

Testbank

Administrative Law: Bureaucracy in Democracy, 7e (Hall)
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

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

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

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

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

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

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

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

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

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.

Level: Intermediate

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

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

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

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.

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

Administrative Law: Bureaucracy in Democracy, 7e (Hall)
Chapter 2 Bureaucracy and Democracy

2.1 Multiple Choice Questions

1) A direct popular government where the people vote on and decide all important issues is called:

- A) a republic
- B) socialism
- C) a democracy
- D) capitalism

Answer: C

Page Ref: 19

Objective: Define and distinguish a democracy from a constitutional republic.

Level: Basic

2) The concept that federal law has the power to regulate a subject and that all contrary state laws are void is based on:

- A) the Necessary and Proper Clause
- B) the Bill of Rights
- C) the Tenth Amendment
- D) the Supremacy Clause

Answer: D

Page Ref: 23

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

3) Written judicial opinions are published in:

- A) reporters
- B) codes
- C) the Federal Register
- D) compendiums

Answer: A

Page Ref: 22

Objective: Become familiar with the basic architecture and style of judicial opinions.

Level: Intermediate

- 4) When the federal and state governments share the same power they are said to have:
- A) communal jurisdiction
 - B) common jurisdiction
 - C) combined jurisdiction
 - D) concurrent jurisdiction

Answer: D

Page Ref: 35

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

- 5) Which amendment to the U.S. Constitution preserves state authority?

- A) The First Amendment
- B) The Fifth Amendment
- C) The Ninth Amendment
- D) The Tenth Amendment

Answer: D

Page Ref: 18

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

- 6) Which article in the U.S. Constitution contains the Necessary and Proper Clause, which provides that Congress may enact all laws necessary and proper to carry out Congress's other enumerated powers?

- A) Article I
- B) Article II
- C) Article III
- D) Article IV

Answer: A

Page Ref: 22

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

7) Executive prerogative to remove individual expenditures from a budget is called a:

- A) line item veto
- B) legislative item veto
- C) column item veto
- D) row item veto

Answer: A

Page Ref: 50

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

8) Which article in the U.S. Constitution provides for the appointment power of the President?

- A) Article I
- B) Article II
- C) Article III
- D) Article IV

Answer: B

Page Ref: 44

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority.

Level: Intermediate

9) Assuming concurrent jurisdiction, which of the following is NOT an example of when federal preemption exists?

- A) The federal government establishes a comprehensive scheme to regulate the area.
- B) Congress expressly preempts the area through legislation.
- C) The federal government regulates the area before the state.
- D) State law is inconsistent with federal law.

Answer: C

Page Ref: 35

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

10) The decision in *INS v. Chadha* established that:

- A) only the House of Representatives may invalidate a decision of an executive agency
- B) only the Senate may invalidate a decision of an executive agency
- C) only a bicameral legislative decision may invalidate a decision of an executive agency
- D) decisions of an executive agency may not be invalidated by anyone except the president

Answer: C

Page Ref: 42

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

11) Which clause in the U.S. Constitution provides the president with a limited and qualified power to nullify proposed legislation by veto?

- A) Necessary and Proper Clause
- B) Supremacy Clause
- C) Presentment Clause
- D) Commerce Clause

Answer: C

Page Ref: 49

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority.

Level: Difficult

12) Pursuant to statute, the power of appointment of special independent counsel is vested in:

- A) the president
- B) a special panel of House of Representative members
- C) a special panel of Senate members
- D) a special panel of federal judges

Answer: D

Page Ref: 44

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

13) What is the name of the federal statute enacted in 1883 that created the civil service system for federal employees?

- A) Sarbanes-Oxley Act
- B) Pendleton Act
- C) Line Item Veto Act
- D) Patient Protection and Affordable Care Act

Answer: B

Page Ref: 50

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

14) Who expressed concerns during the Constitutional Convention that the veto power found in the Presentment Clauses might easily be evaded by a simple resolution?

- A) James Hamilton
- B) Alexander Hamilton
- C) John Jay
- D) John Adams

Answer: A

Page Ref: 54

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

15) The concept of separation of powers is based on a _____ division of power.

- A) horizontal
- B) vertical
- C) circular
- D) parallel

Answer: A

Page Ref: 41

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

16) The President of the United States vetoes a law passed by Congress. Congress can override the presidential veto by a _____ majority vote.

- A) simple
- B) 2/3
- C) 3/4
- D) 4/5

Answer: B

Page Ref: 42

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Basic

17) What is the name of the U.S. Supreme Court case where the Court invalidated the single-house legislative veto?

- A) *Clinton v. New York*
- B) *INS v. Chadha*
- C) *Myers v. U.S.*
- D) *Buckley v. Valeo*

Answer: B

Page Ref: 52

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

18) What is the name of the U.S. Supreme Court case where the Court found the line-item veto unconstitutional?

- A) *Clinton v. New York*
- B) *INS v. Chadha*
- C) *Myers v. U.S.*
- D) *Buckley v. Valeo*

Answer: A

Page Ref: 51

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

19) Which of the following is NOT a power that the President of the United States can use to exercise control over administrative agencies?

- A) Recommend to Congress agency reorganization
- B) Establish policy
- C) Appoint agency heads
- D) Reverse agency-created rules

Answer: D

Page Ref: 43

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

20) Which of the following is NOT a power that Congress can use to exercise control over administrative agencies?

- A) Create a new agency
- B) Establish the budget
- C) Unicameral legislative veto
- D) Call the agency head to testify before a Congressional committee

Answer: C

Page Ref: 43

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

2.2 True/False Questions

1) Democracy refers to the idea that governmental authority, as well as the will of the popular majority, should be limited by fundamental civil liberties and that government officers are accountable for their actions.

Answer: TRUE

Page Ref: 19

Objective: Define and distinguish a democracy from a constitutional republic.

Level: Basic

2) Much of administrative law is concerned with how to keep the bureaucracy accountable in our democratic republic.

Answer: TRUE

Page Ref: 19

Objective: Define and distinguish a democracy from a constitutional republic.

Level: Basic

3) The purpose of separating powers among different branches of government is to prevent the centralization of power and abuse of citizens by government.

Answer: TRUE

Page Ref: 22

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Basic

4) Under the Commerce Clause, the federal government may compel a state to enact or administer a federal regulatory program.

Answer: FALSE

Page Ref: 22

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Basic

5) Article II of the Constitution gives Congress the power to delegate the appointment of inferior agency officers to agency heads.

Answer: TRUE

Page Ref: 42

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

6) Federal judges appointed under Article III of the Constitution are appointed for ten-year renewable terms.

Answer: FALSE

Page Ref: 41

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

7) The Necessary and Proper Clause of the Constitution is designed to provide that Congress may enact any laws it deems necessary and proper to ensure the health and welfare of the American people.

Answer: FALSE

Page Ref: 22

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

8) Article I, section 8 of the U.S. Constitution lists the powers of Congress.

Answer: TRUE

Page Ref: 21

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Basic

9) The general authority of the states to regulate for the health and welfare of the people is known as the police power.

Answer: TRUE

Page Ref: 21

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Basic

10) A legislative veto is a mechanism used by the president to invalidate Congressional enactments deemed procedurally unconstitutional.

Answer: FALSE

Page Ref: 52

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

11) Both federalism and separation of powers are structural elements found in the Constitution intended to keep any single group or person in government from becoming too powerful.

Answer: TRUE

Page Ref: 20

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

12) According to decisions by the Supreme Court, all federal employees are considered "officers" of the United States.

Answer: FALSE

Page Ref: 44

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

13) Congress can validly enact a statute that gives it the right to fire or remove heads of executive agencies.

Answer: FALSE

Page Ref: 44

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

14) The Federal Trade Commission is an independent agency.

Answer: TRUE

Page Ref: 45

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Basic

15) Generally, the U.S. Constitution does not address federal or state agencies.

Answer: TRUE

Page Ref: 40

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Basic

16) The case of *Clinton v. New York* established that the independent counsel law was a valid and legal exercise of Article II of the Constitution.

Answer: FALSE

Page Ref: 44

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

17) Borrowing money is an exclusive federal power.

Answer: FALSE

Page Ref: 35

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

2.3 Fill in the Blank Questions

1) In a republic, accountability of those who govern is checked through periodic _____.

Answer: elections

Page Ref: 19

Objective: Define and distinguish a democracy from a constitutional republic.

Level: Basic

2) The _____ division of authority is known as federalism.

Answer: horizontal

Page Ref: 20

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

3) The Attorney General of the United States is appointed by the _____.

Answer: President

Page Ref: 44

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Basic

4) One provision found in Article I, section 8, clause 3 of the U.S. Constitution that has contributed to the growth of federal power is the _____ Clause which gives the power to Congress to regulate interstate commerce.

Answer: Commerce

Page Ref: 23

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

5) The Secretary of the U.S. Department of Labor is called to testify before Congress concerning activities of the agency. Congress engages in oversight of agencies through _____.

Answer: committees

Page Ref: 52

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

6) Federal judges are appointed for life and have lifetime tenure pursuant to Article _____ of the U.S. Constitution.

Answer: III

Page Ref: 41

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

7) In *INS v. Chadha*, the U.S. Supreme Court invalidated the _____ veto, a mechanism used by Congress to invalidate agency action.

Answer: legislative

Page Ref: 52

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

8) In *Myers v. United States*, the U.S. Supreme Court invalidated a statute that required Senate approval to fire postmasters holding that Article _____ of the U.S. Constitution grants to the President the executive power of the government.

Answer: II

Page Ref: 45

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

9) In *Morrison v. Olson*, the U.S. Supreme Court upheld the validity of the _____ statute where a federal prosecutor is charged with investigating and prosecuting a government official.

Answer: independent counsel

Page Ref: 44

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

10) In *Clinton v. City of New York*, the U.S. Supreme Court found that Congress violated the separation of powers in passing the _____ Act, a law that delegated to the president the power to strike individual expenditures from the congressionally enacted budget.

Answer: Line Item Veto

Page Ref: 50

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

2.4 Matching Questions

Match the clause in the U.S. Constitution in Column 1 to its description in Column 2.

A) States that Congress has the power to regulate interstate commerce, commerce with foreign nations, and commerce with Indian tribes

B) Provides that properly enacted federal laws are superior to all state and local laws

C) Provides that Congress may enact all laws necessary and proper to carry out Congress's other enumerated powers

1) Commerce Clause

Page Ref: various

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

2) Necessary and Proper Clause

Page Ref: various

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

3) Supremacy Clause

Page Ref: various

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

Answers: 1) A 2) C 3) B

Match the governmental power in Column 1 to its category in Column 2.

- A) Exclusive federal power
- B) Exclusive state power
- C) Power denied to both federal and state governments
- D) Concurrent power

4) General Health and Welfare

Page Ref: various

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

5) Providing Education

Page Ref: various

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

6) Borrowing Money

Page Ref: various

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

7) Taxation

Page Ref: various

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

8) Making treaties

Page Ref: various

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

9) Ex Post Facto Laws

Page Ref: various

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

10) Regulating Bankruptcy

Page Ref: various

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

Answers: 4) B 5) B 6) D 7) D 8) A 9) C 10) A

2.5 Essay Questions

1) The doctrines of federalism and separation of powers prohibit the federal government from interfering with states where there is no direct connection to a constitutionally delegated federal power. As a result, attempts at federal gun control were found unconstitutional in the cases of *United States v. Lopez* and *Printz v. United States*.

Assuming that the court's interpretation of the law was accurate, do you believe that the states' power to regulate in these matters should outweigh the federal government's right to do so? What, if anything, should be done?

Answer: Student answers will vary based on whether they believe in states' rights or in increased federal regulation. The student should be able to state the facts and reasoning in the cases. *Lopez* involved an attempt to create federal legislation making the possession of a gun in a school zone a crime. *Printz* invalidated a provision of the Brady Handgun Violence Protection Act establishing a system of background checks on gun buyers and delegating to the states the responsibility to administer the programs until the federal government could take over. In both cases, the federal government claimed jurisdiction based on the Interstate Commerce Clause and the argument was rejected by both courts. In answering this question, the student should give a logical and thoughtful explanation of federalism and what it means in the U.S. system. Many students will come to realize the quality of visionary thought exhibited by the constitution's framers and the true separation of powers we have in this country. Students should also recognize the true inconsistencies that exist both from state to state and between the state and federal governments. Those who wish to grant the federal government more power will need to recognize that a change in policy will require a constitutional amendment and how difficult change actually is.

Page Ref: various

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

2) Explain why the U.S. Supreme Court invalidated the legislative veto in *INS v. Chadha*.

Answer: The U.S. Supreme Court held that Congress could not bypass the bicameralism requirement (both the House and Senate must pass laws), nor could it remove the president from the process of making laws. The Court took a strict adherence to the doctrine of separation of powers.

Page Ref: 52

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Intermediate

3) Explain why the U.S. Supreme Court invalidated the line item veto in *Clinton v. City of New York*.

Answer: Based on the same reasoning in *INS v. Chadha*, the U.S. Supreme Court held that Congress could not bypass the bicameralism requirement (both the House and Senate must pass laws) with the line item veto. The Court took a strict adherence to the doctrine of separation of powers.

Page Ref: 50

Objective: Identify and describe the major structural characteristics of the U.S. government and provisions of the Constitution of the United States that are intended to divide governmental authority and, hence, reduce abuses of authority and explain how administrative agencies pose a challenge to this model.

Level: Intermediate

2.6 Critical Thinking Questions

1) Which method do you think is the most effective power of Congress to control the federal bureaucracy? Explain.

Answer: Student answers will vary.

Page Ref: 52

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult

2) Which method do you think is the most effective power of the President to control the federal bureaucracy? Explain.

Answer: Student answers will vary.

Page Ref: 43

Objective: List and describe the various ways that the president, Congress, and the courts control bureaucracy.

Level: Difficult