

Test Item File

Chapter 1

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.

Page number: 2

Level: Basic

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.

Page number: 2

Level: Basic

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.

Page number: 3-4

Level: Intermediate

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.

Page number: 3

Level: Intermediate

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.

Page number: 3

Level: Intermediate

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.

Page number: 3-4

Level: Intermediate

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

Answer: b

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.

Answer: individuals

Objective: Define what administrative law is and isn't.

Page number: 2

Level: Intermediate

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: 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

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.

Page Number: 8
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

Objective: Distinguish agencies using the models presented in the chapter.

Page Number: 8
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

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

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.

Page number: 9
Level: Intermediate

Matching:

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

Column 1	Column 2
1. Enabling Statute	a. The law that sets forth the concepts of due process of law and equal protection of laws
2. Executive Order	b. Law passed by Congress that establishes an agency and sets forth the responsibilities and authority of that agency
3. Constitution	c. A comprehensive statute governing the procedures that agencies must follow when performing their functions
4. Administrative Procedure Act	d. A declaration issued by the President without the approval of Congress

1. *b
2. *d
3. *a
4. *c

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.

Column 1	Column 2
5. Social welfare agencies	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
6. Regulatory agencies	b. Administrative agencies that provide special, nonredistributive services such as research
7. Public service agencies	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.
8. Executive agencies	d. Administrative agencies over which the president exerts less control; often headed by a board or commission
9. Independent agencies	e. Administrative agencies whose head answers to the president and may be disciplined or terminated at the president's will

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.

Answer: Student answers will vary.

Objective: Distinguish agencies using the models presented in the chapter.

Page number: 13-14

Level: Difficult

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

12. b

13. a

14. b

15. a

16. a

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.