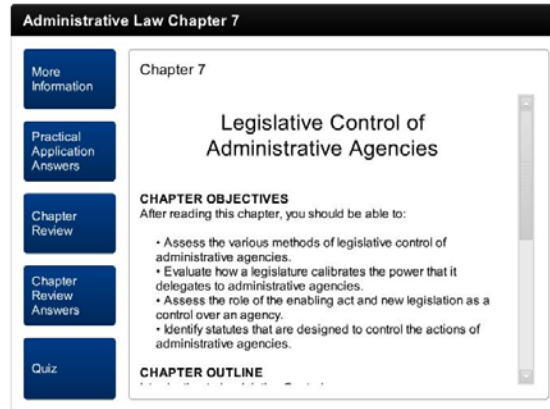


# Administrative Law Chapter 7

## Chapter 7



### Step Text

## Legislative Control of Administrative Agencies

### CHAPTER OBJECTIVES

After reading this chapter, you should be able to:

- Assess the various methods of legislative control of administrative agencies.
- Evaluate how a legislature calibrates the power that it delegates to administrative agencies.
- Assess the role of the enabling act and new legislation as a control over an agency.
- Identify statutes that are designed to control the actions of administrative agencies.

### CHAPTER OUTLINE

Introduction to Legislative Control  
Control by the Enabling Act  
Control by Abolition and Sunset  
Control by New Legislation  
Control by Funding

Control by Approval of Agency Officials  
Control by Oversight  
Control by Direct Contact  
Control by Sunshine Provisions  
Control by Legislative Veto  
Control by the Congressional Review Act  
Paperwork Reduction Act  
Regulatory Flexibility Act and Unfunded Mandates Act  
Agencies to Oversee Other Agencies  
Advisory Committees

## More Information

5 seconds

**Administrative Law Chapter 7**

More Information

1. Go to the Web site of the United States Commission on Civil Rights at <http://www.usccr.gov> to see what power has been delegated to this agency. Click on "Mission and Powers."

2. Go to <http://www.senate.gov> and click on "Committees" to see a list of Senate Committees and the areas over which the committees have jurisdiction.

3. Go to <http://www.house.gov/house> and click on "Committees" to see a list of House Committees and the areas over which the committees have jurisdiction.

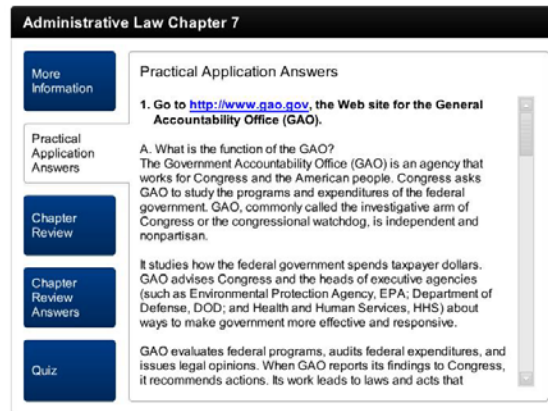
4. Go to: <http://www.nrc.gov> to see how the Nuclear Regulatory Commission was established and to see which laws govern its operations.

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## Practical Application Answers

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The screenshot shows a digital interface for 'Administrative Law Chapter 7'. On the left is a navigation menu with buttons for 'More Information', 'Practical Application Answers', 'Chapter Review', 'Chapter Review Answers', and 'Quiz'. The main content area is titled 'Practical Application Answers' and contains the following text:

1. Go to <http://www.gao.gov>, the Web site for the General Accountability Office (GAO).

A. What is the function of the GAO?  
The Government Accountability Office (GAO) is an agency that works for Congress and the American people. Congress asks GAO to study the programs and expenditures of the federal government. GAO, commonly called the investigative arm of Congress or the congressional watchdog, is independent and nonpartisan.

It studies how the federal government spends taxpayer dollars. GAO advises Congress and the heads of executive agencies (such as Environmental Protection Agency, EPA; Department of Defense, DOD; and Health and Human Services, HHS) about ways to make government more effective and responsive.

GAO evaluates federal programs, audits federal expenditures, and issues legal opinions. When GAO reports its findings to Congress, it recommends actions. Its work leads to laws and acts that

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B. What was the prior name of this agency?

General Accounting Office

C. Is the GAO subject to FOIA?

No; however, GAO's disclosure policy follows the spirit of the act consistent with GAO's duties and functions as an agency with primary responsibility to Congress.

D. What is the name and title of the person who heads the GAO?

- David M. Walker
- Comptroller General of the United States
- Appointed October 1998; term of office expires in October 2013.

E. What is the term of office for the head of the GAO?

15 years

**2. Go to the Web site of the Government Printing Office at <http://www.gpoaccess.gov/chearings/index.html> and answer the following questions.**

Search the 109th Congress for the House and put in the search "boxing." Click on the fourth hit.

A. What is the name of the subcommittee that conducted the hearing?

Subcommittee Commerce, Trade and Consumer Protection

B. Who is the chairman of the subcommittee?

Cliff Stearns

C. What is the date that the hearing was held?

March 3, 2005

**3. Answer the following questions after reviewing Exhibit 7-4.**

A. What Committee of Congress conducted the hearing?

Subcommittee on Labor, Health and Human Services

B. Over which agencies does this committee have oversight responsibilities?

Departments of Labor, Health, and Human Services

C. What was the date of the hearing?

January 23, 2006

D. What was the subject matter of the hearing?

Sago Mine Disaster

E. What Senators were present?

Spector, Byrd, and Harkin

F. Identify Mr. McKinney and Mr. Dye and the agency they represented.

- *McKinney*-Administrator for Coal Mine Safety and Health Administration
- *Dye*-Acting Assistant Secretary, Mine Safety and Health Administration

**4. In the aftermath of the Sago Mine Tragedy, Congress introduced corrective legislation. Find the Bill and answer the following questions.**

- Go to [thomasloc.gov](http://thomasloc.gov).
- Select the 109 Congress.
- Select Search Bill Text.
- Put in as your search “S 2308” or “Mine Safety and Health Act of 2006.”

A. To what Committee was the bill referred?  
Committee on Health, Education, Labor and Pensions

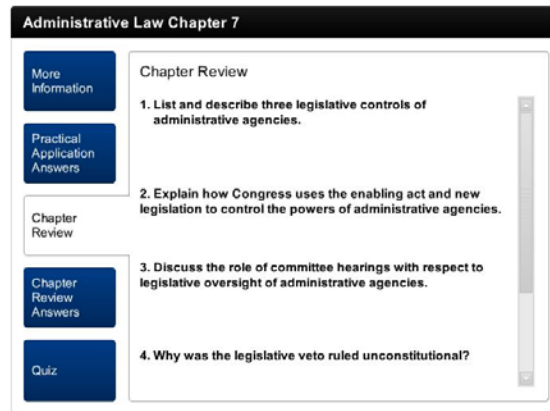
B. What existing statute does this bill amend?  
Federal Mine Safety and Health Act of 1977

C. Under Section 2 of the bill, state three requirements that improve mine safety.  
Requires operators of mines make available oxygen stations, wireless emergency tracking devices, and wireless communication devices.

D. Under Section 5 of the bill, what is the time period within which an operator must inform the Secretary of Labor of a disaster, and what is the penalty for failing to do so?  
15 minutes, \$100,000

## Chapter Review

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The screenshot shows a digital interface for 'Administrative Law Chapter 7'. On the left, there is a vertical navigation menu with buttons for 'More Information', 'Practical Application Answers', 'Chapter Review', 'Chapter Review Answers', and 'Quiz'. The 'Chapter Review' button is highlighted. The main content area is titled 'Chapter Review' and contains four numbered questions:

1. List and describe three legislative controls of administrative agencies.
2. Explain how Congress uses the enabling act and new legislation to control the powers of administrative agencies.
3. Discuss the role of committee hearings with respect to legislative oversight of administrative agencies.
4. Why was the legislative veto ruled unconstitutional?

### *Step Text*

**1. List and describe three legislative controls of administrative agencies.**

**2. Explain how Congress uses the enabling act and new legislation to control the powers of administrative agencies.**

**3. Discuss the role of committee hearings with respect to legislative oversight of administrative agencies.**

**4. Why was the legislative veto ruled unconstitutional?**

**5. List some other statutes that seek to control administrative agencies.**





## Chapter Review Answers

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The screenshot shows a digital interface for 'Administrative Law Chapter 7'. On the left, there is a vertical navigation menu with five blue buttons: 'More Information', 'Practical Application Answers', 'Chapter Review', 'Chapter Review Answers', and 'Quiz'. The main content area is titled 'Chapter Review Answers' and contains three numbered questions. Question 1 asks for three legislative controls of administrative agencies, with bullet points for 'The enabling act', 'New legislation', and 'Budget'. Question 2 asks how Congress uses enabling acts and new legislation to control agency powers, with a paragraph explaining delegation and redefinition of powers. Question 3 asks about the role of committee hearings, with a paragraph explaining their purpose in providing accountability and investigating scandals or disasters.

### Step Text

#### 1. List and describe three legislative controls of administrative agencies.

- *The enabling act*- creates and gives life to the agency
- *New legislation*- can change the powers and functions of the agency
- *Budget*- sets how much an agency can spend

#### 2. Explain how Congress uses the enabling act and new legislation to control the powers of administrative agencies.

The enabling act delegates power to the agency and determines the nature and scope of agency powers and responsibilities. Congress can then pass new legislation that redefines the role of the agency. Congress can delegate new powers, eliminate existing powers, and even abolish the agency.

#### 3. Discuss the role of committee hearings with respect to legislative oversight of administrative agencies.

Congress and state legislatures conduct committee hearings to provide accountability of agency functions and performance. The committees call agency officials to testify and to provide reports on agency operations. Committees also conduct hearings with respect to budgetary matters and to investigate if there is an ongoing scandal or a disaster such as a bridge collapse or train or plane crash.

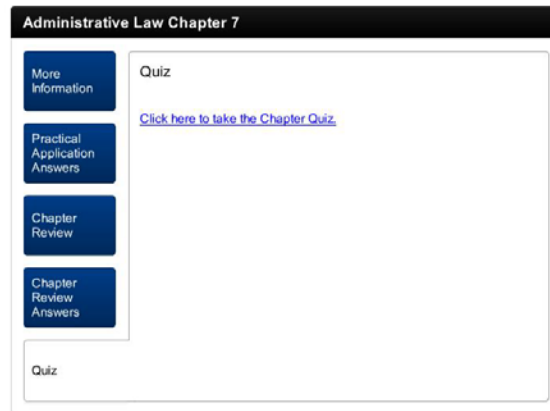
#### 4. Why was the legislative veto ruled unconstitutional?

The legislative veto violated the Presentment Clause and bicameralism.

**5. List some other statutes that seek to control administrative agencies.**  
Congressional Review Act, Paperwork Reduction Act, Regulatory Flexibility Act,  
and Unfunded Mandates Act

## Quiz

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The screenshot shows a user interface for 'Administrative Law Chapter 7'. On the left is a vertical sidebar with four blue buttons: 'More Information', 'Practical Application Answers', 'Chapter Review', and 'Chapter Review Answers'. The main content area on the right has a title 'Quiz' and a blue hyperlink that reads 'Click here to take the Chapter Quiz.'. Below the main content area, there is a small box with the word 'Quiz' inside.

### ***Step Text***

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