	science, or education, or their ability to
20	represent the entities enumerated under
21	section $5(a)(2)$ .
22	(I) Four citizens of the United States, ap-
23	pointed by the majority leader of the Senate in
24	consultation with the minority leader of the
25	Senate.

1	(J) Four citizens of the United States, ap-
2	pointed by the Speaker of the House of Rep-
3	resentatives in consultation with the minority
4	leader of the House of Representatives. Of the
5	individuals appointed under this subpara-
6	graph—
7	(i) one shall be selected from among
8	individuals recommended by the represent-
9	ative whose district encompasses the Drake
10	Well Museum; and
11	(ii) another one shall be selected from
12	among individuals recommended by the
13	representatives whose districts encompass
14	any part of the Oil Region National Herit-
15	age Area.
16	(c) VACANCIES.—Any vacancy in the Advisory Board
17	shall be filled in the same manner in which the original
18	designation was made.
19	(d) MEETINGS.—Nine members of the Advisory
20	Board shall constitute a quorum for a meeting. All meet-
21	ings shall be open to the public.
22	(e) CHAIRPERSON.—The President shall designate
23	one member appointed under subsection $(b)(1)$ as chair-
24	person of the Advisory Board.

(f) MAILS.—The Advisory Board may use the United
 States mails in the same manner and under the same con ditions as a Federal agency.

4 (g) DUTIES.—The Advisory Board shall advise the5 Commission on matters related to this Act.

6 (h) PROHIBITION OF COMPENSATION OTHER THAN
7 TRAVEL EXPENSES.—Members of the Advisory Board
8 shall not receive pay, but may receive travel expenses pur9 suant to the policy adopted by the Commission under sec10 tion 4(c)(2).

(i) TERMINATION.—The Advisory Board shall termi-nate upon the termination of the Commission.

#### 13 SEC. 13. DEFINITIONS.

14 For purposes of this Act:

15 (1) The term "Advisory Board" means the
16 Drake Well Sesquicentennial Federal Advisory
17 Board established by section 12.

(2) The term "Drake Well sesquicentennial"
means the anniversary period, from August 1, 2008,
to December 31, 2009, commemorating the 150-year
history of the petroleum industry beginning with the
Drake Well discovery of petroleum and highlighting
the achievements of the petroleum pioneers in developing the technologies which have led to the develop-

ment of the petroleum and natural gas industries as
they are known today.
(3) The term "Commission" means the Drake
Well Sesquicentennial Commission established by
this Act.
(4) The term "designee" means a person from
the respective entity of each entity represented on
the Commission or Advisory Board.
(5) The term "Drake Well" means the first
successful oil well drilled on Pennsylvania Rock Oil
Company property by the Seneca Oil Company
under the auspices of Col. Edwin L. Drake, that
began production on August 27, 1859, in Venango
County, Pennsylvania.

#### 15 SEC. 14. TERMINATION.

16 The Commission shall terminate not later than 60 days after the submission of the final report required by 17 18 section 10(b) and shall transfer all report documents and 19 supporting material to the National Archives or other ap-20 propriate Federal entity.

#### 21 SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

22 (a) IN GENERAL.—There are authorized to be appropriated to carry out this Act \$900,000 for fiscal year 23 2007; \$1,000,000 for fiscal year 2008; \$1,000,000 for fis-24 cal year 2009; and \$700,000 for fiscal year 2010. 25

(b) 50 PERCENT MATCH.—Financial assistance pro vided under this Act may not be used to pay more than
 50 percent of the total cost of activity carried out with
 that assistance.