



SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

August 2, 1976

MEMORANDUM TO: Chairman Hills

FROM: Andy Rothman *Andy*

RE: Status report on Delaney nomination

On Friday, July 30, the Senate Committee on Banking, Housing and Urban Affairs met to act upon several pieces of legislation. Near the conclusion of the meeting, Senator Tower inquired of Chairman Proxmire whether he planned to schedule hearings on the nominations of Mr. Delaney and Mr. Shirk. Following are excerpts of the dialogue which then ensued:

Proxmire: "Well, we want to have all the data, before we make a decision on that. Both of these nominations have some controversy, for different reasons." (He pointed out that the Delaney nomination has been "supported vigorously" by some House members, and opposed by others.)

Tower: "I think we could resolve some of these issues by holding hearings as quickly as possible."

At this point Staff Director Ken McLean noted that he had obtained an opinion from the Library of Congress that the President could appoint both individuals as recess appointments after Congress adjourns sine die.

Morgan: "I'm a Democrat, but if this man (Shirk) is qualified, we ought to confirm him. Let's face the fact, we're just trying to stall. It's important that the Senate of the United States not only act fairly, but act in a way that is perceived to be fair."

Tower: Asked that hearings be scheduled next week and pointed out that if Congress failed to adjourn sine die, "the matter might never be resolved."

Photocopy from Gerald R. Ford Library

Proxmire continued to maintain the Committee needed additional information regarding conflict-of-interest charges against Mr. Shirk, while Tower and Helms said such matters should be aired at a hearing.

Proxmire: "At the present time I have no intention of not holding hearings. I think we ought to have the information before us first."

At this point Senator Williams spoke up, noting that four or five bills reported by the Banking Committee are being "held" on the Senate floor because the minority refuses to consent to time limitations on debate of them. (Among those he mentioned were the Investment Advisers Act, Foreign Payments, and Export Administration Act.)

Williams: "I wonder if we could have an understanding whether we could move some of the legislation that is being held."

Exit Senators Helms and Garn.

Tower: "There are no holds, there are just no time limitations. . . . The bottom line on all this is that the confirmations are being held hostage."

At this propitious moment the buzzer rang for a roll call and the Committee meeting was adjourned. It is not clear what will happen next (if anything).

Note: Mr. Delaney has now met with every member of the Banking Committee, or their designated representatives, except for Brooke, Cranston, and Biden (and we have a meeting with Brooke scheduled today). He has also filed, with Harvey's help, all pertinent financial disclosure and personal history information.