Who Can Act?

Compare powers in the federal system

8.C.2 "Compare and contrast the delegated, reserved, and concurrent powers (division of power or federal system) contained in the United States Constitution."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two delegated powers, circle two reserved powers, and put a box around two concurrent powers in the passage. Use your marks to compare which governments can exercise each kind of power.

A Bridge and Three Kinds of Power

1 A town wants to replace a bridge after a major storm. The mayor hears three proposals: ask Congress for money, raise a state tax, or request help from both governments. Which government can act depends on the Constitution's division of power, called federalism. Delegated powers belong to the national government because the Constitution grants them to it. Reserved powers belong to the states because the Constitution does not give them to the national government or forbid them to the states. Concurrent powers can be used by both levels of government.

2 Suppose a construction crew needs supplies shipped across state lines. Congress can regulate trade between states, an example of a delegated power. Congress also has the power to coin money and declare war. A state cannot declare war or make its own coins. By contrast, states set rules for driver's licenses and oversee public schools. These are reserved powers. A state may decide the age for a learner's permit, but Congress does not gain that power just because a road crosses state lines.

3 The bridge still needs money. Both Congress and state legislatures can levy taxes, so taxation is a concurrent power. Each level also has courts that hear cases under its laws. This does not mean the two governments have exactly the same authority. A state tax must follow the United States Constitution, and valid federal law takes priority when it conflicts with state law. To sort a power, ask whether the Constitution gives it to the national government, leaves it with the states, or allows both governments to exercise it.

2 ANSWER WITH EVIDENCE

Use the passage

1. How does the power to coin money differ from the power to set rules for driver's licenses?

2. Why is regulating trade between states a delegated power, while overseeing public schools is a reserved power?

3. How is levying taxes different from declaring war in terms of which governments can act?

4. How can Congress and a state legislature both levy taxes while a state law may still lose to a valid federal law?

3 YOUR TURN

Your own words

Your town plans a weekend market with sellers from two states. Write a note that compares one delegated, one reserved, and one concurrent power from the passage, explaining how each could matter at the market.

ANSWER KEY

Who Can Act?

GRADE 8 · 8.C.2

PART 1 · READ AND MARK

Underline two delegated powers, circle two reserved powers, and put a box around two concurrent powers in the passage. Use your marks to compare which governments can exercise each kind of power. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How does the power to coin money differ from the power to set rules for driver's licenses?	**Coining money is delegated to the national government. Setting driver's license rules is reserved to the states.**
2	Why is regulating trade between states a delegated power, while overseeing public schools is a reserved power?	**The Constitution gives the national government power to regulate trade between states. Overseeing public schools is left to the states.**
3	How is levying taxes different from declaring war in terms of which governments can act?	**Congress and state legislatures can both levy taxes, making taxation concurrent. Only the national government can declare war.**
4	How can Congress and a state legislature both levy taxes while a state law may still lose to a valid federal law?	**Taxation is a concurrent power, so both levels can use it. If a state law conflicts with a valid federal law, the federal law takes priority.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress has the delegated power to regulate trade between states, which may affect sellers bringing goods across a state border. The state has the reserved power to set driver's license rules for delivery drivers. Both Congress and state legislatures can levy taxes that affect the market, making taxation concurrent. Only the last power belongs to both levels.

Accept other accurate examples from the passage. For Part 3, look for a market-specific use of one power in each category and a clear comparison of which governments can exercise them.