

# Justices Votes

Case	Sotomayor	Kagan	Bryer	Roberts	Kavanaugh	Gorsuch	Barrett	Alito	Thomas
Carson v. Makin	Blue	Blue	Blue	Red	Red	Red	Red	Red	Red
Kennedy v. Bremerton School District	Blue	Blue	Blue	Red	Red	Red	Red	Red	Red
John Does 1–3 v. Mills	Red	Red	Red	Red	Red	Blue	Red	Blue	Blue
New York State Rifle & Pistol Association, Inc. v. Bruen	Blue	Blue	Blue	Red	Red	Red	Red	Red	Red

# Administrative Agencies

## Why Administrative Agencies?

- Need for technical knowledge
- Remove “politics” from some decisions

# Administrative Agencies

## How Administrative Agencies Operate

- Propose Regulation
- Notice and Comment
- Issue Final Regulation

# Executive Agencies

1. Occupational Safety and Health Administration (OSHA)
2. Internal Revenue Service (IRS)
3. State Department
4. Health and Human Services
5. Etc.

# Independent Agencies

1. Securities and Exchange Commission
2. Federal Reserve
3. Environmental Protection Agency (EPA)

# Administrative Agencies

1. The agency erred in merits of its decision
2. The agency exceeded the scope of power granted by Congress
3. The statute authorizing the agency to act is somehow unconstitutional

# Judicial Review of Agency Actions

When can a court overturn a substantive regulation, i.e. a pollution standard?

Courts will uphold substantive regulation so long as it is based upon “substantial evidence.”

# Judicial Review of Agency Actions

When will a court find that an agency has exceeded its statutory authority?

A matter of statutory construction.



# *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc*

Set forth the legal test for determining whether to grant deference to a government agency's interpretation of a statute which it administers. Courts will defer to an agency's interpretation of a statute if: (1) the agency's interpretation is based on a permissible construction; and (2) Congress has not spoken directly to the precise issue at question.