

no separation-of-powers problem arises from such a delegation. Moreover, when Congress delegates authority of the kind we have here to a member of the executive branch, the delegation does not convert the authority granted into an irrevocable executive power, because in exercising the delegated functions, the executive officer merely acts as an agent of the legislative branch of the Government. This is particularly true when, as here Congress utilizes an executive officer or administrative agency to make investigations and reports for the ultimate information of Congress. Sunshine Ccal Co. v. Adkins, 310 U.S. 381, 398, 60 S.Ct. 907, 84 L.Ed. 1263 (1940); Humphrey's Executor v. United States, 295 U.S. 602, 628, 55 S.Ct. 869, 79 L.Ed. 1611 (1935). To plaintiffs' argument that Congress cannot meddle once it has delegated power, it may be observed that legislation is itself a form of supervision. Congress has two roles: initial formulation of policy and supervision. The only pertinent question is in what manner Congress can oversee. In this case, whether the answer is by full-fledged statute or by one-House veto, there would be neither a violation of the separation-of-powers principle nor an invalid intrusion on executive power since the pay-setting function is basically legislative in character and embodies no substantial element of, or incursion into, the administration, enforcement, or execution of the laws."

Atkins v. United States, *supra*, 556 F. 2d at 1067-1068 (emphasis supplied).<sup>29</sup> We find the Atkins rationale to be both persuasive and fully consistent with the inhibitions of Article 8, as thus far construed by the Court of Appeals of Maryland.

In addition, we note that administrative rulemaking itself was originally attacked as an attempt to vest legislative power in the Executive contrary to Article 8,30 and that it was upheld, first of all, on the basis that administrative agencies:

"... while operating as independent and important agencies in the carrying out of state policies, do so on a plan which, in theory at least, is subordinate in importance to that occupied by the legislative, judicial and executive branches of government. It is certainly true that their policies and indeed their very existence is dependent upon the will of the Legislature which created them, while the functions and powers of the Governor, the Judges and the Legislature are imbedded in the Constitution. Article 8 of the