Online Instructor’s Manual with Testbank
For

Administrative Law: Bureaucracy
in a Democracy

6th Edition

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

Pearson

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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.
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.

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

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 Investigations and Information Collection  
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  

MODEL SYLLABUS AND COURSE OUTLINE (16 Week)
Course Title: 
Course Number: 
Credit Hours: 
Prerequisite(s): 
Instructor: 
Term: 
Meeting Time: 
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.


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
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 Investigations and Information Collection
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

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.
- Distinguish agencies using the models presented in the chapter.
- Identify the most significant factors that have contributed to the growth of the administrative state in the United States.
- Extrapolate from the presented material several examples of how agencies impact your daily 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
  - 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

- Three major types
  - Social welfare
    - Promoting the general welfare of the people
    - Redistributes funds
  - Regulatory
    - Proscribes behavior
o Determines legal compliance
o Licensing
o Ratemaking
o Prosecuting violators
• Public service
  o Provides services to the public
• Other characterizations
• Executive
  o Organ of the executive branch
• Independent
  o Not controlled by the president
### 1.3(c) The History and Size of the Bureaucracy
• Administrative agencies have existed since our nation began
  o Certain agencies were established by the first Congress
    ▪ Treasury
    ▪ Department of War
    ▪ Foreign Affairs
    ▪ Patients
    ▪ Post Office
  o Era between the great Depression and World War II was a boom period for administrative agencies
• In 1800
  o There were 3,000 federal government employees
  o This represented approximately .0005% of total population
• In 1995
  o Nearly 3,000,000 federal government employees
  o This represented approximately 1% of total population
### 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
LIST OF CHANGES/transITION GUIDE

The sidebar on Health Care Reform and Bureaucracy is new to this edition. This sidebar discusses the Patient Protection and Affordable Care Act (PPACA). The Affordable Care Act could be a good topic for a class discussion on what agencies are responsible for administration of the act.

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 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.

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 the 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.
Testbank
Multiple Choice:
1. Administrative law focuses on the laws governing which part of the government?
   a. Congress
   b. Courts
   c. Administrative agencies
   d. President
   Answer: c
   Objective: Define what administrative law is and isn’t.
   Page number: 2
   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
   Objective: Define what administrative law is and isn’t.
   Page number: 2
   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
   Objective: Identify and distinguish the sources of administrative law in the United States.
   Page number: 2-3
   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
   Objective: Identify and distinguish the sources of administrative law in the United States.
   Page number: 3
   Level: Intermediate
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
   Objective: Identify and distinguish the sources of administrative law in the United States.
   Page number: 3
   Level: Intermediate

6. The Administrative Procedure was enacted in:
   a. 1926
   b. 1936
   c. 1946
   d. 1956
   Answer: c
   Objective: Identify and distinguish the sources of administrative law in the United States.
   Page number: 3
   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
   Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
   Page number: 7
   Level: Intermediate

8. Food stamps are distributed by:
   a. Department of Health and Human Resources
   b. Department of Agriculture
   c. Department of Housing and Urban Development
   d. Food and Drug Administration
   Answer: b
   Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
   Page number: 8
   Level: Intermediate
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
   Objective: Distinguish agencies using the models presented in the chapter.
   Page number: 8-9
   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
   Objective: Distinguish agencies using the models presented in the chapter.
   Page number: 8-9
   Level: Intermediate

11. The Social Security Administration is a federal agency that provides retirement and disability benefits. What type of agency is the Social Security Administration?
   a. Regulatory agency
   b. Public service agency
   c. Social welfare agency
   Answer: c
   Objective: Distinguish agencies using the models presented in the chapter.
   Page number: 8-9
   Level: Difficult

12. The highest officer of an executive agency is called a:
   a. Secretary
   b. Director
   c. Chairperson
   d. Principal
   Answer: a
   Objective: Distinguish agencies using the models presented in the chapter.
   Page number: 8
   Level: Difficult

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

Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.

Page number: 9

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

Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.

Page number: 9

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

Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.

Page number: 9

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

Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.

Page number: 9

Level: Intermediate

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

Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.
Page number: 11
Level: Intermediate

18. The highest officer of an executive agency is called a:
a. secretary
b. director
c. chairperson
d. principal
Answer: a

Objective: Distinguish agencies using the models presented in the chapter.
Page number: 8
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

Objective: Distinguish agencies using the models presented in the chapter.
Page number: 8
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

Objective: Distinguish agencies using the models presented in the chapter.
Page number: 8
Level: Difficult

**True-False:**
1. Administrative law defines the powers, limitations, and procedures of administrative agencies.
a. True
b. False
Answer: a
Objective: Define what administrative law is and isn’t.
2. Administrative law focuses on the substantive laws of administrative agencies.
   a. True
   b. False
   Answer: b
   Objective: Define what administrative law is and isn’t.

3. A lawfully issued executive order has the effect of a statute.
   a. True
   b. False
   Answer: b
   Objective: Identify and distinguish the sources of administrative law in the United States.

4. All 50 states have adopted the Model State APA.
   a. True
   b. False
   Answer: b
   Objective: Identify and distinguish the sources of administrative law in the United States.

5. All states have enacted some form of an administrative procedure statute.
   a. True
   b. False
   Answer: b
   Objective: Identify and distinguish the sources of administrative law in the United States.

6. In most cases, where there is a conflict between an executive order and a statute, the executive order will prevail.
   a. True
   b. False
   Answer: b
   Objective: Identify and distinguish the sources of administrative law in the United States.

7. Regulatory agencies exist at both the federal and state levels.
   a. True
b. False
Answer: a
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Page number: 8
Level: Basic

8. Agencies exist at all levels of the government.
   a. True
   b. False
   Answer: a
   Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
   Page number: 5
   Level: Basic

9. Agencies may be created by all three branches of the federal government.
   a. True
   b. False
   Answer: b
   Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
   Page number: 5
   Level: Basic

10. The heads of independent agencies may serve at the pleasure of the president and may be fired at the president’s will.
    a. True
    b. False
    Answer: b
    Objective: Distinguish agencies using the models presented in the chapter.
    Page number: 8
    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.
    a. True
    b. False
    Answer: b
    Objective: Distinguish agencies using the models presented in the chapter.
    Page number: 8
    Level: Intermediate

12. The president’s cabinet is made up of heads of executive and independent committees.
    a. True
    b. False
Objective: Distinguish agencies using the models presented in the chapter.
Page number: 8
Level: Basic

13. The number of federal administrative agencies grew substantially in the time between the Great Depression and World War II.
   a. True
   b. False
   Answer: a
   Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.
   Page number: 9
   Level: Basic

14. The U.S. Constitution expressly states all of the federal administrative agencies.
   a. True
   b. False
   Answer: b
   Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.
   Page number: 10
   Level: Intermediate

15. The invention of the automobile is one factor that has led to the growth in the number of federal administrative agencies.
   a. True
   b. False
   Answer: a
   Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.
   Page number: 11
   Level: Intermediate

16. Administrative agencies have existed since the birth of the United States.
   a. True
   b. False
   Answer: a
   Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.
   Page number: 9
   Level: Basic

**Fill in the Blank:**
1. One particular concern with administrative law involves the rights of _____ when dealing with administrative agencies.
2. Administrative law defines the powers, limitations, and _____ of administrative agencies.
Answer: procedures
Objective: Define what administrative law is and isn’t.
Page number: 2
Level: Intermediate

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
Objective: Identify and distinguish the sources of administrative law in the United States.
Page number: 2
Level: Intermediate

4. The federal Administrative _______ Act is the comprehensive statute governing the procedures that agencies must follow when performing their functions.
Answer: Procedure
Objective: Identify and distinguish the sources of administrative law in the United States.
Page number: 3
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
Objective: Describe the nature and complexity of the administrative state at the federal, state, and local levels.
Page number: 7
Level: Intermediate

6. The U.S. Occupational Safety and Health Administration that sets standards for safety in the workplace is an example of a(n) ______ agency.
Answer: regulatory
Objective: Distinguish agencies using the models presented in the chapter.
Page Number: 8
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
Objective: Distinguish agencies using the models presented in the chapter.
8. Heads of executive agencies are nominated by the _____ of the United States and confirmed by the Senate of the United States.
   Answer: President
   Objective: Distinguish agencies using the models presented in the chapter.

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
   Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.

10. The boom era for federal administrative agencies was during the Great Depression and ______.
    Answer: World War II
    Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Enabling Statute</td>
<td>a. The law that sets forth the concepts of due process of law and equal protection of laws</td>
</tr>
<tr>
<td>2. Executive Order</td>
<td>b. Law passed by Congress that establishes an agency and sets forth the responsibilities and authority of that agency</td>
</tr>
<tr>
<td>3. Constitution</td>
<td>c. A comprehensive statute governing the procedures that agencies must follow when performing their functions</td>
</tr>
<tr>
<td>4. Administrative Procedure Act</td>
<td>d. A declaration issued by the President without the approval of Congress</td>
</tr>
</tbody>
</table>
Objective: Identify and distinguish the sources of administrative law in the United States.
Page number: 2-5
Level: Intermediate

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

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Social welfare agencies</td>
<td>a. Administrative agencies responsible for proscribing or requiring certain behavior, determining compliance with the law, and prosecuting (and occasionally punishing) those who violate the law</td>
</tr>
<tr>
<td>6. Regulatory agencies</td>
<td>b. Administrative agencies that provide special, nonredistributive services such as research</td>
</tr>
<tr>
<td>7. Public service agencies</td>
<td>c. 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.</td>
</tr>
<tr>
<td>8. Executive agencies</td>
<td>d. Administrative agencies over which the president exerts less control; often headed by a board or commission</td>
</tr>
<tr>
<td>9. Independent agencies</td>
<td>e. Administrative agencies whose head answers to the president and may be disciplined or terminated at the president’s will</td>
</tr>
</tbody>
</table>

5. *c
6. *a
7. *b
8. *e
9. *d

Objective: Distinguish agencies using the models presented in the chapter.
Page number: 8-9
Level: Intermediate

**Essay:**
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.
Objective: Define what administrative law is and isn’t.
Page number: 2
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.

Objective: Identify and distinguish the sources of administrative law in the United States.
Page number: 2-4
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.

Objective: Distinguish agencies using the models presented in the chapter.
Page number: 8-9
Level: Intermediate

4. 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.

Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.
Page number: 10-11
Level: Intermediate

**Critical Thinking:**
1. Discuss the impact of federal agencies that affect the life of a college student.
2. Discuss which single factor you think has contributed the most to the growth of administrative agencies.
Answer: Student answers will vary.
Objective: Identify the most significant factors that have contributed to the growth of the administrative state in the United States.
Page number: 9-12
Level: Difficult

MC:
1. c
2. a
3. c
4. a
5. b
6. c
7. c
8. b
9. b
10. a
11. c
12. a
13. b
14. d
15. a
16. d
17. a
18. a
19. a
20. b

T/F:
1. a
2. b
3. b
4. b
5. b
6. b
7. a
8. a
9. b
10. b
11. b
Fill in the Blank:
1. individuals
2. procedures
3. enabling
4. Procedure
5. executive
6. regulatory
7. social
8. President
9. New Deal
10. World War II
Matching:
1. b
2. d
3. a
4. c
5. c
6. a
7. b
8. e
9. d
Essay:
1. 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.
2. 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.
3. 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.

4. 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.

Critical Thinking:
1. Student answers will vary.
2. Student answers will vary.