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BEFORE THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

SECOND SESSION

ON THE

NOMINATIONS OF ALBERT C. ZAPANTA TO BE AN ASSISTANT SECRETARY OF THE DEPARTMENT OF THE INTERIOR; SAMUEL J. TUTHILL, TO BE ASSISTANT ADMINISTRATOR OF THE FEDERAL ENERGY ADMINISTRATION; AND CLEMENT B. MALIN TO BE ASSISTANT ADMINISTRATOR OF THE FEDERAL ENERGY ADMINISTRATION

JUNE 18, 1976



Printed for the use of the
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE

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THE SENATE
KANSAS STATE UNIVERSITY

BEFORE THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

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(II)



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WASHINGTON, D.C.

1945

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JUNE 18, 1976

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JUNE 25, 1976

(III)

NOMINATIONS

FRIDAY, JUNE 18, 1976

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m. in room 3110 Dirksen Office Building, Hon. Richard Stone, presiding.

Present: Senators Metcalf, Stone, Fannin, Hansen, and Hatfield.

Also present: Owen J. Malone, senior counsel.

OPENING STATEMENT OF HON. RICHARD STONE, A U.S. SENATOR FROM THE STATE OF FLORIDA

Senator STONE. Good morning, ladies and gentlemen. The purpose of the hearing this morning is to consider the President's nominations of Mr. Albert C. Zapanta to be an Assistant Secretary of the Interior, Mr. Clement B. Malin and Dr. Samuel J. Tuthill to be Assistant Administrators of the Federal Energy Administration.

Mr. Zapanta has been nominated to be Assistant Secretary of the Interior for management to replace Mr. James T. Clarke who has resigned. He comes from the private sector in southern California where he has served as regional coordinator for the President Ford Committee, the president of the Energy Resource Group, Inc. of Beverly Hills, a minority-owned firm of management consultants and oil and natural gas management representatives. He served as a White House fellow in 1973 and 1974, and has been associated with a variety of community oriented enterprises in the Los Angeles area. He also brings with him a distinguished military record.

Mr. Malin has been nominated to become the Assistant FEA Administrator for International Energy Affairs to replace Mr. Melvin Conant, who resigned in February. Mr. Malin has been employed at FEA since February 1974 and has been serving as Acting Administrator for International Energy Affairs since February.

Dr. Tuthill has been selected to be Assistant FEA Administrator for Energy Conservation and Environment to replace Mr. Roger Sant who resigned last month. Dr. Tuthill is also already aboard at FEA and has been serving as an adviser to the FEA Administrator, Mr. Zarb, since February of this year.

I want to welcome you gentlemen, your witnesses and any of your families who may be with you this morning, to the committee.

You have all been selected for highly important offices that require very high standards of professionalism and dedication to the public

interest. Your nominations bespeak the President's confidence in your capacities to deal with the complex problems that will face you at the FEA and the Interior Department if you are confirmed by the Senate.

As you know, this committee exercises legislative and oversight jurisdiction over the FEA and the Department of Interior. We have a special interest in seeing to it that the programs committed to the care of the FEA and the Department are properly and efficiently administered. We are also particularly intent on seeing to it that the administration of those programs properly reflects the intent of the Congress in establishing them—the spirit as well as the words of the law.

As I have noted, Mr. Malin has been serving as Acting Assistant Administrator for International Energy Affairs since February. That experience, as well as his past employment in the oil industry, should serve him well if his nomination is confirmed. In addition to Mr. Malin's qualification, there is a matter related to the termination of his prior service with the oil industry that the committee will want to explore.

Dr. Tuthill's service at FEA to date as an adviser to Mr. Zarb, his previous experience as Special Assistant for Energy Policy at the Department of Commerce, and his background as State geologist and director of the Iowa Geological Survey will, I am sure, serve him well in his new position at FEA, if confirmed.

I have already recited some of Mr. Zapanta's credits. He, too, should be well served by his background in business, his previous experience with government, his White House fellowship, and his educational achievements in addressing the responsibilities of the Assistant Secretary of Interior for Management.

The committee is looking forward to hearing your statements and to reviewing your qualifications.

Without objection, the biographical material provided by each of the nominees will be printed in full in the record at this point.

[The biographical sketches follow:]

BIOGRAPHICAL SKETCH OF ALBERT CHARLES ZAPANTA

1. Name: Albert Charles Zapanta.
2. Address: 311 So. Alhambra Avenue, Monterey Park, Calif.
3. Date and place of birth: March 8, 1941, Los Angeles, Calif.
4. Marital status: Married to Rochelle Marina Caouette.
5. Children: Catherine Anne Zapanta—3 years.
6. Education:
 - University of Southern California, Candidate for Doctor of Public Administration (Field of Study—Urban Economics).
 - University of Southern California, Master of Arts, Public Administration, 1973.
 - University of Southern California, Bachelor of Arts, Psychology, 1966.
 - Brookings Institute, Washington, D.C., Advanced Studies in Government, 1973.
7. Employment:
 - Regional Coordinator, Southwestern United States, President Ford Committee, Washington, D.C. (November 1975 to June 1976). Responsibility for President Gerald R. Ford's election campaign in the states of Utah, Texas, New Mexico and Arizona. Coordinate national campaign activities within the states mentioned.
 - Vice President, Civil Systems Division, Amex Systems, Inc. (September 1974 to November 1975).
 - White House Fellow, Special Assistant to the Secretary, U.S. Department of Transportation (September 1973 to September 1974).
 - Lecturer, School of Public Administration, University of Southern California, Los Angeles, Calif. (Spring 1973).

Director, Business and Economic Development, The East Los Angeles Community Union, 1341 South Atlantic Blvd., Los Angeles, Calif. (March 1973 to August 1973).

Director, Barrio Industries for the Handicapped, A Division of Community and Human Resources Agency, 1875 North Eastern Ave., Los Angeles, Calif. (December 1971 to March 1973).

Manpower Coordinator, Los Angeles County Manpower Association, 5327 E. Beverly Blvd., Los Angeles, Calif. (January 1971 to December 1971).

Captain, U.S. Army Infantry, Special Forces Officer and Instructor, (Awards included the Silver Star, five Bronze Stars, Purple Heart, and thirty other awards and decorations.) (July 1968 to December 1970).

Major, U.S. Army Reserve, (Presently Executive Officer of a battalion-size unit in Los Angeles.)

Assistant Project Director, Space Utilization Analysis, Inc. (SUA, Inc.), 8500 W. Wilshire Blvd., Beverly Hills, Calif. (August 1967 to July 1968).

Management Trainee, Bethlehem Steel Corp., 6000 S. Alcoa Ave., Vernon, Calif. (June 1966 to July 1967).

8. Government experience:

a. White House Fellow—September 1973 to September 1974, Special Assistant to Secretary, U.S. Department of Transportation, Washington, D.C.

b. Planning Commission, City of Monterey Park, Calif.

c. Chairman, Affirmative Action Committee, Los Angeles City Personnel Department.

d. Member, Executive Committee, Mayor's Committee on Employment of the Handicapped, Los Angeles, Calif.

e. Member, Advisory Committee, Manpower Area Planning Council.

f. Consultant/Lecturer, Federal Executive Board, Region IX.

9. Memberships:

a. President, Mexican American Alumni Association, University of Southern California.

b. Board of Directors, Mexican American Legal Defense and Education Fund.

c. Board of Directors, National Association of Spanish Speaking Planners.

d. Member, National Armed Services Committee, YMCA National Board of Directors.

e. Member:

(1) White House Fellows Alumni Association.

(2) Advisory Council, Urban Coalition of Los Angeles.

(3) Affirmative Action Committee, Los Angeles City, Personnel Department.

(4) Chicano Health Coalition, Los Angeles County.

(5) Past President, East Los Angeles Occupational Center, Advisory Council.

(6) Past President, Phi Kappa Psi Fraternity, Southern California Alumni Association.

(7) Regional Medical Programs Area V Advisory Council, Los Angeles County.

(8) University of Southern California/Los Angeles County Medical Center, Research and Training Committee.

(9) Rotary Club, Monterey Park, Calif.

(10) American Legion, Monterey Park, Calif.

(11) Veterans of Foreign Wars, Calif.

(12) American Society for Public Administration.

(13) Reserve Officers Association.

(14) The Airborne Association.

(15) Octofoil Association—9th Infantry Division.

(16) Town Hall of California.

(17) Life Member, University of Southern California Alumni Association.

(18) University of Southern California Football Alumni Club.

(19) Republican State Central Committee of California.

(20) Monterey Park Republican Committee.

10. Honors and Awards:

a. White House Fellowship, 1973-74.

b. JFK Fellowship, Institute of Politics, pending for 1977.

c. Military Awards:

(1) Silver Star.

(2) Bronze Star for Valor (5).

- (3) Meritorious Service Medal.
- (4) Army Commendation Medal for Valor (3).
- (5) Air Medal (11).
- (6) Purple Heart.
- (7) National Defense Medal.
- (8) Vietnam Service Medal (2 Battle Stars).
- (9) Army Reserve Achievement Medal.
- (10) 10-Year Reserve Medal.
- (11) South Vietnamese Cross of Gallantry with Palm (Individual).
- (12) South Vietnamese Cross of Gallantry with Palm (Division).
- (13) South Vietnamese Civic Action Medal with Palm (Division).
- (14) Vietnam Campaign Medal.
- (15) Combat Infantryman's Badge.
- (16) Ranger Tab.
- (17) Jungle Expert Badge.
- (18) Pathfinder Badge.
- (19) Master Parachutist Badge.
- (20) Expert Rifleman's Badge.

BIOGRAPHICAL SKETCH OF SAMUEL J. TUTHILL

1. Name : Samuel James Tuthill.
2. Address : 1626 Woodmoor Lane (Legal Residence), McLean, Va., and 501 Kimball Road, Iowa City, Iowa.
3. Date and place of birth : September 6, 1925, San Diego, Calif.
4. Marital status : Married to Constance Huntington Howell.
5. Children : Susan Constance Tuthill—22, James Frederick Tuthill—20, and John Howell Tuthill—19.
6. Education :
 - Drew University, Madison, N.J., AB, English Literature—1951.
 - Syracuse University, Syracuse, N.Y., MS, General Science—1960.
 - University of North Dakota, Grand Forks, N. Dak., MA, Geology—1963.
 - University of North Dakota, Ph. D.—1969.
7. Employment :
 - February 1976 to present—Advisor to the Administrator, Federal Energy Administration, Washington, D.C.
 - April 1975 to February 1976—Special Assistant for Energy Policy/Chairman of the Energy Resources Council, Department of Commerce.
 - Director, Office of Energy Programs, Department of Commerce.
 - Science Advisor to Secretary of Interior (On Detail to Department of Commerce).
 - September 1969 to March 1975—Director and State Geologist, Iowa City, Iowa.
 - August 1969 to September 1969—Assistant State Geologist, Iowa City, Iowa.
 - August 1968 to August 1969—Faculty Fellow, National Science Foundation, Grand Forks, N. Dak.
 - September 1964 to August 1968—Assistant Professor of Geology, Muskingum College, New Concord, Ohio.
 - August 1963 to September 1964—Geologist, North Dakota State Geological Survey, Grand Forks, N. Dak.
 - May 1960 to August 1960—Student, University of Miami, Ohio, Geological Field Station, DuBois, Wyo.
 - June 1959 to May 1960—Fellowship, National Science Foundation, Syracuse, N.Y.
 - September 1957 to June 1959—Teacher, Manlius School, Manlius, N.Y.
 - September 1954 to September 1957—Teacher, Mayville Central School, Mayville, N.Y.
 - October 1953 to September 1954—Scout Executive, Chatauqua City County Council of Boy Scouts, Mayville, N.Y.
 - June 1951 to October 1953—Scout Executive, Morris County Council, Boy Scouts of America, Morristown, N.J.
 - September 1949 to June 1951—Student, Drew University, Madison, N.J.
 - September 1949 to June 1951—Part Time, New Jersey Air National Guard (Sgt).
 - September 1948 to September 1949—Laboratory Assistant, Bakalite Corporation, Union Carbide, Bloomfield, N.J.

September 1947 to September 1948—News Desk, Time Life, Inc., New York, N.Y.

November 1945 to September 1947—Student, Drew University, Madison, N.J.

June to September 1943—Inspector, Morris County Mosquito Extermination Comm. Morris Plains, N.J. (Summer Employment).

June to September 1942—Summer Employment, as above.

June to September 1941—Summer Employment, Janitor, Plant Inspection and Parasite Introduction Station, U.S. Department of Agriculture, Hoboken, N.J.

8. Government Experience:

February 1976 to present—Advisor to the Administrator, Federal Energy Administration, Washington, D.C.

May 1975 to February 1976—Special Assistant to the Secretary for Energy Policy, and Director, Office of Energy Programs, U.S. Department of Commerce. In this position I managed a small staff and advised Secretary Rogers C. B. Morton in his function as Chairman of the President's Energy Resources Council. I also directed the voluntary industrial energy program that Commerce operated in conjunction with the Federal Energy Administration.

April and May 1975—Science Advisor to the Secretary of the Interior, Washington, D.C. I performed the staff functions for Secretary Morton as described above.

August 1969 to March 1975—State Geologist and Director of the Iowa Geological Survey, Iowa City, Iowa.

In this position I functioned as the Director of the State's primary water and natural resources research and consulting agency for the State of Iowa and was also Administrator of Oil and Gas for the State.

By virtue of being State Geologist I was an ex officio member of the: (1) Iowa Land Rehabilitation Advisory Council, (2) the State Mining Board, (3) the Iowa Department of Environmental Quality Executive Board (non-voting), and (4) the Iowa Energy Policy Council (non-voting).

By virtue of appointment of the Governor and confirmation of the Iowa Senate I served in the following capacities: (1) Member (voting), Executive Board, Iowa Department of Environmental Quality (Regulatory/quasi-judicial functions), (2) Chairman, Solid Waste Disposal Commission (Regulatory/quasi-judicial functions), and (3) Member (voting), Iowa Natural Resources Council (Regulatory/quasi-judicial functions).

By appointment of the Governor I was: (1) Organizer and Chairman (1972-74), Midwest Governors' Conference Task Force on Energy Requirements and Environmental Protection (15 midwest states advisory committee; I was re-appointed chairman in 1973 by Governor James Exon of Nebraska), (2) Chairman, Governor's (Iowa) Fuel Supply Advisory Committee (1972-73) (This group managed the state's response to the 1972-3 natural gas and fuel oil shortage), (3) Science Advisor to the Governor, and (4) Director, Cold Water Cave Research Project.

By appointment of the Iowa Board of Regents I was: (1) Adjunct Professor of Geology, State University of Iowa, Iowa City, and (2) Collaborating Professor of Geology, Iowa State University, Ames, Iowa.

As President of Tuthill and McDonald and Associates, Inc., I participated in a research contract to determine the environmental impact of maintenance dredging in the Mississippi River—Gulf of Mexico Outlet in the St. Bernards section of the Mississippi Delta south of New Orleans. The contract was with the U.S. Corps of Engineers.

I also participated in a contract to determine the environmental impact of a proposed soil erosion and flood control drainage modification system near Rochester, Minnesota. The contract was with the U.S. Department of Agriculture Soil Conservation Service.

9. Memberships: Member, Sigma Xi; Fellow, Geological Society of America; and Member, Geological Society of America Committee on Committees.

10. Honors and awards:

1963—First Prize, The Rodger Dennison Research Prize.

1973—Distinguished Alumni Award, Drew University, Madison, N.J.

1959-60—National Science Foundation Fellowship, Syracuse University, New York.

1960-63—National Defense Education Act Fellowship, University of North Dakota.

1968-69—National Science Foundation, Science Faculty Fellowships (competitive).

11. Published writings:

- A school trip to New Jersey; the place of field work in the instruction of high school students of earth science: "*Rocks and Minerals*," p. 87-98, July and August, 1960.
- Molluscan fauna and late Pleistocene climate in southern North Dakota: North Dakota Academy of Science Proc., Vol. 15, p. 19-26, 3 figures, 1961. (First Prize, Rodger Dennison Research Award.)
- Microlithology of a section in Upper Glacial Lake Agassiz sediments at Grand Forks, North Dakota: North Dakota Academy of Science Proc., Vol. 16, p. 50-57, 2 figures, 1962. (Senior author with G. G. Thompson and Lee Clayton)
- A checklist of North Dakota Pleistocene and Recent Mollusks: "Sterkiana," no. 8, p. 12-18; no. 10, p. 29-30, 1962-3.
- Preliminary report of the molluscan fauna of the Martin River Glacier and associated area, south-central Alaska: "The Veliger," Vol. 6, no. 2, p. 84-90, 1 map, 1963.
- Molluscan fauna of some alkaline lakes and sloughs in south-central North Dakota: "The Nautilus," Vol. 77, pp. 47-55, 81-90, 3 figures, 1963-4. (Senior author with W. M. Laird)
- Molluscan fossils from Upper Glacial Lake Agassiz sediments in Red Lake County, Minnesota: North Dakota Academy of Science Proceedings, Vol. 17, pp. 96-101, 1 pl., 1963.
- Glacial research in south-central Alaska: "The Compass," Vol. 41, pp. 97-103, 1964. (Junior author with W. M. Laird)
- A biometric evaluation of five characteristics of *Lampsilis luteolus* (Lamarck, 1819): "The Compass," Vol. 41, no. 2, pp. 141-148, 2 figures, 1964. (Junior author with T. C. Gustavson)
- Unusually well preserved *Lampsilis luteolus* and molluscan fauna in Post-Hypsithermal sediments: "The Compass," Vol. 41, pp. 149-155, 2 figures, 1964.
- Fossil molluscan fauna from the upper terrace of the Cannonball River, Grant County, North Dakota: North Dakota Academy of Science Proceedings, Vol. 18, p. 140-156, 1964. (Senior author with W. M. Laird, and C. I. Frye)
- The fossil molluscan fauna of Pleistocene sediments of Burleigh County, North Dakota, North Dakota Geological Survey Bulletin no. 42, p. 93-111, 1965.
- Geomorphic effects of the earthquake (March 27, 1964) in the Martin-Bering Rivers area: United States Geological Survey Professional Paper 543-B, 29 pages, 22 figures, 2 pl. (Senior author with W. M. Laird) Abstract published in "The Great Alaskan Earthquake of 1964," Geology Vol. Part A, p. 284.
- Earthquake origin of superglacial drift on the glaciers of the Martin River area, south-central Alaska: Journal of Glaciology (Cambridge, England), Vol. 6, p. 83-88, 1966.
- Post-earthquake studies at Sherman and Sheridan Glaciers, Alaska: National Academy of Science-National Research Council: "Great Alaskan Earthquake Series," Hydrology Vol., p. 318-328, 5 figures, 3 tables, 1968. (Senior author with W. O. Field and Lee Clayton)
- Earthquake-induced rock avalanche and glacial stagnation: National Academy of Science-National Research Council, Great Alaskan Earthquake Series," Hydrology Vol., p. 362-368, 4 figures.
- Late Pleistocene Mollusca of the Missouri Coteau District, North Dakota, A Note and Bibliography: North Dakota Geological Survey Misc. Series no. 30, p. 73-82, 1967.
- Paleo-Zoology and Molluscan Paleontology of the Glacial Lake Agassiz Region: University of Manitoba Press, "Life, Land and Water," p. 299-312, 3 figures, 1967.
- Nonmarine Mollusks of the Katalla Region, Alaska: "The Nautilus," Vol. 83, p. 44-52 (Senior author with R. H. Johnson), 1969.
- Geologic conditions in northeastern Iowa that contribute to the problem of controlling pollution of ground water, "The Driller," Vol. 44, no. 5, p. 20-22, May 1970.
- Environmental geology and land use-planning in the Sioux City Region, Iowa: Iowa Geological Survey Miscellaneous Map Series, 56 pages. (Junior author with Dorheim and Koch)
- State sanitary landfill regulation and the protection of water resources, "The Exponent," September 1971, p. 8-12.
- Late Pleistocene palynology and stratigraphy of Controller Bay Region, Gulf of Alaska: (abst.) "Quaternia," Vol. 14 (Roma), p. 17-18, 1971. (Test) "Paleontologic Vegetale," p. 197-208, 1971. (Junior author with L. A. Sirkin)

Remote sensing, a tool for state management-planning in Iowa: in Proceedings; "Seminar in Applied Remote Sensing," May 8-12, 1972, Iowa Geological Survey Public Information Circular no. 3, p. 1-8, 181 p., 1972.

Hydrogeological considerations in solid waste storage in Iowa; Iowa Geological Survey Public Information Circular no. 4, 59 p., 18 figures, 1972. (Senior author with F. H. Dorheim and D. L. Gordon).

Mississippi River overflight to identify sources of warm effluent: Iowa Geological Survey Preliminary Report, 29 p., 1972 (With B. E. Hoyer and J. C. Prior).

Flood inundation mapping and remote sensing in Iowa: Iowa Geological Survey Public Information Circular no. 6 (in press) (With B. E. Hoyer, S. Wiitala, G. R. Hallberg, W. L. Steinhilber and J. V. Taranik).

Water and land planning in south-central Iowa using remotely sensed data from ERTS-1: Iowa Geological Survey Public Information Circular no. 9 (in press) (With R. I. Cooper and J. V. Taranik).

Remote sensing, a tool for state planning-management in Iowa: Proc. 8th International Symposium on Remote Sensing of the Environment, Environment Research Institute of Michigan, no. 1, p. 11-20, 1972 (With J. V. Taranik).

Remote sensing data, a basis for monitoring-system design: in Proc. U.S. Environmental Protection Agency Symposium on Environmental Quality Sensors, Las Vegas, Nevada (in press) (With J. V. Taranik).

Thermal remote sensing on the Mississippi River in Iowa, American Institute of Chemical Engineers Symposium Series, 1973, Vol. 69, no. 129, p. 391-400 (With J. V. Taranik and B. E. Hoyer).

An Alaskan Molluscan Analogue to the Late Pleistocene Paleogeology of the Coteau du Missouri in Central North Dakota: (Ph. D. Dissertation) University of North Dakota, 325 p. 1969.

"Miscellaneous May Series No. 2," Environmental geology and land-use planning in the Sioux City Region, Iowa, 53 p., 1971 (With F. H. Dorheim and D. L. Koch).

"Actions Taken by the Midwestern States in Response to Fuel Shortages, 1972-73." Compiled for the Midwestern Governors' Conference Task Force on Midwest Energy Requirements and Environmental Protection, November 12, 1973, as State Geologist of Iowa and Task Force Chairman.

BIOGRAPHICAL SKETCH OF CLEMENT B. MALIN

1. Name: Clement B. Malin.
2. Address: 6611 Dearborn Drive, Falls Church, Va.
3. Date and place of birth: April 4, 1934, Drexel Hill, Pa.
4. Marital status: Married to the former Dorothy Ann Fleet.
5. Children: Henry, age 16 and Thomas, age 10.
6. Education: Dartmouth University, 1952-56, A.B. granted in 1956, and Princeton University, 1958-60, M.P.A. granted in 1960.
7. Employment record:
 - August 1973 to February 1974: Assistant to Area Manager, Mobil South, Inc., New York, N.Y. Served as Deputy to Executive responsible for Mobil's operations in 16 African and Middle Eastern affiliates.
 - July 1971 to July 1973: Projects Planning Manager, Mobil South, Inc., New York, N.Y. Advised senior management on planning matters and business strategy in 25 African, Middle Eastern and Latin American affiliates; acquisitions, joint ventures, supply agreements, political and economic analysis, and capital investment programs. Extensive travel.
 - August 1969 to July 1971: Planning Manager, Mobil Latin America, Inc., New York, N.Y. Advised senior management on planning matters and business strategy in 10 Central and South America and Caribbean exploration producing, refining and marketing affiliates. Extensive travel.
 - August 1967 to July 1969: Planning Coordinator, Mobil Europe, Inc., London, England. Advised senior management on planning and supply matters in six Benelux and Scandinavian marketing and refining affiliates. Extensive travel.
 - July 1965 to July 1967: Planning Manager, Mobil Oil B.V., Rotterdam, Netherlands. Directed planning activities in Mobil's marketing affiliates in Benelux. Extensive travel.

October 1963 to June 1965: Planning Advisor, Mobil AOEC Group, Paris, France. Directed planning activities in five Mobile companies marketing in four-teen countries of West and Equatorial Africa. Traveled in Africa.

October 1961 to September 1963: Junior Planning Assistant, Mobil International Oil Company, New York, N.Y. Prepared planning studies and economic analyses. Traveled in Europe.

July 1960 to September 1961: Projects Assistant, Mobil International Oil Company, New York. Prepared marketing studies, field travel in Europe and South America.

September 1958 to June 1960: Attended Princeton University.

December 1956 to September 1958: Instructor, Army Medical Service School, Fort Sam Houston, Tex.

8. Government experience:

June 1974 to Present: Deputy Assistant Administrator, International Energy Affairs, Federal Energy Administration. Acting Assistant Administrator since February 1976. Develops proposals for and initiates bilateral and multilateral policies, programs and strategies to increase the supply security of energy imports and to minimize the economic burden on the United States of those imports. Encourages bilateral and multilateral efforts to broaden participation in energy prospects of benefit to the United States, and assists in the development of economic and trade incentives to make the United States a rewarding market for countries with energy surpluses. Serves as FEA's principal representative in discussions and negotiations with critically important energy-exporting nations in the Middle East (e.g., Saudi Arabia and Iran) and with U.S. allies. Serves as FEA's representative to the International Energy Agency's Governing Board, as well as Deputy Chief of the U.S. Delegation to the Energy Commission of the Conference on International Economic Cooperation.

February to June 1974: Chief, Producer Country Organizations and Industries, International Energy Affairs, Federal Energy Administration, Washington, D.C. Recommended policy options with respect to United States Government relations and initiatives with oil producing countries aimed at insuring adequate supply of oil to the United States. Maintained information channel with oil and other energy industry to permit exchange of views. Regular contacts with foreign government personnel.

9. Memberships:

Alpha Theta (fraternity at Dartmouth University), 1952 to 1956, held various offices; Dartmouth Class of 1956 Regional Class Agent, 1956 to the present, and member of the Executive Committee, 1960 to 1962 and 1969 to the present; Deacon, the American Church in Paris, 1964 to 1965; Deacon, the American Church of the Hague, 1966 to 1967; Deacon, Community Church of the Pelhams (New York) 1970 to 1972, and Chairman of the Board of Deacons, 1973; Cub Scout Den Leader, 1970 to 1971; Pelham Scout Council Advisory Committee, 1971 to 1972; Citizen's Advisory Committee to Pelham Narcotics Guidance Council, 1971 to 1972; Council on Foreign Relations, 1976.

10. Honors and Awards: All-American Lacrosse player, 1955 and 1956; designated All-Ivy League in Lacrosse and Soccer, 1955 and 1956; Green Key (honorary athletic organization at Dartmouth University), 1955 to 1956.

11. Published writings: None.

Senator STONE. I note with pleasure that the senior Senator from California is with us this morning. We are pleased to call on Senator Cranston to lead off.

STATEMENT OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator CRANSTON. I appreciate the opportunity to be with you and introduce Albert C. Zapanta of my State of California who has been nominated, as you well know, to be Assistant Secretary of Interior for Management.

You have covered his biography quite thoroughly already. I would like to say he plainly has a remarkable record of experience in his 35 years and he has shown concern about human problems as well as great

ability in the management field. I think that particular combination of interesting qualifications is of great importance at this time.

The Government is so remote. Mr. Zapanta has shown his dedication and concern for individuals and for what happens to them in our society in terms of employment opportunities and the quality of their life. He brings to a position like this a special quality that makes me particularly interested in his future in this role.

I think you very much for the opportunity to be with you.

Senator STONE. Senator Hatfield, do you have any questions of Senator Cranston?

Senator HATFIELD. No. I am very happy he came here in support of the nominee.

Senator STONE. Senator Cranston, thank you very much for coming and presenting Mr. Zapanta.

I notice Senator Culver is in the room. Though somewhat out of our order of witnesses, I would like to call on Senator Culver and ask him to come forward now to make his remarks on behalf of Dr. Tuthill. The distinguished Senator from Iowa, Senator John Culver.

STATEMENT OF HON. JOHN C. CULVER, A U.S. SENATOR FROM THE STATE OF IOWA

Senator CULVER. Thank you very much, Mr. Chairman and members of the committee. I am very pleased to present Dr. Samuel Tuthill, of Iowa, to this committee as the nominee to be Assistant Administrator of the Federal Energy Administration with responsibility for its Office of Conservation and Environment.

For 5½ years before coming to Washington in the spring of 1975 Sam Tuthill set the highest standards of professional performance as the State geologist of Iowa. Throughout that time he showed a breadth of competence and interest which meant much, not only to the administration of the Iowa Geological Survey, but also strengthened the State's role in environmental sciences and resource policy. This was recognized, I think, Mr. Chairman, by his further designation as science adviser to the Governor and his chairmanship over 2 years of the Task Force on Energy and Environment of the Midwestern Governors' Conference.

Before coming to Iowa, Dr. Tuthill had an outstanding record as scientific investigator, researcher, and teacher. He was born in California. He has lived in North Dakota, New Jersey, New York, as well as Ohio, and has been a leading and participating member of scientific expeditions in Alaska and the Far North. I am confident, Mr. Chairman, that Dr. Tuthill can give effective service if approved for this higher post in the Federal Energy Administration. He has qualities of judgment, objectivity, and personal force of character, to which I can attest personally, which make him a most suitable choice. I hope the committee will give this nomination its favorable and timely consideration, and I thank the members of the committee and the chairman.

Senator STONE. Senator Culver, we thank you. Your presentation carries great weight with this committee and we appreciate your coming here this morning.

If the witnesses will suspend for a minute, we will go answer the roll-call and we will come right back. Be at ease.

[Brief recess.]

Senator STONE. I will ask Mr. John Hill of FEA to come forward since Secretary Frizzell and Mr. Zapanta are apparently not back from their break.

**STATEMENT OF HON. JOHN A. HILL, DEPUTY ADMINISTRATOR OF
THE FEDERAL ENERGY ADMINISTRATION**

Mr. HILL. Thank you, Mr. Chairman. My statement covers both Mr. Malin and Mr. Tuthill. After reading that, if you have any questions of me, I would like to—I would be glad to answer any questions.

I have the honor and privilege this morning of introducing to you and the committee two men who have been nominated by President Ford to fill posts as Assistant Administrators within the Federal Energy Administration, Clement B. Malin, who has been nominated for the position of Assistant Administrator for International Energy Affairs, and Dr. Samuel J. Tuthill, who is the nominee for Assistant Administrator for Energy Conservation and Environment.

Both FEA Administrator Frank Zarb and I have the highest personal and professional respect for the integrity and competence of these men and we believe that each will prove an invaluable asset to FEA and to the Nation in performing the duties of their designated offices.

Clem Malin joined FEA in February of 1974. Since then, he has served as Chief of the FEA Producer Countries and Special Affairs Division, and as both Deputy Assistant Administrator and Acting Assistant Administrator for International Energy Affairs. His performance in all these capacities has been outstanding.

I am sure that the members of this committee are aware of the important role played by the International Affairs Office in dealing with the Nation's energy situation. The Office is charged with responsibility for administering the International Energy Agency's emergency plan to deal with another embargo; for monitoring the role of international oil companies and multinationals in the energy supply field; and for enforcing the provisions of our bilateral energy agreements with such nations as the Soviet Union, Canada, Saudi Arabia, and Egypt. The Assistant Administrator for this Office also serves as Deputy Chief of the U.S. delegation to the Energy Commission of the Conference on International Economic Cooperation.

The scope and sensitivity of these responsibilities make it essential that an able and experienced man fill the position of Assistant Administrator for International Energy Affairs. In our opinion, Clem Malin in such a man. As a personal note, a matter of great concern to Mr. Zarb and I when Mr. Conant left FEA, a man of his stature was a loss to the agency, but it was certainly a pleasant situation for us to have Mr. Malin to be able to nominate to take his place because we think his skills are equally comparable.

Before joining the Federal Energy Administration, Mr. Malin received an AB in international relations from Dartmouth College, and a master's degree in public affairs from the Woodrow Wilson School of Public and International Affairs at Princeton University.

From 1960 to 1974, he worked for the Mobil Oil Co. in a variety of positions; beginning as a planning associate, and eventually serving as a planning manager, coordinator, and adviser, as well as assistant for the area manager of Africa for Mobil South. In these latter positions, he advised senior management on planning and business strategy in Africa, the Middle East, and Latin America, and served as deputy to the manager for Mobil's operations in 16 Middle Eastern and African affiliates. Combined with his academic background, this experience gives him a command of the international energy situation that few have. And, his fine and proven performance within the Office of International Energy Affairs make Clement Malin not only the logical choice, but the best choice to head that office as the Assistant Administrator.

Dr. Sam Tuthill also brings a wealth of invaluable experience and knowledge to the position for which he has been nominated.

During his tenure at FEA, Dr. Tuthill has displayed the same qualities of performance and excellence that gained him such a high reputation at the Department of Commerce where he served as Special Assistant for Energy Policy, Chairman of the Departmental Energy Resources Council, and Director of the Office of Energy Programs while on detail from his post as Science Adviser to Hon. Rogers C. B. Morton, Secretary of the Interior.

Before coming to work for the Federal Government, Dr. Tuthill received an A.B. in English literature from Drew University, and three advanced degrees including a master's degree in general science from Syracuse University and both a master's in paleontology/geology, and a doctorate in geology from the University of North Dakota.

He was a National Science Foundation facility fellow, and headed three geological research expeditions. In addition, he served as State geologist and director of the Iowa Geological Survey, science adviser to the Governor of Iowa, and chairman of the Task Force on Energy and the Environment of the Midwest Governors' Conference. Dr. Tuthill has also taught at both the secondary and college levels.

Dr. Tuthill's blend of academic and practical experience is just what is needed in an assistant administrator whose main responsibilities involve persuading the American public of the importance of energy conservation.

As Assistant Administrator of Energy Conservation and Environment, Dr. Tuthill will be responsible for such programs as Project Conserve, the computer-analysis program to show homeowners how they can benefit financially from residential conservation actions; the voluntary lighting and thermal efficiency programs for commercial buildings; the new energy efficiency appliance labeling programs; and in conjunction with the Environmental Protection Agency, the automobile fuel efficiency standards and labeling program.

Other responsibilities of the Energy Conservation and Environment Office are the Ucan, utilities conservation now, program to help improve the efficiency of our use of electricity and natural gas, and the Federal energy management program, which helps insure that the Federal Government itself practices the same sort of energy conservation that it urges in the private and public sectors.

As an adviser to FEA Administrator Frank Zarb, Dr. Tuthill has already shown remarkable administrative abilities, insight, and the

personal qualities and perceptions necessary to tackle difficult, but necessary, tasks on both an executive and person-to-person level.

These same qualities make Sam Tuthill an excellent choice to administer the Energy Conservation and Environment Office where he will be working with both the public and private sectors of the country to help achieve our national conservation objectives.

Should they be confirmed, both Clem Malin and Sam Tuthill will continue to provide the Administrator with trusted and invaluable advice on their respective areas of expertise and on the energy situation in general.

I hope the committee and the Senate will act expeditiously and favorably to confirm their nominations.

Thank you.

I would like to offer Mr. Zarb's apologies for not being here today. He is in the Middle East meeting with energy officials there, and with certain officials of the OPEC nations.

I would be glad to answer any questions.

Senator STONE. Senator Hatfield, do you have any questions of Mr. Hill?

Senator HATFIELD. No, Mr. Chairman, but I would like to say on behalf of Senator Javits that he is tied up on the floor and would like a chance to submit a statement.

Senator STONE. Without objection, the record will be open for the inclusion of Senator Javits' remarks.

Thank you, Mr. Hill. I hope Mr. Zarb brings back the oil—at reasonable prices.

Now, I would like to call on Hon. Dale Kent Frizzell, the Under Secretary of the Interior, for his remarks.

STATEMENT OF HON. DALE KENT FRIZZELL, UNDER SECRETARY OF THE INTERIOR

Secretary FRIZZELL. Thank you. We apologize for not returning when you did. We were taking advantage of the minority counsel's hospitality over a cup of coffee.

Secretary Kleppe would like to be here this morning, but was unable to do so. He knows the nominee professionally and personally. He did want me to share with this committee the statement he would have made if he had been here.

It is a pleasure to endorse the nomination of Albert C. Zapanta, of California, to be Assistant Secretary of the Interior for Management.

Mr. Zapanta is eminently qualified for the post to which President Ford has nominated him. He is highly qualified through experiences and by education to assume this important post at Interior. He currently heads a management consulting firm in California and holds a master's degree in public administration. He is a candidate for a doctorate in the field of public administration.

In 1973 and 1974, Mr. Zapanta was a White House fellow. In that capacity, he served as special assistant to the Secretary of Transportation, studying local transportation in major U.S. cities, and traveling in Africa, Europe, and the Soviet Union.

Previously, Mr. Zapanta was director, business and economic development, for the East Los Angeles Community Union.

He was the founding director of Barrio Industries for the Handicapped, the country's first industrial workshop for the Spanish speaking. And, he was a management trainee and industrial relations assistant, Bethlehem Steel Corp.

Mr. Zapanta has a record of distinguished service while in the U.S. Army. He was commanding officer of the Airborne Ranger Company in Vietnam from April 1969 to March 1970. For this service, he received the Silver Star, 5 Bronze Stars, a Purple Heart and 24 other awards and decorations. At present, he is a major in the Army Reserve.

Active in community service, Mr. Zapanta is president of the Mexican-American Alumni Group, University of Southern California; a member of the advisory council, Urban Coalition, Los Angeles; on the national board of directors, Mexican-American Legal Defense & Education Fund; and he is a member of the Armed Forces Committee, National Board of Directors, YMCA.

At Interior, as Assistant Secretary for Management, Mr. Zapanta will have direct responsibility for policy development and technical leadership in Department personnel matters, and for Department property, paperwork, and safety, as well as for organization, procurement, energy conservation, management services, and law enforcement, among numerous other assignments.

The Secretary cites he has known Al Zapanta for a number of years and everything he has known about him has been most commendable. Not only does he consider him to be extremely qualified for this Assistant Secretary position, but also he considers him a personal friend and a trusted and loyal associate.

The Secretary states he believes Mr. Zapanta will do an outstanding job as Assistant Secretary for Management, and urges that the committee act expeditiously to send his name to the Senate for confirmation.

That completes the Secretary's statement. I have only a brief note of my own. I have not had the privilege of knowing Mr. Zapanta as long as the Secretary has. I did have the opportunity and privilege of interviewing him as a candidate for this position some weeks ago. Suffice it to say, after interviewing one or two other candidates and then Mr. Zapanta, after a 30-minute talk with him, I was perfectly satisfied and had no need to continue to see other candidates.

He sells you on his own right. As the Senator from California said, his interest in people and his resources are sufficient to convince me I did not need to see any other candidates, and I hope you will favorably consider his candidacy.

Senator STONE. Thank you very much.

Gentlemen, I will interrupt this proceeding one last time. All things come to him who waits, Mr. Zapanta. I want to call on the Honorable senior Senator from the State of New York, Senator Jacob Javits, to come forward and make his remarks on behalf of the nominee, Clement Malin.

I have to preface Senator Javits' appearance by acknowledging the great response you received at the National Press Club yesterday.

**STATEMENT OF HON. JACOB JAVITS, A U.S. SENATOR FROM THE
STATE OF NEW YORK**

Senator JAVITS. I ask unanimous consent my remarks may appear in the appropriate order when Mr. Malin is called.

Senator STONE. Without objection.

Senator JAVITS. Mr. Malin is a New Yorker. He has lived there from 1952 to 1974, and worked for Mobil Oil as a professional. He was Planning Manager for their operations in Latin America, and the Middle East. He came to Washington in February 1974 to join the FEA.

He was very helpful to our Government, then in the fledgling Energy Office, in the knowledge which it needed respecting the international oil market.

Since that time he has been a principal in our efforts to establish the International Energy Agency and the Council on International Economic Cooperation which is a consumer producer dialog agency in Paris.

That is the International Energy Agency. Obviously, he already has important agreements concerning oil stockpiling, the standby actions in event of an oil embargo, to his credit.

My staff, through Gary Klein, who now serves as the Counsel for the Government Operations Committee where I am a senior member, gives me a very fine reading on Mr. Malin.

I heard him testify the other day before us, and I was satisfied this reading was accurate. Notwithstanding his connection with one of our major oil companies, I am convinced he has the expertise, the honesty and the patriotism to do an excellent job as Assistant Administrator of FEA.

I am pleased to commend him to the committee.

Senator STONE. Thank you very much, Senator Javits.

Now, Mr. Zapanta, at last. Would you care to be sworn.

[Whereupon Mr. Albert C. Zapanta was sworn in by Senator Stone.]

Senator STONE. Would you make your presentation now, Mr. Zapanta, and thank you for abiding all of the necessary interruptions.

STATEMENT OF ALBERT C. ZAPANTA, NOMINEE TO BE AN ASSISTANT SECRETARY OF THE DEPARTMENT OF INTERIOR

Mr. ZAPANTA. Thank you, Mr. Chairman. I would like, for the record, to present a short written statement and, if I may, make a few remarks. Then if there are any questions by the committee, I am ready to answer them.

It is a personal privilege and honor for me to appear before you. I think that my road that brought me here—I think, a part of it is I was last night having dinner at a friend's home and he is in this room—he will know what I mean when I say this—to remember my childhood, being brought up in East Los Angeles, to serve my country in war and to be here before you, to have the charge and the responsibilities of the great people of this Nation set before me, hopefully confirmed, gives me such great humility and the energy to do the job that lies ahead, and I cannot tell how personal this is with me with respect to come from that road, to come here to know the responsibili-

ties I will assume in the matter of the assistant secretaryship, but to assure the job will be discharged to the best of my capabilities, but also to the Secretary in respect to his mandates, as I come into the Department.

One of the most humbling experiences, I think, is one of having the trust of the people of this country. With that, I think I would like to, at this point, answer any questions you might have, Mr. Chairman, or any of the committee members.

SenaoR STONE. Thank you so much. First, I would like the record to include a letter of endorsement by El Congreso signed by Manuel D. Fierro and Henry Lacayo as Chairman of the National Congress of Spanish American Citizens and then a letter from the U.S. Department of the Interior. It is a memorandum from Under Secretary Frizzell on the subject of your statement of employment and financial interests. And finally a letter to the committee, to the chairman of the committee, Senator Jackson, by the nominee, Mr. Zapanta, formalizing his decision to divest his stockholding in the Energy Research Group, Inc.

Mr. Zapanta, can you assure the committee of your own intention to maintain open, free, and responsive communications with this committee and see to it that your subordinates also do that?

Mr. ZAPANTA. Yes, sir.

Senator STONE. Would you be available after reasonable notice to appear before this committee and other congressional committees to present agency and administration positions on pending legislation and to respond to such matters as the committee may be investigating?

Mr. ZAPANTA. Yes, sir.

Senator STONE. As you know, under rule 9, of the committee's rules, you have provided the committee a statement of your financial condition and your sworn affidavit as to its completeness and accuracy.

I would like to ask if you are aware of any personal holding or anything that would create the appearance of a conflict of interest of your appointment should be confirmed by the Senate?

Mr. ZAPANTA. No, sir.

Senator STONE. The committee rule does require that these financial statements be made public unless the committee determines special circumstances dictate otherwise. Is there any reason why the committee should consider an exception to the rule in your case? Do you have any problems with the committee's making your financial statement public?

Mr. ZAPANTA. No, sir.

Senator STONE. This post for which you have been nominated is a full-time position requiring full-time attention. Do you have any employment relationship with any employer, firm, or association or any organization outside the Federal Government and, if you do, would you sever that connection if you are confirmed by the Senate?

Mr. ZAPANTA. Yes, sir. I do not have any connections at this time.

Senator STONE. Do you have any plans now, after completing Government service, to resume employment with previous employers or clients?

Mr. ZAPANTA. I do not.

Senator STONE. Has anyone made a commitment to employ your services in any capacity after you leave the Government service?

Mr. ZAPANTA. No, sir.

Senator STONE. Finally, if you are confirmed, do you expect to serve your full term in office?

Mr. ZAPANTA. I hope so, sir.

Senator STONE. Senator Fannin.

Senator FANNIN. Thank you, Mr. Chairman.

Mr. Zapanta, I notice you have an excellent reputation in our part of the country, out in the southwest, and extensive experiences in that area. I am very impressed with your academic background and your determination to accomplish your goals. You have been quite successful.

Considering the length of time involved, I admire you for seeking this position, but I am sure, that you can, from an administrative standpoint, be of assistance to the Department. I would like to have your thoughts—as to just what activity is of greatest interest to you.

Mr. ZAPANTA. Senator Fannin, I, of course, have given this great thought—

Senator FANNIN. I am assuming it will go on for another 4½ years.

Mr. ZAPANTA. I was assuming 4½ years.

Senator STONE. The Senator's earlier line of questioning was quite accurate.

Senator FANNIN. I didn't want to be misunderstood. I want the record to show my intent was as just stated.

Mr. ZAPANTA. Yes, sir, I have given that great thought. My intent and actions will bear that out over the next 6 months is insuring the continuity of the operations of the Office of Assistant Secretary for Management is forthcoming.

I do not anticipate, nor am I going into the position with any changes predestined or preordained, nor do I plan to do so within the next 6 months.

For the purpose of continuity, but hoping and looking at the next 4 years, I will have a background to make whatever decisions that have to be made.

My feelings as to the relationship of the Assistant Secretary for Management to the Department, I see one of the internal general manager or the one that insures the implementation of various policy decisions by the programmatic offices within the Department, sir.

Senator FANNIN. Will Secretary Frizzell give you guidance if he is going along to greater victories. We certainly have great admiration for what he has done and what he can do to give assistance to you. From my standpoint, I wish you well and wish you perform as admirably in this position.

Mr. ZAPANTA. Thank you.

Senator STONE. Thank you, Senator Fannin.

One or two questions. You have agreed and committed to divest yourself of your present 25 percent ownership in the Energy Resource Group, Inc., of Beverly Hills, ERG: and BRAS International, Reno, Nev. Would you say a word about what BRAS International is?

Mr. ZAPANTA. Yes, Mr. Chairman, if I may correct one thing.

Senator STONE. You have not agreed to divest yourself of BRAS. What is that?

Mr. ZAPANTA. BRAS is a company we started, myself and three other partners from the Los Angeles area in February of this year.

The whole intent of the company, and as I said it has just started,

was to explore import and export of foreign investments or the ability to either represent, through management contracts, foreign countries, and also looking at domestic areas such as automobile industries in respect to car dealerships, since two of the partners are in this area.

So, it is a, basically, a management company with its bent on international business.

Senator STONE. The Department of the Interior has examined and explored that particular relationship and I take it Secretary Frizzell, that you all have concluded it would not be a conflict, a potential conflict of interest in this holding.

Secretary FRIZZELL. That is correct, Mr. Chairman. We had one problem, one problem only. That was with regard to the divestiture that has been made and based on that divestiture, I yesterday approved that there is no outstanding conflict of interest that is contrary to the laws or rules and regulations of the Department.

Senator STONE. Thank you so much. I thank you both for testifying this morning.

Secretary FRIZZELL. Thank you for the committee's time.

[The prepared statement of Mr. Zapanta together with material referred to by Senator Stone follows:]

STATEMENT OF ALBERT C. ZAPANTA, NOMINEE TO BE AN ASSISTANT SECRETARY OF THE DEPARTMENT OF THE INTERIOR

Mr. Chairman and esteemed members of the committee; It is indeed a privilege and an honor for me to appear before you today concerning my nomination by the President as Assistant Secretary for Management of the Department of the Interior. It is my intent that this will mark the beginning of a productive and effective working relationship.

The responsibilities of the Assistant Secretary for Management include the duties of the Secretary with respect to the administrative management functions of the Department with overall program direction and coordination provided for specialized staff organizations which operate with departmentwide scope and responsibilities. These special activities include internal audit and investigations, management services, ADP systems and telecommunications management, management consulting services, personnel management, general administrative services, library services and aircraft services, Job Corps and Youth Conservation Corps and coordination of Interior's Bicentennial efforts. In addition, The Assistant Secretary for Management is responsible for the personnel, accounting and budgetary services for the Office of the Secretary.

In carrying out these responsibilities, I would be specifically concerned with:

Reviewing assignments of responsibility and delegations of authority throughout the Department;

Identifying opportunities for improving the quality of management performance and the effectiveness of operations;

Assisting in the selection and placement of competent management personnel; and

Improving the capability of the Department to monitor progress toward the achievement of its goals and objectives.

The biographical material which I have previously submitted will outline my experience to date. What it does not say is why I view this opportunity with such enthusiasm.

First, I have been particularly impressed with the positive and aggressive management climate in Interior under the dynamic leadership of Secretary Kleppe. The management team which he has assembled speaks well for the future of the Department.

Second, the depth of personal commitment of Departmental employees, is indicative of their dedication, concern and professionalism toward insuring a responsive Department to today's complex and ever-growing challenges.

I appreciate the opportunity to appear before you today to submit this statement and I stand ready to answer any questions.

NATIONAL CONGRESS OF HISPANIC AMERICAN CITIZENS,
Washington, D.C., June 18, 1976.

HON. HENRY M. JACKSON,
*Chairman, Senate Committee on Interior and Insular Affairs, U.S. Senate, Wash-
 ington, D.C.*

DEAR MR. CHAIRMAN: It is with a great deal of pride and pleasure and on behalf of our National Board of Trustees and the 125 participating national, state and local organizations, that we recommend and support Mr. Alberto Zapanta, without qualification or reservation, for the position of Assistant Secretary for Management of the Department of Interior.

We think it is of prime importance that every post in government, elective as well as appointive, be filled by the very best people we can find. People who not only have the required educational and technical skills, but who have the head and heart to understand that they owe their first and last temporal loyalties to our government and all the people of this nation.

As a result of many years of association with Mr. Zapanta, we can tell you that he not only understands this concept but believes and practices it. He is dedicated, honest and superbly qualified to assume so important a post and we are honored to recommend him to the Committee.

Sincerely,

HENRY (Hank) LACAYO,
Chairman of the Board.
 MANUEL D. FIERRO,
President.

U.S. DEPARTMENT OF THE INTERIOR,
 OFFICE OF THE SECRETARY,
Washington, D.C., June 17, 1976.

MEMORANDUM

To: Albert C. Zapanta.

From: Under Secretary Kent Frizzell.

Subject: Statement of Employment and Financial Interest.

This is to certify that you have filed with the Department Ethics Counselor a statement of employment and financial interests. It has been determined that all requirements have been met and that no conflict of interest exists. Upon entrance to duty a copy of this memorandum will be placed in your official personnel file as required by both Department and Civil Service Commission regulations.

MONTEREY PARK, CALIF., *June 17, 1976.*

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
 U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter will formalize my decision to divest my 25 percent stock holding in the Energy Resource Group (ERG). I have notified, by telephone, Mr. Kelly Bixby of Wagner, Scuderi and Bixby, Attorneys at Law, 9229 Sunset Boulevard, Suite 404, Los Angeles, California 90069, Corporate Legal Counsel for ERG, to proceed in drafting the appropriate paperwork which I will sign this Saturday, June 19, 1976. I will be selling my 25 percent stock holding to Mrs. Gilda B. Gjurich, Treasurer, Energy Resource Group, Inc.

In clarifying the pending negotiations for future revenue to be forthcoming, it is anticipated that no revenue will be received by ERG prior to January 1977, reference a fuel oil sale of Indonesian oil to the Los Angeles Department of Water and Power. With this in mind, I decided to divest my holding in ERG so as to alleviate any questions as to conflict of interest with the Department of Interior and the Energy Resource Group. Upon finalization of divestiture, I will be most happy to notify your Committee in writing.

Thank you.

Sincerely,

ALBERT C. ZAPANTA.

Senator STONE. Now, I would like to call on Dr. Samuel Tuthill. I have not sworn you yet.

[Whereupon Dr. Samuel J. Tuthill was sworn in by Senator Stone.]

STATEMENT OF DR. SAMUEL J. TUTHILL, NOMINEE FOR ASSISTANT ADMINISTRATOR OF THE FEDERAL ENERGY ADMINISTRATION

Dr. TUTHILL. Mr. Chairman and members of the committee, I appreciate your invitation to appear before you today. The President's nomination and your consideration of that nomination is an honor both my family and I will long treasure.

Senator John Culver has been most kind in his introduction. My appreciation of his remarks is special, not only because of the respect I personally have for him, but because of the very high regard in which Iowans hold him. My work as State Geologist of Iowa was often made more meaningful and effective for the people of our State through his efforts.

Regardless of the causes of the critical situation that our Nation faces in its attempts to reestablish a control over its domestic economy and its foreign policy through rational energy policies, the primary opportunity to achieve control is the abatement of waste. There has never been a demonstrable affluence available to any society through waste.

If you confirm my nomination, I will direct my efforts toward advancing the public perception of the need for and the practicality of energy conservation as an important useful part of our energy strategy. I do not view energy conservation as in any way antithetical to policies designed to increase domestic supplies of energy or to accelerate the availability of significant amounts of energy from new technology. Our Nation will require success in all these efforts.

Protection of our environment has been a significant part of my professional career. The production and use of fuels is intimately linked to environmental protection.

I look forward to working with the U.S. Congress in this position of trust that is now before you for consideration.

I appreciate the opportunity to appear before this committee. I will attempt to answer any questions you may have.

Senator STONE. Thank you, Dr. Tuthill.

You heard the comments regarding the need for responsiveness, and I would like to ask if you can assure the committee of your intent to maintain open, free, and responsive communication with the committee and to see to it that your subordinates do likewise?

Dr. TUTHILL. This Congress and any other committee of the U.S. Congress.

Senator STONE. Would you be available, after reasonable notice to appear before this committee and other congressional committees to present agency and administration positions on pending legislation and to respond to questions on matters the committee may be investigating?

Dr. TUTHILL. Yes, sir.

Senator STONE. Under rule 9, you have provided the committee a statement of your present financial condition, accompanied by your sworn affidavit as to its completeness and accuracy.

Are you aware of any personal holding, investment, or interest which could constitute a conflict of interest or could create a conflict of interest or which could create the appearance of a conflict of interest should your nomination be confirmed by the Senate?

Dr. TUTHILL. I am not.

Senator STONE. As you know, the committee does disclose the financial materials unless there is an exception made. Do you know of any reason why you should ask for an exception to that rule?

Dr. TUTHILL. No, sir.

Senator STONE. This is a full-time position and I would ask whether you have any relationship with any employers, firm, association, or other organization outside the Federal Government, that would conflict or, if you do, would you sever it?

Dr. TUTHILL. I do not.

Senator STONE. Do you plan on resuming employment with a previous employer or client after your Government service and do you plan to serve your full term of office? And, has anyone made any commitments to employ your services in any capacity after you leave the Government service?

Dr. TUTHILL. I do not plan to return to previous service. I have no commitments, or arrangements, of that type. I expect to work full time, sir.

Senator STONE. And serve the full term?

Dr. TUTHILL. Yes.

Senator STONE. Dr. Tuthill, in your financial statement you listed an interest in the firm of Tuthill, McDonald & Associates and 100 shares in the Terra Chemical Corp. Would you tell us about that?

Dr. TUTHILL. I am half owner of a consulting firm. Its major asset now is 100 shares of Terra Chemical purchased before I took Government service.

My partner and I agreed upon commencement of my service as science advisor to the Secretary of Interior, that the company would remain inactive. I have his agreement to terminate, liquidate, and dissolve the company upon confirmation.

Senator STONE. Senator Fannin.

Senator FANNIN. Thank you, Mr. Chairman.

Dr. Tuthill, I notice at present you are advisor to the Federal Energy Administration. Would the work of the office for which you have been nominated be similar to what you have been doing in the past?

Dr. TUTHILL. No, sir. My responsibilities as a staff man to the Administrator is advisory and staff. The appointment to which I am nominated is a line position with responsibility for the performance and execution of legally constituted programs that derive from the law of the land.

Senator FANNIN. That would be your responsibility, as I understand it, to weigh the balances between the production of the amount of energy we need and the protection of the environment. Is that correct?

Dr. TUTHILL. That would be a consideration in any policy. It will not be my prime responsibility. My prime responsibility will be to advance the efforts toward rational conservation of energy.

Senator FANNIN. Conservation will be the main assignment as far as your work is concerned?

Dr. TUTHILL. That and the environmental assessments of energy policy.

Senator FANNIN. Then you will need to weigh the balance between conservation, environment, and the need for energy that exists today.

Dr. TUTHILL. Yes. The decision of what that balance will be a part of the structure of FEA, Senator.

Senator FANNIN. Would you be concentrating—For instance, or will you be involved in solar energy to any respect?

Dr. TUTHILL. Yes, to the degree FEA relates to other agencies that have responsibility for development and dissemination of solar technology.

Senator FANNIN. Solar does enter into our conservation program, and how about geothermal?

Dr. TUTHILL. Geothermal, as I understand it, the emerging technology is the responsibility of the Energy Research and Development Administration.

I am unaware at this time, equipped with the briefings I have had from the conservation energy staff, of any responsibility for geothermal.

Senator FANNIN. It is my understanding ERDA has the experimental program at San Diego Gas & Electric. Does FEA have any assignment in regard to that particular operation, the one in California?

Dr. TUTHILL. I am sure FEA's division of energy resources development has responsibility for a relationship with the lead agencies. I am personally unaware of what the relationship is.

Senator FANNIN. The Environmental programs there are very important. We seem to be at a standstill in the development of that resource, that is why I was asking.

Looking over your background and experience, you certainly have broad coverage. I am very impressed with your ability to handle these particular assignments and to have done well with them.

I just hope everything goes well with you at the Department.

Dr. TUTHILL. Thank you.

Senator STONE. Thank you, Senator Fannin, and thank you Dr. Tuthill.

Mr. Malin, please.

[Whereupon Mr. Clement B. Malin was sworn in by Senator Stone.]

Senator STONE. Thank you, Mr. Malin, would you make your opening presentation.

STATEMENT OF CLEMENT B. MALIN, NOMINEE TO BE ASSISTANT ADMINISTRATOR OF THE FEDERAL ENERGY ADMINISTRATION

Mr. MALIN. Thank you, Mr. Chairman. It is an honor and a pleasure and a privilege to appear before this committee today as a nominee for the position of Assistant Administrator for International Energy Affairs in the Federal Energy Administration.

Since the oil embargo of 1973-74 and the accompanying four-fold increase in the price of international oil, the consuming countries have grappled with the difficult problems of defining appropriate national

energy objectives and the even more difficult decisions in implementing policies to attain them. We in the United States are no exception. We have taken the first steps with the passage of the Energy Policy and Conservation Act (EPCA).

Since the domestic policy initiatives of the EPCA for the most part require time for implementation, we will continue to depend, and indeed in the short term increasingly so, on international oil for a significant portion of our energy needs for some years to come.

It is the issues that surround that dependence that engage the Assistant Administrator for International Energy Affairs.

I welcome the challenge that has been presented. I also welcome the opportunity to work within the administration and with the Congress in developing policy in the field of international energy, policy that will meet the critical energy needs that support this country's interests at home and abroad.

I appreciate the opportunity of appearing before you. I will be happy to answer any questions that the committee may have.

Senator STONE. First of all, before I ask you these questions, I want to welcome your wife and your two sons to the committee.

I know this is just as great a moment for them today as it is for you. We are glad to have them here.

Mr. MALIN. Thank you, Mr. Chairman.

Senator STONE. Mr. Malin, do you agree you will be available after reasonable notice to appear before this committee and other congressional committees to present agency and administration positions on pending legislation and to respond to questions on matters such committees may be investigating?

Mr. MALIN. Yes, sir, I will.

Senator STONE. Would you assure us of your intention to maintain open and free and responsive communications with the committee and to see to it that your subordinates do likewise?

Mr. MALIN. Yes, sir.

Senator STONE. In accordance with rule 9, you have given us a financial statement and sworn affidavit. I would like to ask you if you know of any personal holding, investment or interest which might constitute a conflict of interest or which could give the appearance of such if your nominating should be confirmed?

Mr. MALIN. I know of none.

Senator STONE. Do you seek any exception to the rule of disclosure of your financial statement?

Mr. MALIN. No, sir, I do not.

Senator STONE. Do you have any employment relationship with an employer or business firm or association, or other association outside the Federal Government and if you do, would you sever it, if you are confirmed? And, may I ask if you have plans after completing Government service to resume employment with a previous employer or client?

Mr. MALIN. I have no relationship with any organization outside of the Government. I have no plans to return to my previous employer.

Senator STONE. Have you any assurances of the ability to return to such life?

Mr. MALIN. I asked for none and received none.

Senator STONE. If confirmed, do you expect to serve your full term of office?

Mr. MALIN. Yes, sir, I do.

Senator STONE. There is one matter having to do with your financial statement regarding your termination allowance of \$14,016 from Mobil Oil Corp. when you left their employ to join the FEA in January 1974.

Would you, for the record, describe the basis or circumstances surrounding that?

Mr. MALIN. Mr. Chairman, I believe you have also received today a copy of a letter from Mobil Oil Corp.

Senator STONE. Yes; I have. Are you familiar with the contents of that letter.

Mr. MALIN. I received a copy of it this morning, about the same time the committee did; yes, sir.

Senator STONE. Without objection, I will include that letter signed by David Taylor, Manager of the International Government Relations, a two-page letter to Senator Jackson, in the record, and I will quote just one paragraph from it:

At no time was there any consideration of awarding a termination allowance as a supplementation to the income to be received in his new job with the Federal Energy Administration.

That is your understanding as well?

Mr. MALIN. Yes, sir.

Senator STONE. That is important since, on a normal basis, apparently, there are no such allowances awarded by that company in a resignation circumstance.

Can you explain why that variation?

Mr. MALIN. That is correct generally, sir. The circumstances surrounding my termination, departure from Mobil Oil Corp., are essentially these:

During the month of June 1973, in a conversation with a Mr. Fan Adams who is president of Mobil South which was the operating division in which I was employed, I was offered two positions with Mobil Oil, both of which would have been outside of the United States.

Prior to that time I had decided in the long run I wished to leave Mobil and enter some other form of activity—a public service foundation, something in the academic field, or something in the not-for-profit field.

At the time of that conversation with Fan Adams, I explained that interest and turned down the two positions that were offered.

I might, if I may—

Senator STONE. Did the fact you were leaving Mobil to join the Federal Energy Administration have any bearing on the amount paid to you?

Mr. MALIN. No, sir, the amount is determined by the policy. I believe I provided the committee with a copy of the formula and calculation that was attached to the policy itself.

Senator STONE. With your permission, we will make that a part of the record.

Senator FANNIN.

Senator FANNIN. Thank you, Mr. Chairman.

As I understand it, the termination was the normal procedure that was followed by Mobil Oil.

Mr. MALIN. It was normal with respect to a termination.
 Senator FANNIN. They have a formula and they follow it in this arrangement.

Mr. MALIN. Yes, sir.

Senator FANNIN. I notice you have had extensive work in foreign countries and that does prepare you for the new responsibilities. I also understand you have been working under Dr. Melvin Conant as his direct assistant. Is that correct?

Mr. MALIN. Yes, sir, it has been my honor and privilege to do so for almost 2½ years.

Senator FANNIN. I have great admiration for him, and I am very pleased in my conversation with him he made a very high recommendation of you. That certainly is to your credit.

He is not one who is accustomed to making statements he does not believe in. I am also impressed with some of the other experiences. You had Government experience for how many years?

Mr. MALIN. I entered Government service February 4, 1974, sir; approximately 2½ years, Senator.

Senator FANNIN. All with the FEA?

Mr. MALIN. Yes, sir, in the International Energy Affairs Office.

Senator FANNIN. I think you are very well suited for this position and we are very pleased this morning to have such fine talent come before us.

Senator STONE. Thank you, Senator Fannin. Senator Metcalf, do you have any questions?

Senator METCALF. No; Mr. Chairman. I am delighted to be here to listen to the testimony of the witness and participate in this hearing.

Senator STONE. Thank you, Senator Metcalf.

Mr. Malin, thank you very much. We appreciate your appearance, and we appreciate the presence of your family.

[The letter from Mobil Oil Corp., and termination allowance plan referred to follows:]

MOBIL OIL CORP.,
 Washington, D.C., June 17, 1976.

HON. HENRY M. JACKSON,
 Chairman, Senate Interior and Insular Affairs Committee, Dirksen Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We have received the following statement from Mobil South, Inc., with respect to the termination of Clement Malin.

In the course of our regular career development discussions during the summer of 1973, we identified with Clement Malin his possible interest in taking up a line assignment in one of our overseas affiliates. He informed us at that time that he was also giving thought to an alternate career in public service. We subsequently offered him assignments as General Manager of two different affiliates, and he declined in both cases.

After further discussion with Malin concerning his career interest, we told him that it would probably be better for all parties if he were actively to pursue outside employment. We indicated our willingness to retain him in a special assignment for a number of months, but, in our view, this would be a company instigated separation. In other words, he would be terminated at a given point, with the payment of an appropriate termination allowance in accordance with our usual procedure in such cases, if no suitable internal opportunities arose in the meantime.

He was put on special assignment, and we were aware that he was looking on the outside for employment. He subsequently submitted a letter of resignation, and the appropriate termination allowance, in accordance with our usual policy, was paid to him in the light of the circumstances involved in his separation.

At no time was there any consideration of awarding a termination allowance as a supplementation to the income to be received in his new job with the Federal Energy Administration.

Yours truly,

DAVID K. TAYLOR, JR.,
Manager, International Government Relations, Washington.

MOBIL OIL CORP. TERMINATION ALLOWANCES PLAN, AS AMENDED DECEMBER 31, 1957

ARTICLE I—PURPOSE

The purpose of this Plan is to provide compensation in some measure for eligible employees who suffer a loss of compensation because of termination of employment through no fault of their own.

ARTICLE II—DEFINITIONS

The Plan shall be known as the Termination Allowances Plan of Mobil Oil Corporation. For convenience it is hereafter referred to as the "Plan". Unless otherwise required by the context, the following defined terms hereinafter printed in italics shall control:

(a) "Age" shall mean the age which the employee attained at this most recent birthday.

(b) "Company" shall mean Mobil Oil Corporation.

(c) "Employer-corporation" shall mean and include the *Company* and each affiliate of the *Company* participating in the Plan.

(d) "Regular employee" shall mean an individual who is employed by an employer-corporation for work on a regular schedule of hours per week for an indefinite period. A temporary employee shall not be deemed a regular employee.

(e) "Retirement Annuity Plan" shall mean the *Company's* Retirement Annuity Plan effective December 31, 1956, as from time to time amended.

(f) "Total and Permanent Disability Benefit Plan" shall mean the *Company's* Total and Permanent Disability Benefits Plan, effective December 31, 1957, as from time to time amended.

(g) "Weekly Base Pay" shall mean the employee's regular salary or wage at a weekly rate excluding overtime, bonuses, living or other allowances and payments under certain *employer-corporation* benefit plans, all as determined by the *Company*, for his last regularly established work schedule during which he performed services prior to his termination of employment. If the employee is paid on a basis other than weekly, his regular salary or wage shall be converted to a weekly rate in accordance with rules prescribed by the *Company*.

(h) "Years of service" for purposes of this Plan shall mean the completed years of continuous service as a regular employee of an *employer-corporation* during the period of employment ending with the employee's most recent termination date.

Whenever used in this plan, masculine pronouns shall include both men and women unless the context indicates otherwise.

ARTICLE III—ELIGIBILITY

This Plan shall apply to:

Every *regular employee* in the active service of any *employer-corporation* who is principally employed in the continental United States; provided such *regular employee* shall on and after December 31, 1957:

(a) Have had at least one year of continuous active service immediately preceding termination of his employment and shall

(b) Not have been terminated for any of the following causes:

(1) Discharge for cause or behavior prejudicial to an *employer-corporation*;

(2) Resignation;

(3) Retirement;

(4) Court decree or government action or recommendation relating to or having an effect on *employer-corporation* operations, manpower, rationing or price control or any other similar cause beyond the control of an *employer-corporation*;

(5) Continuance in other employment arranged for or secured by an *employer-corporation*;

(6) Disability entitling such employee to benefits under the *Total and Permanent Disability Benefits Plan*.

Temporary work cessations due to strikes, lockouts or similar reasons shall not be considered termination of employment for the purposes of this Plan.

ARTICLE IV—BENEFITS

Section 1. Allowance payable

(a) The termination allowance payable under this Plan shall be an amount, calculated as of the date of termination of employment of an eligible employee, and paid in the same manner as wages, consisting of *weekly base pay* for the appropriate number of weeks, based on the *age* and *years of service* of the employee at the time of his termination of employment, as determined in accordance with Table A and subject to such deductions as are hereinafter provided.

TABLE A.—SCHEDULE OF TERMINATION ALLOWANCES

[In number of weeks base pay]

Age	Years of service —																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
20	2	2	2	3																
21	2	2	2	3	3															
22	2	2	2	3	3	3														
23	2	2	2	3	3	3	3													
24	2	2	2	3	3	3	3	4												
25	2	2	2	3	3	3	3	4	4											
26	2	2	2	3	3	3	3	4	4	4										
27	2	2	2	3	3	3	3	4	4	4	5									
28	2	2	2	3	3	3	3	4	4	4	5	5								
29	2	2	2	3	3	3	3	4	4	4	5	5	5							
30	2	2	2	3	3	3	3	4	4	4	5	5	5	5						
31	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5					
32	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5				
33	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5			
34	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5		
35	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	
36	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
37	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
38	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
39	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
40	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
41	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
42	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
43	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
44	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
45	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
46	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
47	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
48	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
49	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
50	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
51	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
52	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
53	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
54	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
55	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
56	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
57	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
58	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
59	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
60	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
61	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
62	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
63	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
64	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5
65	2	2	2	3	3	3	3	4	4	4	5	5	5	5	5	5	5	5	5	5

(b) In no event shall less than the following allowances be paid, without any of the deductions hereinafter provided in Section 2, to any eligible employee whose employment is terminated as provided herein:

(1) For any eligible employee with more than one but less than three *years of service*—an amount equal to his *weekly base pay*.

(2) For any eligible employee with three or more *years of service*—an amount equal to twice his *weekly base pay*.

Section 2. Deductions

The following deductions shall be made from each payment of termination allowance otherwise provided in Section 1 (a) of this Article IV :

(a) The amount of total maximum benefit which an unemployed person, considered as a single person without dependants, is eligible to receive pursuant to any applicable *employer-corporation* or government plan or program which grants benefits for unemployment, and

(b) The amount of any benefit or payment of the kind generally known as workmen's compensation which the employee is eligible to receive for an accident or injury sustained in the course of employment by an *employer-corporation* when termination of employment was under such circumstances that employee or any dependent or beneficiary is eligible to receive such benefit or payment.

Section 3. Denial of benefits

No termination allowance shall be payable to any person who receives or has received benefits pursuant to the *Retirement Annuity Plan* or pursuant to the *Total and Permanent Disability Benefits Plan*.

Section 4. Allowance payable to reemployed persons

(a) The termination allowance of any person reemployed by an *employer-corporation* who was previously employed by the same or another *employer-corporation* shall be determined by *age* and *years of service* during the employee's current period of employment, whether or not termination allowance was paid under this Plan for any prior period of employment.

(b) The balance of any termination allowance due or payable under this Plan when a person is reemployed by an *employer-corporation* shall lapse forthwith; but, if such person's subsequent employment is terminated and he then becomes entitled to a termination allowance under this Plan, the calculation of the period of service for such later allowance shall be based on *age* and *years of service* during the employee's current period of employment plus that portion of his prior service represented by the lapsed portion of his prior termination allowance.

ARTICLE V—DESIGNATION OF BENEFICIARY

Whenever an employee receiving an allowance hereunder dies before having received the full allowance for which he was eligible, the unpaid balance of such allowance shall be paid to the beneficiary said employee shall have designed by written instrument filed with his *employer-corporation*, but such designated beneficiary must be husband, wife, dependent child or dependent parent of said employee. Any payments hereunder to a designated beneficiary shall terminate upon the death of such beneficiary, and if there is no beneficiary designated or qualified, the allowance shall terminate upon the death of the employee.

ARTICLE VI—CLAIMS AGAINST COMPANY

It is a condition of this Plan that no allowance provided hereunder shall be paid to or for any employee having any claim against an *employer-corporation* under any *Company* plan or for reason of termination of employment, and the acceptance by an employee of an allowance or portion thereof under this Plan shall be deemed a conclusive admission that such employee has no such claim.

ARTICLE VII—GENERAL RULES

Section 1. Employment noncontractual

An *employer-corporation* may terminate the employment of any employee as freely and with the same effect as if this Plan were not in operation, provided, however, that a termination allowance which such employee is entitled to receive under this Plan shall not be denied solely by reason of such termination.

Section 2. Employer-corporation records

Employer-corporation records concerning an employee's date of birth, length of employment, *years of service*, and *base pay* shall be conclusive.

Section 3. Payments nonassignable

It is a condition of all benefits and payments hereunder that same shall not be assignable or transferable in whole or in part, either directly or by operation of law or otherwise, including, but without limitation, execution, levy, garnishment, attachment, pledge, receivership, devaluation by death or in any other manner.

It is an express condition of this Plan that the payments made or provided for herein shall not be or become a part of the estate or any pension in any manner whatsoever.

ARTICLE VIII—ADMINISTRATION OF PLAN

Section 1. Local administration

This Plan shall be administered under the direction of the Board of Directors of the Company by local management of the respective *employer-corporations*.

Section 2. Legal interpretation

The text of this Plan shall control and the headings to the Articles and Sections are for reference purposes only and do not limit or extend the meanings of any of the Plan's provisions. The Plan shall be governed by and construed in accordance with the laws of the State of New York. Any interpretation of the Plan by General Counsel of the *Company* shall be conclusive as between an *employer-corporation* and its regular and terminated employees and may be relied upon by all parties in interest.

ARTICLE IX—AFFILIATED CORPORATIONS

Section 1. Participation in plan

Any affiliated corporation approved by the Board of Directors of the Company may participate as an *employer-corporation* in the Plan upon the following conditions:

(a) Such affiliate shall make, execute and deliver such instruments as the *Company* shall deem necessary or desirable.

(b) Such affiliate shall constitute the *Company* as its agent to act for it in all transactions in which the *Company* believes such agency will facilitate administration of the Plan.

(c) Any affiliate may, by action of the Board of Directors, withdraw from participation as an *employer-corporation* upon notice to the *Company* in which event such affiliate may continue the provisions of this Plan, and may thereafter with respect thereto, exercise all of the rights and powers theretofore reserved to the *Company*.

(d) No modification of the Plan shall be effective in respect of any affiliate and its employees unless agreed to in writing by such affiliate in form satisfactory to the *Company*. If any such modification shall not be so agreed to by such affiliate within 90 days, the affiliate shall be deemed to have elected to withdraw from participation as an *employer-corporation* with the effect provided in subsection (c) above.

Section 2. Status of affiliates

It is the intent of this Article that the authority of each affiliate to act independently and in accordance with its own best judgment shall not be prejudiced or diminished and at the same time that the several *employer-corporations* may act collectively in respect of general administration in order to secure administrative economics and maximum uniformity.

ARTICLE X—MODIFICATION AND TERMINATION

The *Company* by action of its Board of Directors may at any time, without notice, terminate or modify this Plan in whole or in part, and such termination or modification shall apply to existing as well as to future employees, but an allowance which has accrued and is being paid under this Plan shall continue to be paid in accordance with the Plan as it was in effect at the termination of employment upon which such allowance was based.

ARTICLE XI—EFFECTIVE DATE

The Plan, as amended, shall be effective on and after December 31, 1957.

Senator STONE. The hearing is adjourned.

[Whereupon, at 11:07 a.m., the hearing was adjourned.]

APPENDIX
FINANCIAL STATEMENTS OF THE NOMINEES

ANNUAL REPORT
OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE

FINANCIAL STATEMENT OF ALBERT CHARLES ZAPANTA

1. ASSETS

(a) Duplex (In process of selling) 311 So. Alhambra Avenue (residence), Monterey Park, California 91754 (property mortgage at \$38,772)—\$76,000.

(b) Recreation/Vacation Homesite Undeveloped Land located in Big Bear Lake, California.—\$7,000¹ (assessed).

(c) Household Furnishings, Art Objects, Jewelry, etc.—\$10,000.

(d) Automobiles (2); estimated aggregate value—\$4,000.

(e) Bank Accounts. Checking and Savings accounts at Security Pacific National Bank, Monterey Park branch. Total deposits in both checking and savings accounts aggregate between \$4,000 and \$6,000.

(f) Business Partnerships Interest:

(1) Energy Resource Group, Inc. (ERG) 9595 Wilshire Blvd., Suite 811 Beverly Hills, Calif.: 25 percent interest in business partnership. TRG is a management consulting company, specializing in management, transportation, and program evaluation studies. Also, foreign oil management representatives. Company was organized August 1975 in Los Angeles, California. To date, no contracts or revenues for services have been received. It is anticipated that no actual revenue will be forthcoming within the next 6 months. Total company assets equal \$324.33 as reported by Company Treasurer, Mrs. G. B. Gjurich at last Board Meeting, May 26, 1976. As of May 26, 1976, I have resigned as President and Director of ERG, but still retain my 25 percent interest.

(2) BRAS International, 1 East 1st Street, Suite 1000, Reno, Nev.: 25 percent interest in business partnership. BRAS is a management consulting and representative company, organized February 1976 in Reno, Nevada. The intent of organizing BRAS was to venture abroad for overseas investments and/or import/export of goods. To date, no contracts or revenue have been received into the company. Also, it is not anticipated that any business deal will be consummated within the next 4 to 6 months. Total company assets equal \$3,000 as initial capitalization by the company's four equal owners. As of May 26, 1976, I have resigned as Vice President and Director of BRAS International, but still retain my 25 percent interest.

2. LIABILITIES

(a) Progressive Savings and Loan Association. First Mortgage on Duplex/Residence at 311 So. Alhambra Avenue, Monterey Park, Calif. Loan Number [REDACTED]. Amount of Loan Balance—\$38,772.

(b) California Federal. Second Mortgage on Duplex/Residence. Loan Number [REDACTED]. Amount of Loan Balance—\$2,452.20.

(c) Metropolitan Service Corp. Mortgage on Recreation Lot at Big Bear Lake. Loan Number [REDACTED]. Amount of Loan Balance—\$4,908.

(d) Security Pacific National Bank, Monterey Park Branch. Loan secured for purchase of 1975 Vega Automobile. Loan Number [REDACTED]. Amount of Loan Balance—\$1,956.

OATH

STATE OF CALIFORNIA

ALBERT CHARLES ZAPANTA, being duly sworn, hereby states that he has read and signed the attached Confidential Statement of Biographical and Financial Information, dated June 13, 1976, and that the information provided is, to the best of his knowledge and belief, current, accurate, and complete.

ALBERT CHARLES ZAPANTA.

Sworn before me this 13th day of June, 1976.

DAVID L. CHUNG, Notary Public.

My commission expires November 19, 1978.

¹ Office of the Assessor, County of San Bernardino, Calif.

FINANCIAL STATEMENT OF SAMUEL J. TUTHILL

ASSETS

Real estate: 501/503 Kimball Road, Iowa City, Iowa. 10-room home, 3-room cottage, barn and 8 acres. Zoned R-1A residential. I have executed a sales agreement to be closed on Aug. 1, 1976. The sale price is \$80,000, and there is \$42,000 outstanding on my purchase contract -----	\$38, 000
Securities owned outright: 50 Shares of Tuthill, McDonald, and Associates, Inc. This constitutes a half interest. (Should the U.S. Senate confirm my nomination, my partner and I have agreed to liquidate the assets of this corporation and dissolve it) -----	984
Additional securities owned outright but managed by Tuthill, McDonald and Associates: 100 Shares Terra Chemical Co. (Should the U.S. Senate confirm my nomination, these shares will be liquidated as a part of the dissolution of the corporation) -----	¹ (1, 000)
Life insurance policies:	
Nationwide Life Insurance Co. Policy No. xxxxxxxx -----	2, 350
Bankers life policy No. xxxxxxxx -----	28, 017
Bankers life policy No. xxxxxxxx -----	4, 754
Bankers Life policy No. xxxxxxxx. Value \$400/month for 5 years in event of sickness or injury -----	
Cash and personal possessions (1) household furnishings, (2) 1969 Oldsmobile 88 and 1975 VW Super Beetle, and (3) personal effects and clothing (general value) -----	15, 000
Total assets -----	<u>88, 121</u>
Liabilities:	
Bank notes held by Iowa State Bank, Iowa City, Iowa, in aggregate amount -----	5, 859
Installment loan on car (Fairfax County National Bank) -----	1, 428
Total liabilities -----	7, 287
Net worth -----	<u>80, 834</u>

¹ Included in above item.

MATTERS OF INCOME

My income derives primarily from salary. The additions to this are dividends from life insurance which is an insignificant sum.

My partner and I agreed to suspend operation of our company when I came to Government service on April 1, 1975. My income tax returns will be made available to the Committee upon request. My wife owns no property separately and is a joint owner of all property except the shares of Tuthill, McDonald and Associates, Inc.

I have not served on any eleemosynary boards.

AFFIDAVIT

WASHINGTON, D.C.

SAMUEL J. TUTHILL, being duly sworn, deposes and says that he has read and signed the attached letter dated June 4, 1976, to the Chairman of the Senate Committee on Interior and Insular Affairs, and that the information provided in that letter and the financial statement attached thereto is, to the best of his knowledge and belief, current, accurate and complete.

SAMUEL J. TUTHILL.

Sworn before me this 7th day of June 1976.

_____, Notary Public.

FINANCIAL STATEMENT OF CLEMENT B. MALIN

I. Net worth statement

A. Assets

1. Real Estate: Personal residence, Falls Church, Va., purchase price February 1974 -----	\$82, 500
---	-----------

2. Securities: 26 shares North Fork Bank and Trust Co. (Mattituck, N.Y.) stock, owned by wife, estimated current market value—\$50 per share-----	1, 300
One share Sleepy Hollow Bath and Racket Club, Falls Church, Va., original cost October 1975-----	550
3. Loan: Personal loan to brother, Randall Malin, Hastings-on-Hudson, N.Y., balance outstanding June 1, 1976-----	15, 000
4. Annuity: Personal contribution to U.S. Government Annuity Plan, as of June 1, 1976-----	3, 160
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5. Life Insurance (cash value):	
(a) Self: 8 policies with Provident Mutual Life Insurance \$103,020	
No. xxxxxxx cash value Dec. 31, 1975-----	550
No. xxxxxxx cash value Dec. 31, 1975-----	1, 628
No. xxxxxxx cash value Dec. 31, 1975-----	1, 830
No. xxxxxxx cash value Dec. 31, 1975-----	2, 500
No. xxxxxxx cash value Dec. 31, 1975-----	4, 680
No. xxxxxxx cash value Dec. 31, 1975-----	1, 350
No. xxxxxxx cash value Dec. 31, 1975-----	1, 305
No. xxxxxx cash value Dec. 31, 1975-----	1, 265
Total -----	15, 108
(b) Wife: One policy, New York Life, total insurance \$1,000 No. xxxxxxx-----	512
(c) Sons: Three policies, New England Life, total insurance \$30,000	
No. xxxxxxx cash value December 31, 1975-----	240
No. xxxxxxx cash value December 31, 1975-----	660
No. xxxxxxx cash value December 31, 1975-----	180
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	1, 080
6. Personal Savings:	
(a) Savings account (June 1, 1976) Wife and Thomas (son) -----	1, 971
Henry (son)-----	1, 013
(b) U.S. Savings Bonds: Estimated cash value June 1, 1976 -----	8, 500
(c) Provident Mutual Life Insurance Co., premium deposit account-----	912
7. Other:	
(a) Cash—estimated June 1, 1976-----	500
(b) Personal Property:	
1969 Valiant-----	700
1974 Valiant-----	2, 550
Assessed value Fairfax County, Va., personal property tax 1975: Household furnishings and personal belongings (estimated)-----	25, 000
Total assets-----	160, 356
B. Liabilities:	
1. Mortgage: Personal note held by mother, Caroline B. Malin, balance outstanding June 1, 1976-----	31, 018
2. Miscellaneous: Credit cards and other bills due, estimated June 1, 1976-----	150
Total liabilities-----	31, 168
C. Net worth-----	129, 188
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II. Matters of income	
A. Family compensation:	
1. Self: U.S. Government salary-----	\$37, 800.00
2. Wife: Part-time (10 hours/week average) employee of Midas Coin Center of Northern Virginia, Annandale, Vir-\$2.50/hour -----	

3. Henry (son, age 15½) : Part-time (10 hours/week average) page at George Mason Branch of Fairfax County Library, Annandale, Va., \$2.46/hour-----

B. Other Income

- | | |
|--|------------|
| 1. Interest on savings in 1975 (including \$1,855.81 on U.S. Government securities—one time gain)----- | 1, 923. 32 |
| 2. Interest on personal loan to brother in 1975----- | 825. 04 |
| 3. Dividends on wife's securities in 1975----- | 25. 00 |

(Income tax returns will be provided to the Committee if requested.)

III. Termination of relationship with Mobil Oil Corp.

On January 31, 1974, I resigned from Mobil Oil Corporation after 13 years and 7 months service. In connection with my termination of employment, I received a "termination allowance" of \$14,016.00. Attachment A is a copy of the notice of this payment with a notation of the calculation formula, based on years service (13), my age at termination (39) and a multiplier factor (22 weeks), applied against my salary at termination, \$33,300.00 per year. Attachment B is a copy of a letter forwarding the total "lump sum" as opposed to spreading the payment out over six months.

At the time of my termination of employment with Mobil Oil Corporation, I liquidated my holdings in all shares of Mobil stock and other interests in the Employee Savings Plan and the Contributory Annuity Plan. All payments were received in cash or in U.S. Government Savings Bonds.

My sole remaining "benefit" from employment with Mobil is a vested interest in a fully-funded, non-contributory, deferred annuity held by Metropolitan Life Insurance Company. This annuity will pay me \$185 per month when I reach the age of 63 in 1997.

I own no Mobil Oil Corporation stock nor do I have any contract, agreement or understanding of any kind with Mobil or any employee of the Corporation with respect to any compensation subsequent to my termination of employment or with respect to future employment with the Corporation.

IV. Other matters

During the years 1960 through May 1975, I served as a Vice President and Director of the Clement and Graceanna Biddle Foundation, a small private foundation founded by my grandparents, aiding Quaker, educational and community activities. The Foundation's assets never exceeded \$500,000. In 1974, the Board elected to disband the Foundation, distributing all assets to institutions that had been regular recipients of annual gifts. The Foundation was legally terminated in May 1975. No compensation was received by me during my tenure or at disbandment of the Foundation.

(Signed) CLEMENT B. MALIN.

ATTACHMENT A

MOBIL OIL CORP.

C. B. MALIN: A termination allowance has been granted in connection with your termination of employment as follows:

Effective date, February 2, 1974.

Total allowance, \$14,016.

Payable at rate of \$2,775 per month for 5 months and balance of \$141 for 1 month.

This allowance is payable to you under the condition that in the event governmental benefits as provided by law are increased during the period of this allowance, the Company reserves the right, at its discretion, to adjust this allowance accordingly.

This allowance may be discontinued in the event the personal benefits are assigned or transferred either directly or by operation of law or otherwise, including, but without limitation, execution, levy, garnishment, attachment, pledge, receivership, devolution by death or in any other manner. This allowance is also conditioned on your not having any claim against the Company by reason of termination of employment and on the Company receiving assurance to this effect by your endorsement below.

In the event of the death of an employee before all of the allowance has been paid, the balance will be paid to such beneficiary as the employee has designated below and filed with the Company, provided such beneficiary is the husband, wife, dependent child or dependent parents of said employee. Any payments

hereunder to a designated beneficiary shall terminate upon the death of such beneficiary, and if there is no qualified beneficiary designated, the allowance shall terminate upon the death of the employee. A change in the designation to another qualified person may be made at any time by making and filing a new designation.

Before this allowance can become effective, it will be necessary for you to endorse and for us to receive the enclosed duplicate. Before any payment can be made to a beneficiary, we must have the Designated of Beneficiary form filed in and signed by you. The enclosed duplicate is to be returned to the office of the Company at 150 E. 42nd St., New York, N.Y., from which payments will be made.

Yours very truly,

DESIGNATION OF BENEFICIARY

In the event of my death before all of the above allowance has been paid, I hereby designate the beneficiary to whom the unpaid balance shall be paid.

Name: Ann F. Malin.

Present address: 146 Secor Lane, Pelham, N.Y.

Relationship: Wife.

Age: 38.

Also, I agree to the above provisions and I accept the terms and conditions of the "Termination Allowances Plan" which will govern the payment of the termination allowance granted.

ATTACHMENT B

MOBIL SOUTH INC.,
New York, N.Y., February 13, 1974.

Mr. C. B. MALIN,
146 Secor Lane,
Pelham, N.Y.

DEAR CLEM: Attached please find your final lump sum check, as agreed.
Best wishes for continued success in your new position.

Sincerely,

C. R. HACKET,
By WM. GRANVILLE, Jr.

JUNE 28, 1974.

Mr. WILLIAM J. VAN NESS,
Chief Counsel, Committee on Interior and Insular Affairs, U.S. Senate Dirksen
Senate Office Building, Washington, D.C.

DEAR BILL: Attached per your request is a copy of FEO's contract with
Cameron Engineers, Inc.

In addition, you asked for the name of the FEO employee alluded to in John Sawhill's recent response to one of the Committee's questions who, in addition to Mel Conant, received a "termination payment" from a private firm upon his joining the FEO. The individual in question, and to our knowledge, the only other such person, is Clement B. Malin, the Associate Assistant Administrator for Energy Exporting Countries in our International Energy Affairs office, who received such a payment from Mobil.

Sincerely,

ROBERT E. MONTGOMERY, Jr.,
Acting General Counsel,
Office of the General Counsel.

AFFIDAVIT

CLEMENT BEDDLE MALIN, being duly sworn, deposes and says that he has read and signed the attached letter dated June 9, 1976, to the Chairman of the Senate Committee on Interior and Insular Affairs, and that the information provided in that letter and the financial statement attached thereto is, to the best of his knowledge and belief, current, accurate, and complete.

CLEMENT B. MALIN.

Sworn before me at Washington, D.C., this 9th day of June 1976.

THOMAS H. KEM, Notary Public.

My commission expires September 14, 1979.

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EXECUTIVE SESSION

FRIDAY, JUNE 25, 1976

The Committee on Interior and Insular Affairs, met in open executive session at 10 a.m., on June 25, 1976, to consider the nominations of Clement B. Malin, to be Assistant Administrator of FEA for International Energy Affairs; Dr. Samuel J. Tuthill to be Assistant Administrator of FEA for Energy Conservation Environment; and Albert C. Zapanta to be an Assistant Secretary of the Interior for Management.

Those present were: Senator Jackson, Chairman; Senator Metcalf, Senator Johnston, Senator Abourezk, Senator Haskell, Senator Glenn, Senator Stone, Senator Bumpers, Senator Fannin, Senator Hansen, Senator Hatfield, Senator McClure and Senator Bartlett.

Without objection, the nominations of Clement B. Malin, to be Assistant Administrator of FEA for International Energy Affairs; Dr. Samuel J. Tuthill to be Assistant Administrator of FEA for Energy Conservation Environment; and Albert C. Zapanta to be an Assistant Secretary of the Interior for Management were unanimously ordered favorably reported to the Senate.

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EXECUTIVE SESSION

FRIDAY, JUNE 25, 1978

The Committee on Interior and Justice Affairs met in open executive session at 10 a.m. on June 25, 1978, to consider the nominations of Clarence H. Jaffe, to be Assistant Administrator of EPA for International Energy Affairs; Dr. Samuel A. Phillips to be Assistant Administrator of EPA for Energy Conservation Environment; and Albert C. Napanza to be an Assistant Secretary of the Interior for Management.

The present were: Senator Jackson, Chairman; Senator Mikoy, Ranking Member; Senator Abromick, Senator Blackwell, Senator Clinton, Senator Stone, Senator Humphrey, Senator Young, Senator Judd, Senator Hatch, Senator Mitchell, Senator McIntire, and Senator Javits.

Without objection, the nominations of Clarence H. Jaffe, to be Assistant Administrator of EPA for International Energy Affairs; Dr. Samuel A. Phillips to be Assistant Administrator of EPA for Energy Conservation Environment; and Albert C. Napanza to be an Assistant Secretary of the Interior for Management were unanimously ordered favorably reported to the Senate.



