Administrative Law Chapter 7

Chapter 7

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

Step Text

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.
Practical Application Answers

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Step Text


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 save billions of dollars.

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

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


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.
- 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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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.
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

5 seconds

Step Text

Click here to take the Chapter Quiz.