

Administrative Law Chapter 1

Chapter 1

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Chapter 1

Introduction to Administrative Law

CHAPTER OBJECTIVES
After reading this chapter, you should be able to:

- Demonstrate a basic understanding of the role that administrative agencies play in U.S. society.
- Understand how and why agencies are created.
- Explain where administrative agencies function within the federal and state systems.
- Trace the historical background that shaped the development of administrative agencies.
- Categorize the types of administrative agencies.
- Examine the areas of law that come within the scope of administrative law.

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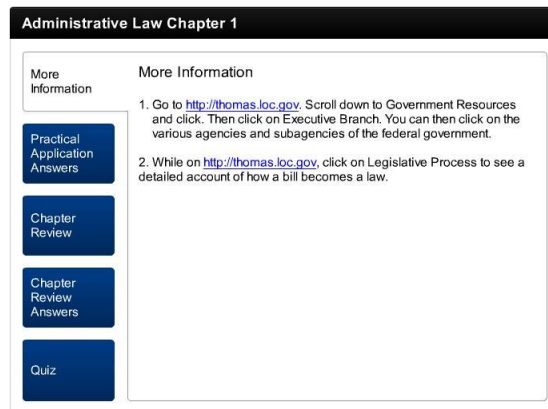
CHAPTER OUTLINE

Introduction to Administrative Law
Administrative Law and the Constitution
Administrative Law and Separation of Powers
Administrative Law and Federalism
Administrative Law and Administrative Agency Defined

Creation of Agencies, Issues of Separation of Powers,
and Delegation
Agency Discretion
Procedural Law and Substantive Law
Sources of Administrative Law
The Constitution
Statutes
Common Law
Executive Orders
Rules or Regulations
Brief Historical Overview
Early Years of the Country-1789-1870s
Populist Era-1870s-1890s
Progressive Era-1890s-1920s
Depression and New Deal-1920s-1930s
Post New Deal and Adoption of Administrative Procedure
Act (APA)-1946
Modern Era-1960-present
Types of Agencies
Executive Department or Cabinet Level
Subcabinet
Independent-Agency Type of Commission/Board Type
Regulatory, Social Welfare, Ratemaking
What Agencies Don't Do

More Information

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The screenshot shows a user interface for 'Administrative Law Chapter 1'. On the left side, there is a vertical menu with four blue buttons: 'Practical Application Answers', 'Chapter Review', 'Chapter Review Answers', and 'Quiz'. The main content area on the right is titled 'More Information' and contains two numbered steps:

1. Go to <http://thomas.loc.gov>. Scroll down to Government Resources and click. Then click on Executive Branch. You can then click on the various agencies and subagencies of the federal government.
2. While on <http://thomas.loc.gov>, click on Legislative Process to see a detailed account of how a bill becomes a law.

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Practical Application Answers

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The screenshot shows a software interface with a dark header bar containing the text "Administrative Law Chapter 1". On the left side, there is a vertical navigation menu with five blue buttons: "More Information", "Practical Application Answers", "Chapter Review", "Chapter Review Answers", and "Quiz". The "Practical Application Answers" button is highlighted. The main content area on the right is titled "Practical Application Answers" and contains the following text:

1. Go to your state's Web site and do the following:

- A. Note the agencies of the government and their functions. Answers will vary depending on the state.
- B. List all the agencies that are considered part of the governor's cabinet. Answers will vary depending on the state.
- C. Make a list of the various independent agencies. Answers will vary depending on the state.

2. Go to the Web site for the Department of the Interior at <http://www.doi.gov> and answer the following:

Name five subagencies that are included in the Department of Interior.

- Bureau of Reclamation
- U.S. Fish and Wildlife Service

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2. Go to the Web site for the Department of the Interior at <http://www.doi.gov> and answer the following:

Name five subagencies that are included in the Department of Interior.

- Bureau of Reclamation
- U.S. Fish and Wildlife Service
- National Park Service
- Bureau of Land Management
- Minerals Management Service

3. Go to the Web site of the Department of Commerce at <http://www.commerce.gov>.

Name five subagencies that are included in the Department of Commerce.

- Economics and Statistics Administration (ESA)
- Bureau of the Census
- Bureau of Economic Analysis (BEA)
- Economic Development Administration (EDA)
- International Trade Administration (ITA)
- Minority Business Development Agency (MBDA)
- National Oceanic & Atmospheric Administration (NOAA)
- National Telecommunications and Information Administration (NTIA)
- Patent and Trademark Office (PTO)
- Technology Administration (TA)

4. In 2004, Congress established a new agency called the Office of the Director of National Intelligence.

To obtain the enabling act which created this agency and other information, go to <http://thomas.loc.gov>.

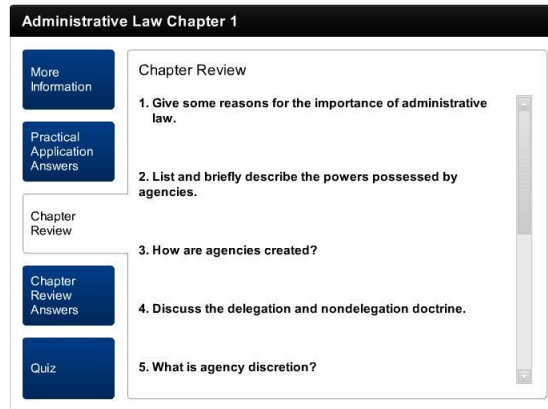
- Select the 108th Congress.
- Do a bill search for S. 2845.

A. Who was the main sponsor of this bill?
Senator Collins

B. What was the last major action on the bill?
Became Public Law 108-458

Chapter Review

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1. Give some reasons for the importance of administrative law.
2. List and briefly describe the powers possessed by agencies.
3. How are agencies created?
4. Discuss the delegation and nondelegation doctrine.
5. What is agency discretion?

Step Text

1. Give some reasons for the importance of administrative law.

2. List and briefly describe the powers possessed by agencies.

3. How are agencies created?

4. Discuss the delegation and nondelegation doctrine.

5. What is agency discretion?

6. State the historical eras that have characterized the development of administrative law.

7. What are some of the various types of agencies?

8. Describe the scope of administrative law.

Chapter Review Answers

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Administrative Law Chapter 1

Chapter Review Answers

1. Give some reasons for the importance of administrative law.
Administrative law is important because government agencies issue regulations that have the force of law in virtually all aspects of society. Virtually no part of U.S. society is unaffected by regulations.

2. List and briefly describe the powers possessed by agencies.
Most agencies have legislative power-power to pass regulations that have the force of law; executive power-power to enforce regulations; and judicial power-power to adjudicate as to whether a regulation has been violated.

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3. How are agencies created?

Agencies are created by a legislative body through the passage of an enabling act.

4. Discuss the delegation and nondelegation doctrine.

Delegation can be seen as the transfer of power by Congress to an administrative agency. Because Article I of the U.S. Constitution vests legislative power in Congress, constitutional issues have been raised to the legitimacy of administrative agencies. The nondelegation doctrine recognizes this dilemma and concerns itself with the limits and requirements of a valid delegation of power to an administrative agency.

5. What is agency discretion?

Discretion is the ability possessed by agencies to make choices in the way they do their work.

6. State the historical eras that have characterized the development of administrative law.

(Click on Diagram)

7. What are some of the various types of agencies?

Types of Agencies

Executive Departments:

*Cabinet Level-Political Appointments by
President and Must Be Approved by Senate
Department of Health and Human Services
(HHS) (Cabinet)*

Centers for Disease Control (CDC) (subcabinet)

Food and Drug Administration (FDA) (subcabinet and regulatory)

Department of the Interior (Cabinet)

National Park Service (subcabinet)

Department of Justice (DOJ) (Cabinet)

Drug Enforcement Agency (DEA) (subcabinet)

Federal Bureau of Investigation (FBI) (subcabinet)

Department of Treasury (Cabinet)

Bureau of Alcohol, Tobacco and Firearms (ATF)(regulatory)

Internal Revenue Service (IRS) (regulatory)

Department of Labor (Cabinet)

Occupational Safety and Health Administration
(OSHA) (subcabinet and regulatory)

Independent-Two Types

1. Commission or Board

Consumer Product Safety Commission (CPSC) (regulatory)

Equal Employment Opportunity Commission (EEOC) (regulatory)

2. Agency headed by One Person, Called an Administrator

Environmental Protection Agency (EPA) (regulatory)

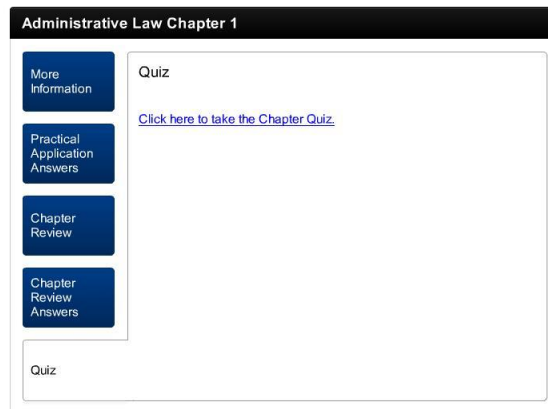
Generally, members of independent agencies serve fixed terms and cannot be removed except for cause.

8. Describe the scope of administrative law.

Administrative law involves issues between an individual or business concerning the issuance of regulations, enforcement of regulations, and the adjudication of regulations. Administrative law does not involve civil disputes between individuals, nor does it involve the criminal law.

Quiz

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Step Text

[Click here to take the Chapter Quiz.](#)