Administrative Law 7th edition Hall Test Bank

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Online Instructor's Manual with Testbank
For

Administrative Law
Bureaucracy in a Democracy

7th Edition

Daniel E. Hall, J.D., Ed.D.
Miami University

Instructor's Manual, Testbank, and PowerPoints
Prepared by
Brian Craig

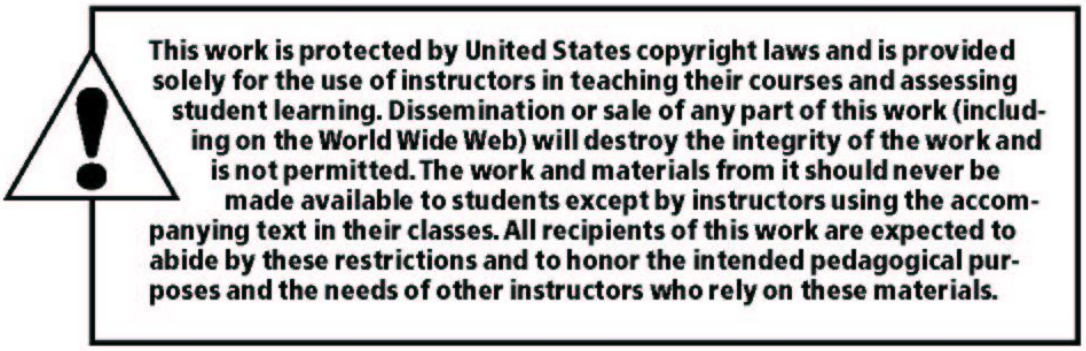
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To the Instructor

Administrative law is the field of law that defines the powers, limitations, and procedures of administrative agencies. Administrative law covers the constitutional and procedural dimensions of governmental agencies, including delegation, rulemaking, adjudications, investigations, freedom of information, liabilities of governments and their employees, judicial review, and other considerations, such as the concept of fairness. Students should develop a knowledge of administrative agencies and the laws that govern their behavior. Recent judicial opinions, pending legislation, and news stories can be used as helpful examples. This instructor's manual supplements the material in the text and serves as a guide for lesson plans and teaching the material.

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Syllabi

MODEL SYLLABUS AND COURSE OUTLINE (10 Week)

Course Title: **Course Number:**
Credit Hours: **Term:**
Prerequisite(s): **Meeting Time:**
Instructor:
Phone:
Email:

Office Location and Office Hours:

Course Description: The course explores concepts of administrative law and procedure at the federal and state levels. Students will learn the paralegal's role in the administrative process. Topics include agency discretion, delegation, agency rulemaking, agency investigations, formal adjudications, and agency accountability.

Objectives:
Upon successful completion of this course, students are expected to:

1. Identify and distinguish the sources of administrative law in the United States.
2. List and describe the structural controls of administrative agencies that exist in the U.S. government.
3. Define advisory opinions and declaratory orders and explain how they are used in practice.
4. Identify the various forms of rights secured by the Due Process and Equal Protection Clauses.
5. Define delegation and explain how and why delegations occur in the administrative context.
6. Explain the history, citing cases for each point you make, of delegations of legislative authority.
7. Identify the various forms of rulemaking, explain the circumstances in which each is used, and describe the process used to create each type of rule under the APA.
8. Explain how the Fourth Amendment to the U.S. Constitution limits the authority of agencies to conduct tests and inspections.
9. Define and distinguish adjudications from rulemaking under the federal APA.
10. Explain when an adjudication is required under the APA, and apply this principle to a set
of facts.
11. List, define, and apply to a fact scenario the most significant timing and common law limitations upon review authority.
12. Compare and contrast the objectives of the FOIA and Privacy Acts, including an explanation of how the two interact.
13. Identify and describe the historic source of governmental immunity.

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Text: Daniel E. Hall, *Administrative Law: Bureaucracy in a Democracy,* 7th ed., Prentice Hall, 2020. (ISBN 10: 0-13-518632-3; ISBN 13: 978-0-13-518632-9).

Instructional Methods: This course combines lecture, class discussion and writing assignments. Guest speakers and video/audio materials may also be used.

Grading: The student's final grade will be determined on a percentage system. Grades are determined as follows:

Written Assignments:	50%
Final Exam:	20%
Quizzes:	20%
Class Participation:	10%
Total:	100%

The following grade scale is used to determine the student's final grade:

A = 90-100%
B = 80-89%
C = 70-79%
D = 60-69%
F = 0-59%

Attendance: Students are expected to attend every class. Since part of your grade is based on class participation, attendance is important. If you expect to be absent, please let the instructor know as soon as possible.

Academic Honesty: Students who violate the school's academic honesty policy face severe consequences. Please refer to university catalog for more information on academic honesty.

Week 1
Reading: Chapters 1-2
Topic: Introduction; Bureaucracy and Democracy
Assignments: Review Questions and Critical Thinking and Application Problems

Week 2
Reading: Chapter 3
Topic: Agency Discretion
Assignments: Review Questions and Critical Thinking and Application Problems

Week 3
Reading: Chapter 4
Topic: The Requirements of Fairness
Assignments: Review Questions and Critical Thinking and Application Problems

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Week 4
Reading: Chapter 5
Topic: Delegation
Assignments: Review Questions and Critical Thinking and Application Problems

Week 5
Reading: Chapter 6
Topic: Agency Rulemaking
Assignments: Review Questions and Critical Thinking and Application Problems

Week 6
Reading: Chapter 7
Topic: Agency Information Collections and Investigations
Assignments: Review Questions and Critical Thinking and Application Problems

Week 7
Chapter 8
Topic: Formal Adjudications
Assignments: Review Questions and Critical Thinking and Application Problems

Week 8
Reading: Chapter 9
Topic: Accountability Through Reviewability
Assignments: Review Questions and Critical Thinking and Application Problems

Week 9
Reading: Chapter 10
Topic: Accountability Through Accessibility
Assignments: Review Questions and Critical Thinking and Application Problems

Week 10
Topic: Chapter 11
Topic: Accountability Through Liability
Assignments: Review Questions and Critical Thinking and Application Problems

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MODEL SYLLABUS AND COURSE OUTLINE (16 Week)

Course Title: **Course Number:**
Credit Hours: **Term:**
Prerequisite(s): **Meeting Time:**
Instructor:
Phone:
Email:

Office Location and Office Hours:

Course Description: The course explores concepts of administrative law and procedure at the federal and state levels. Students will learn the paralegal's role in the administrative process. Topics include agency discretion, delegation, agency rulemaking, agency investigations, formal adjudications, and agency accountability.

Objectives:
Upon successful completion of this course, students are expected to:

1. Identify and distinguish the sources of administrative law in the United States.
2. List and describe the structural controls of administrative agencies that exist in the U.S. government.
3. Define advisory opinions and declaratory orders and explain how they are used in practice.
4. Identify the various forms of rights secured by the Due Process and Equal Protection Clauses.
5. Define delegation and explain how and why delegations occur in the administrative context.
6. Explain the history, citing cases for each point you make, of delegations of legislative authority.
7. Identify the various forms of rulemaking, explain the circumstances in which each is used, and describe the process used to create each type of rule under the APA.
8. Explain how the Fourth Amendment to the U.S. Constitution limits the authority of agencies to conduct tests and inspections.
9. Define and distinguish adjudications from rulemaking under the federal APA.
10. Explain when an adjudication is required under the APA, and apply this principle to a set of facts.
11. List, define, and apply to a fact scenario the most significant timing and common law limitations upon review authority.
12. Compare and contrast the objectives of the FOIA and Privacy Acts, including an explanation of how the two interact.
13. Identify and describe the historic source of governmental immunity.

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Instructional Methods: This course combines lecture, class discussion and writing assignments. Guest speakers and video/audio materials may also be used.

Grading: The student's final grade will be determined on a percentage system. Grades are determined as follows:

Written Assignments:	50%
Final Exam:	20%
Quizzes:	20%
Class Participation:	10%
Total:	100%

The following grade scale is used to determine the student's final grade:

A = 90-100%
B = 80-89%
C = 70-79%
D = 60-69%
F = 0-59%

Attendance: Students are expected to attend every class. Since part of your grade is based on class participation, attendance is important. If you expect to be absent, please let the instructor know as soon as possible.

Academic Honesty: Students who violate the school's academic honesty policy face severe consequences. Please refer to university catalog for more information on academic honesty.

Week 1
Reading: Chapter 1
Topic: Introduction
Assignments: Review Questions and Critical Thinking and Application Problems

Week 2
Reading: Chapter 2
Topic: Bureaucracy and Democracy
Assignments: Review Questions and Critical Thinking and Application Problems

Week 3
Reading: Chapter 3
Topic: Agency Discretion
Assignments: Review Questions and Critical Thinking and Application Problems

Week 4
Reading: Chapter 3
Topic: Agency Discretion

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Assignments: Review Questions and Critical Thinking and Application Problems

Week 5
Reading: Chapter 4
Topic: The Requirements of Fairness
Assignments: Review Questions and Critical Thinking and Application Problems

Week 6
Reading: Chapter 5
Topic: Delegation
Assignments: Review Questions and Critical Thinking and Application Problems

Week 7
Reading: Chapter 6
Topic: Agency Rulemaking
Assignments: Review Questions and Critical Thinking and Application Problems

Week 8
Reading: Chapter 6
Topic: Agency Rulemaking
Assignments: Review Questions and Critical Thinking and Application Problems

Week 9
Reading: Chapter 7
Topic: Agency Information Collections and Investigations
Assignments: Review Questions and Critical Thinking and Application Problems

Week 10
Reading: Chapter 8
Topic: Formal Adjudications
Assignments: Review Questions and Critical Thinking and Application Problems

Week 11
Reading: Chapter 8
Topics: Formal Adjudications
Assignments: Review Questions and Critical Thinking and Application Problems

Week 12
Reading: Chapter 9
Topic: Accountability Through Reviewability
Assignments: Review Questions and Critical Thinking and Application Problems

Week 13
Reading: Chapter 9
Topic: Accountability Through Reviewability
Assignments: Review Questions and Critical Thinking and Application Problems

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Week 14
Reading: Chapter 10
Topic: Accountability Through Accessibility
Assignments: Review Questions and Critical Thinking and Application Problems

Week 15
Reading: Chapter 11
Topic: Accountability Through Liability
Assignments: Review Questions and Critical Thinking and Application Problems

Week 16
Topic: Review for Final Exam/Final Project
Assessment: Final Exam/Final Project

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Chapter 1
Introduction

CHAPTER OVERVIEW

Chapter 1 provides an introduction to administrative law. Administrative regulation is omnipresent in American life. The high level of regulation is likely the result of many factors, such as technological complexity, increases in population, and an increased interdependence of the members of the American family. As a field of law, administrative law is concerned with defining the duties and powers of administrative agencies. More important, administrative law also defines the limits of agency powers. Most agency structure and authority are defined by statute or executive order. Limitations on agency authority can be found in statutes, executive orders, and, most prominently, the Constitution.

CHAPTER OBJECTIVES

After completing this chapter, the student should be able to

- Define what administrative law is and isn't.
- Identify and distinguish the sources of administrative law in the United States.
- Describe the nature and complexity of the administrative state at the federal, state, and local levels.
- Describe the various forms of agencies.
- Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.

LECTURE OUTLINE

1.1 ADMINISTRATIVE LAW DEFINED

- Body of law developed to control and administer agency's behavior and function
- Administrative law defines agency's
    - Powers
    - Limitations
    - Procedures

1.2 SOURCES OF ADMINISTRATIVE LAW

1.2(a) Constitution

- Significant source of law in the administrative context, including;
    - Separation of powers
    - Federalism
    - Article I (powers of the National government
    - Article I (interstate commerce)
    - Fifth Amendment due process

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- Fourteenth Amendment equal protection

1.2(b) Enabling Laws

- Statute that establishes an agency
  - Sets forth responsibilities
  - Sets forth authority

1.2(c) Administrative Procedures Act

- Federal
  - Passed in 1946
  - Comprehensive but preempted by enabling statute
- State (uniform state APA)
  - Approved in 1946 by;
    - National Conference on Uniform State Laws
    - American Bar Association
  - Amended twice (1961 and 1981)
  - Adopted by 30 states and the District of Columbia (as of 2/2005)
  - 20 states have adopted another form of administrative procedures law

1.2(d) Executive Orders

- An executive order has the effect of a statute
- Sources of authority for president to issue an executive order;
  - Article II (inherent authority to regulate as chief executive)
  - Authorization of Congress
- Executive orders are generally preempted by statutes
  - Exception – if Congress has specifically delegated authority to act to the president
- Executive orders are published in the Federal Register

1.3 ADMINISTRATIVE AGENCIES

- May be called:
  - Departments
  - Commissions
  - Bureaus
  - Councils
  - Groups
  - Services
  - Divisions
  - Agencies
  - Administrations
  - Boards

See Government of the United States chart; Figure 1-1

1.3(a) The Need for Agencies

- Job of government has become too large for Congress, the courts and the executive branch to handle
- Agency expertise is necessary

1.3(b) Types of Agencies

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- Three major types
  - Social welfare
    - Promoting the general welfare of the people
    - Redistributes funds
  - Regulatory
    - Proscribes behavior
    - Determines legal compliance
    - Licensing
    - Ratemaking
    - Prosecuting violators
  - Public service
    - Provides services to the public
- Other characterizations
  - Executive
    - Organ of the executive branch
  - Independent
    - Not controlled by the president

1.3(c) The History and Size of the Bureaucracy

- Administrative agencies have existed since our nation began
  - Certain agencies were established by the first Congress
    - Treasury
    - Department of War
    - Foreign Affairs
    - Patients
    - Post Office
  - Era between the great Depression and World War II was a boom period for administrative agencies
- In 1800
  - There were 3,000 federal government employees
  - This represented approximately .0005% of total population
- In 1995
  - Nearly 3,000,000 federal government employees
  - This represented approximately 1% of total population
- Mid-1990s, number of employees swelled to 17 million

1.3(d) The Impact of Agencies on Daily Life

- Large number of agencies results in large number of service and regulations

1.4 CONCLUSION

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LIST OF CHANGES/TRANSITION GUIDE

The text and image on page 4 to President Trump's proclamation of January 16, 2018, as "Religious Freedom Day" are new to this edition. The reference on page 8 to the National Defense Authorization Act of 2018 is also new for this edition. The following learning objectives are new to this edition and revised from the previous edition:

- Describe the various forms of agencies.
- Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.

ADDITIONAL ASSIGNMENTS AND CLASS ACTIVITIES

For a possible in-class class activity, consider holding a mock congressional debate on the creation of a new federal agency. A mock congressional committee hearing could be held with students acting as members of the congressional committee and individuals who testify before the committee. For example, students could debate the creation of the Transportation Security Agency which was created to strengthen the security of the nation's transportation systems and ensure the freedom of movement for people and commerce. Students could also have a mock congressional debate on a proposal for the creation of a new federal agency to respond to a public policy issue.

SUGGESTED ANSWERS TO END-OF-CHAPTER ASSIGNMENTS

Review Questions

1. Administrative Procedure Act

2. The APA defines the procedures that agencies must use in the performance of their functions.

3. The federal APA only applies to federal agencies.

4. A social welfare agency is responsible for promoting the general welfare of the people. They often provide services or monetary distributions to those who qualify for assistance. A regulatory agency is responsible for establishing rules and regulations thereby proscribing and requiring particular behavior, determining compliance with the law and prosecuting and sometimes punishing violators regarding people and businesses under their proscribed authority. A public service agency provides services to the public without regulation or redistribution of money.

5. Three sources of administrative law include: U.S. and state constitutions, federal and state enabling legislation and presidential executive orders.

6. Student answers will vary.

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Critical Thinking and Applications Problems

1. Although the public should certainly benefit from the work of this agency, the BDP would be considered a regulatory agency. It is clearly within the purview of a regulatory agency to oversee the enforcement of deer hunting laws and to prosecute and punish those who violate the laws.

2. Following the stated amendment, the BDP would serve a dual function as both a regulatory and social welfare agency. The BDP's regulatory powers have been expanded to include the establishment of regulations regarding the setting of hunting seasons, licensing application windows and the establishment of kill limits. By adding the responsibility to redistribute revenues to qualified indigent persons, and the authority to waive fees for those who cannot pay the licensing fee and the authority to waive kill limits for those hunting for food, the BDP has taken on the additional responsibility of a social welfare agency.

3. Discussion problem. Students should elaborate and opine about two of the following factors mentioned in the text: increasing interdependence for goods and services, increasing population, decreasing personal relationships with those with whom we are dependent, technological developments, complexity of life, and changing expectations concerning the provision of services by government. Student answers will vary.

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Testbank

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Chapter 1 Introduction

1.1 Multiple Choice Questions

1) Administrative law focuses on the laws governing which part of the government?
A) Congress
B) Courts
C) Administrative agencies
D) President
Answer: C
Page Ref: 2
Objective: Define what administrative law is and isn't.
Level: Basic

2) Administrative law is needed because the number of agencies has significantly _____ in recent years.
A) increased
B) decreased
C) stayed the same
Answer: A
Page Ref: 2
Objective: Define what administrative law is and isn't.
Level: Basic

3) Which source of administrative law is a law passed by Congress that establishes an agency and sets forth the responsibilities and authority of that agency?
A) Administrative Procedure Act
B) Constitution
C) Enabling Statute
D) Executive Order
Answer: C
Page Ref: 2-3
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Basic

4) Which source of administrative law is a comprehensive statute governing the procedures that agencies must follow when performing their functions?
A) Administrative procedure act
B) Constitution
C) Enabling statute
D) Executive order
Answer: A
Page Ref: 3
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

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5) Which article under the U.S. Constitution is a source of authority for executive orders issued by the U.S. President?
A) Article I
B) Article II
C) Article III
D) Article IV
Answer: B
Page Ref: 3
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

6) The Administrative Procedure was enacted in:
A) 1926
B) 1936
C) 1946
D) 1956
Answer: C
Page Ref: 3
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

7) Which of the following is NOT a reason that explains the existence of agencies?
A) The government is so large that Congress does not have the time to make all of the laws needed.
B) Congress is too small to be expert in all areas that it regulates.
C) Agencies allow the President and Congress to delegate their responsibilities, allowing a shift of accountability and the establishment of a protective buffer regarding controversial or contentious matters.
D) Congress is too busy to be proficient in all areas that it regulates.
Answer: C
Page Ref: 10
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Level: Intermediate

8) Who is the head of the U.S. Department of Homeland Security?
A) The Secretary of the Department
B) General Counsel
C) Inspector General
D) Chief Financial Officer
Answer: A
Page Ref: 14
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Level: Intermediate

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9) Which type of administrative agency's head answers to the president and may be disciplined or terminated at the president's will?
A) Independent agency
B) Executive agency
C) Public service agency
D) Social welfare agency
Answer: B
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Basic

10) The Federal Communications Commission is a federal agency that determines who may hold a license to broadcast communications. What type of agency is the Communications Commission?
A) Regulatory agency
B) Public service agency
C) Social welfare agency
Answer: A
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Intermediate

11) The U.S. Department of Health and Human Services is a federal agency that provides disability benefits. What type of agency is the U.S. Department of Health and Human Services?
A) Regulatory agency
B) Public service agency
C) Social welfare agency
Answer: C
Page Ref: 10
Objective: Describe the various forms of agencies.
Level: Difficult

12) The highest officer of an executive agency is called a:
A) secretary
B) director
C) chairperson
D) principal
Answer: A
Page Ref: 8
Objective: Describe the various forms of agencies.
Level: Difficult

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13) Which U.S. President initiated the creation of many new agencies as part of his New Deal efforts to revive the economy during the Great Depression?
A) Theodore Roosevelt
B) Franklin D. Roosevelt
C) Woodrow Wilson
D) Harry S. Truman
Answer: B
Page Ref: 11
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Basic

14) Which of the following agencies was NOT created during the New Deal to revive the economy during the Great Depression?
A) Tennessee Valley Authority
B) Works Progress Administration
C) Civilian Conservation Corps
D) Department of Homeland Security
Answer: D
Page Ref: 11
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Basic

15) Each of the following was created by the first U.S. Congress except:
A) Department of Health and Human Resources
B) Department of Patents
C) Department of Foreign Affairs
D) Department of War
Answer: A
Page Ref: 11
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

16) Which of the following is NOT a factor for the growth of administrative agencies?
A) Increased mobility
B) Increased interdependence of people
C) Expectation that government will provide more services and benefits
D) Fiscal conservative policies
Answer: D
Page Ref: 12
Objective: Explain why the administrative state is larger today than at the time of the

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adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

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17) During the 20th century, the number of federal government employees has:
A) increased in terms of the population
B) decreased in terms of the population
C) stayed relatively level in terms of the population
D) There are no statistics kept to illustrate this point.
Answer: A
Page Ref: 14
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

18) The highest officer of an executive agency is called a:
A) secretary
B) director
C) chairperson
D) principal
Answer: A
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Basic

19) The Nuclear Regulatory Commission is a federal agency that is responsible for rate-making for energy matters of a national scale. What type of agency is the Nuclear Regulatory Commission?
A) Regulatory agency
B) Public service agency
C) Social welfare agency
Answer: A
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Intermediate

20) The National Science Foundation is a federal agency that promotes research and provides information to the public. What type of agency is the National Science Foundation?
A) Regulatory agency
B) Public service agency
C) Social welfare agency
Answer: B
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Difficult

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1.2 True/False Questions

1) Administrative law defines the powers, limitations, and procedures of administrative agencies.
Answer: TRUE
Page Ref: 2
Objective: Define what administrative law is and isn't.
Level: Basic

2) Administrative law focuses on the substantive laws of administrative agencies.
Answer: FALSE
Page Ref: 2
Objective: Define what administrative law is and isn't.
Level: Basic

3) A lawfully issued executive order has the effect of a statute.
Answer: FALSE
Page Ref: 3-4
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

4) All 50 states have adopted the Model State APA.
Answer: FALSE
Page Ref: 3
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

5) All states have enacted some form of an administrative procedure statute.
Answer: FALSE
Page Ref: 3
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

6) In most cases, where there is a conflict between an executive order and a statute, the executive order will prevail.
Answer: FALSE
Page Ref: 4
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

7) Regulatory agencies exist at both the federal and state levels.
Answer: TRUE
Page Ref: 2-3
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Level: Basic

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8) Agencies exist at all levels of the government.
Answer: TRUE
Page Ref: 8
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Level: Basic

9) Courts and legislatures are agencies.
Answer: FALSE
Page Ref: 8
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Level: Intermediate

10) The heads of independent agencies may serve at the pleasure of the president and may be fired at the president's will.
Answer: FALSE
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Basic

11) Executive agencies are generally part of the executive branch while independent agencies are generally part of the legislative branch of the government.
Answer: FALSE
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Intermediate

12) The president's cabinet is made up of heads of executive and independent committees.
Answer: FALSE
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Basic

13) The number of federal administrative agencies grew substantially in the time between the Great Depression and World War II.
Answer: TRUE
Page Ref: 11
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Basic

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14) The U.S. Constitution expressly states all of the federal administrative agencies.
Answer: FALSE
Page Ref: 11
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

15) The invention of the automobile is one factor that has led to the growth in the number of federal administrative agencies.
Answer: TRUE
Page Ref: 13
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

16) Administrative agencies have existed since the birth of the United States.
Answer: TRUE
Page Ref: 11
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Basic

1.3 Fill in the Blank Questions

1) One particular concern with administrative law involves the rights of _____ when dealing with administrative agencies.
Answer: individuals
Page Ref: 2
Objective: Define what administrative law is and isn't.
Level: Intermediate

2) Administrative law defines the powers, limitations, and _____ of administrative agencies.
Answer: procedures
Page Ref: 2
Objective: Define what administrative law is and isn't.
Level: Basic

3) The Social Security Act of 1935 that sets forth the responsibilities and authority of the Social Security Administration is an example of a(n) _____ statute.
Answer: enabling
Page Ref: 2
Objective: Identify and distinguish the sources of administrative law in the United States.

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Level: Intermediate

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4) The federal Administrative _____ Act is the comprehensive statute governing the procedures that agencies must follow when performing their functions.
Answer: Procedure
Page Ref: 3
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

5) While some scholars have referred to administrative agencies as the fourth branch of government, after creation, most administrative agencies fall under the aegis or control of the _____ branch.
Answer: executive
Page Ref: 10
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Level: Intermediate

6) The Federal Communications Commission which determines who may hold a license to broadcast communications is an example of a(n) _____ agency.
Answer: regulatory
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Intermediate

7) The U.S. Department of Veterans Affairs that provides benefits for veterans is an example of a(n) _____ welfare agency.
Answer: social
Page Ref: 10
Objective: Describe the various forms of agencies.
Level: Intermediate

8) Heads of executive agencies are nominated by the _____ of the United States and confirmed by the Senate of the United States.
Answer: President
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Intermediate

9) President Franklin D. Roosevelt initiated the creation of many new agencies as part of his _____ efforts to revive the economy and to correct other social problems the nation was experiencing.
Answer: New Deal
Page Ref: 11
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

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10) The boom era for federal administrative agencies was during the Great Depression and _____.
Answer: World War II
Page Ref: 11
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

1.4 Matching Questions

Match the source of administrative law listed in Column 1 to its description in Column 2.

A) The law that sets forth the concepts of due process of law and equal protection of laws
B) A comprehensive statute governing the procedures that agencies must follow when performing their functions
C) Law passed by Congress that establishes an agency and sets forth the responsibilities and authority of that agency
D) A declaration issued by the President without the approval of Congress

1) Enabling Statute
Page Ref: 2-5
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

2) Executive Order
Page Ref: 2-5
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

3) Constitution
Page Ref: 2-5
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

4) Administrative Procedure Act
Page Ref: 2-5
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Intermediate

Answers: 1) C 2) D 3) A 4) B

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Match the type of administrative agency listed in Column 1 to its description in Column 2.

A) Administrative agencies that provide special, nonredistributive services such as research
B) Administrative agencies over which the president exerts less control; often headed by a board or commission
C) Administrative agencies responsible for proscribing or requiring certain behavior, determining compliance with the law, and prosecuting (and occasionally punishing) those who violate the law
D) Administrative agencies responsible for promoting the general welfare of the people. Such agencies' missions often include providing services or cash distributions to persons who qualify for assistance.
E) Administrative agencies whose head answers to the president and may be disciplined or terminated at the president's will

5) Social welfare agencies
Page Ref: 10-11
Objective: Describe the various forms of agencies.
Level: Intermediate

6) Regulatory agencies
Page Ref: 10-11
Objective: Describe the various forms of agencies.
Level: Intermediate

7) Public service agencies
Page Ref: 10-11
Objective: Describe the various forms of agencies.
Level: Intermediate

8) Executive agencies
Page Ref: 10-11
Objective: Describe the various forms of agencies.
Level: Intermediate

9) Independent agencies
Page Ref: 10-11
Objective: Describe the various forms of agencies.
Level: Intermediate

Answers: 5) D 6) C 7) A 8) E 9) B

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1.5 Essay Questions

1) Explain what administrative law does NOT cover.
Answer: Administrative law does not delve into the substantive laws of administrative agencies. For example, the standards used to decide whether a person is eligible for welfare benefits are not covered by administrative law.
Page Ref: 2
Objective: Define what administrative law is and isn't.
Level: Intermediate

2) Compare and contrast the different sources of administrative law in the United States.
Answer: The U.S. Constitution establishes many the powers of the national government, specifically the power of Congress to regulate interstate commerce and other matters. The Fifth Amendment and Fourteenth Amendments provide for the protections of due process of law and equal protection of laws. An enabling statute is a law passed by Congress that establishes an agency and sets forth the responsibilities and authority of that agency. The federal Administrative Procedure Act is a comprehensive statute governing the procedures that agencies must follow when performing their functions. An executive order is a declaration issued by the President without the approval of Congress.
Page Ref: 2-4
Objective: Identify and distinguish the sources of administrative law in the United States.
Level: Difficult

3) Discuss the differences between executive agencies and independent agencies.
Answer: The heads of executive agencies are directly answerable to the president and may be fired at the president's will. The heads are therefore often very political. The heads can be influenced to act in a particular way for job survival where the President's direct control can influence policy. This can be positive or negative depending on whether one supports or opposes presidential policy. Independent agencies have presidential oversight but the President cannot fire a head without just cause. Politics is less of an issue in terms of imposing regulations and enforcing policy. Heads are more influenced by public opinion than political agendas. Heads have more freedom and autonomy to make decisions. This can be positive or negative depending on whether one supports or opposes increased or comprehensive regulation.
Page Ref: 11
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Level: Intermediate

4) What are the differences between a regulatory agency and a social welfare agency?
Answer: Regulatory agencies are responsible for proscribing or requiring certain behavior, determining compliance with the law, and prosecuting (and occasionally punishing) those who violate the law. Social welfare agencies are responsible for promoting the general welfare of the people.
Page Ref: 10-11
Objective: Describe the various forms of agencies.

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Level: Intermediate

5) Explain the factors that have led to the growth in the number of federal administrative agencies.
Answer: Several factors have contributed to the growth in government and administrative agencies. First, the increasing interdependence of people is a significant factor. The second factor is the growing expectation of the public for its government to regulate in new ways. A third factor is the expectation that government will provide more services and benefits than in the early years of the Republic. A fourth factor is the increasing mobility of people.
Page Ref: 11-14
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

1.6 Critical Thinking Questions

1) Discuss whether the Internal Revenue Service (IRS) should be an independent agency rather than an executive agency.
Answer: Student answers will vary.
Page Ref: 11
Objective: Describe the various forms of agencies.
Level: Difficult

2) What are two ways administrative law impacts your life?
Answer: Student answers will vary.
Page Ref: 15-16
Objective: Explain why the administrative state is larger today than at the time of the adoption of the U.S. Constitution, and identify at least two ways administrative law impacts your life.
Level: Intermediate

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