

The House Administration Committee has nothing to do with it. The nearest thing to do with it is paragraph 9, section C, of rule 11, which says:

Powers and Duties of Committees: All proposed legislation, messages, petitions, memorial and other matters related to the subject listed under the standing committees named below shall be referred to such committees respectively.

Now, the Committee on House Administration has certain authority for employment of persons by the House, including clerks for members and committees and reporters of debates. We have always assumed that House Administration was limited in its authority to the numbers of persons you can employ in your office and a ceiling on the salary you may pay any one individual. That is by statute. It is not a rule.

This is what we acted on in instructing the Clerk to drop Mrs. Powell off the payroll last fall. I am not too sure we had the authority to do it, but we proceeded on the basis, "If you don't like it, sue us." Incidentally he is. [Laughter.]

That is what we did, and this is the authority on which we acted. I have some doubt whether it is substantial enough. I think it should be clarified. I use this as an example—and incidentally it is a favorite of some of our news people and columnists, and particularly Mr. Pearson, and Herblock cartoons, to miss this distinction entirely.

I would like to come to this committee when definite language is formulated to get a clarification of the rules and the authority on these matters. It is necessary if circumstances as are involved in the Powell case are to be met. The press has said that nothing was done in the Powell case until we had to do it. We were looking into his actions and operations beginning probably as long as 2 years ago trying to find some handles to take hold of. The Clerk of the House was asked if he could remove Mrs. Powell from the payroll. The Clerk rightfully said, "I cannot go behind a Member's certification on what a member of his staff is doing." The law says that an employee must work in the Members office in the district, or in his Washington office or in the State.

Of course, it does not say whether that person has to be there 365 days out of the year, or 1 day. He can be there any time and probably meet the statutory requirement. The reason behind the provision "in the State" is because a great many Members in cities share offices. There are a number who have arrangements where offices are in a Federal building, and a number of Members in a State with their districts contiguous have offices in the building, and therefore a person would not be in the district, but rather within the State.

That was the first statute we approved 2 years, or 2½ years ago in 1964 in August as I recall. Later I brought a resolution to the floor which placed a penalty on this language, a year in jail and a \$5,000 fine. We did not pass it.

There is no penalty. This arises now in the case of a recovery of funds in the case of Mr. Powell in the opinion of the General Accounting Office.

We took it up with the General Accounting Office in a two-page letter. They said about the same thing. Finally, and I think this