Who Can Act?

Trace how government powers shape public policy.

USG.P.2.1.B "Evaluate the impact of the structure and powers exercised by governmental systems on public policy, using historical and contemporary examples."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each government action in the passage, circle the power or legal authority behind it, and number the resulting policy effects. Use your marks to trace why the two policies had different outcomes.

Two Paths to Policy

1. A public policy can change when a government has the power to act, but a popular proposal is not automatically law. In the United States, Congress writes federal laws, the president carries them out, and courts decide whether officials have acted within the law and Constitution. State governments also make rules for their communities, yet valid federal law overrides conflicting state law. This structure creates more than one path for policy and more than one check on power. To evaluate an outcome, ask which institution acted, what authority it claimed, and what changed for people.

2. In 1964, segregation kept many Black travelers out of hotels and restaurants in parts of the United States. Congress used its power to regulate interstate commerce to pass the Civil Rights Act of 1964, and President Lyndon Johnson signed it. The law barred racial discrimination in covered public accommodations, including many hotels and restaurants. Because the rule was federal, a state could not preserve a conflicting segregation rule for those businesses. In Heart of Atlanta Motel v. United States, the Supreme Court upheld the law's application to a motel serving interstate travelers. National law and judicial review together helped change access across state lines.

3. A different path shaped a recent policy debate. In 2022, the Biden administration announced a plan to cancel some federal student loan debt for eligible borrowers. It relied on the HEROES Act, an existing federal law, rather than a new law passed by Congress. In 2023, the Supreme Court ruled that the law did not authorize this broad cancellation plan, so that plan did not take effect. Congress could instead pass a new debt relief law, subject to presidential approval and possible court review. Unlike the 1964 act, the proposed relief did not become a nationwide policy through the authority claimed by executive officials.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the federal structure affect whether a state could keep a segregation rule for the hotels and restaurants covered by the 1964 law?

2. What power did Congress use to pass the 1964 law, and how did the Supreme Court's decision affect the law's application to the motel?

3. How did the source of authority for the 2022 debt plan differ from the source of authority for the 1964 policy, and why did that matter?

4. Compare the effects of judicial review on the two policies. What happened to each policy after the Supreme Court acted?

3 YOUR TURN

Your own words

Imagine one state funds free lunches in its public schools, while Congress considers a nationwide free-lunch law and a federal agency considers using an existing law to offer the same benefit. In four to five sentences, compare the likely reach of the state policy and both federal routes, and explain how a court could limit one route.

ANSWER KEY

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HIGH SCHOOL · USG.P.2.1.B

PART 1 · READ AND MARK

Underline each government action in the passage, circle the power or legal authority behind it, and number the resulting policy effects. Use your marks to trace why the two policies had different outcomes. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the federal structure affect whether a state could keep a segregation rule for the hotels and restaurants covered by the 1964 law?	**Valid federal law overrides conflicting state law, so a state could not keep a segregation rule for businesses covered by the Civil Rights Act.**
2	What power did Congress use to pass the 1964 law, and how did the Supreme Court's decision affect the law's application to the motel?	**Congress used its power to regulate interstate commerce. The Court upheld the law's application to a motel serving interstate travelers.**
3	How did the source of authority for the 2022 debt plan differ from the source of authority for the 1964 policy, and why did that matter?	**Congress passed a new law in 1964. The debt plan relied on authority claimed under an existing law, which the Supreme Court ruled did not authorize that broad cancellation.**
4	Compare the effects of judicial review on the two policies. What happened to each policy after the Supreme Court acted?	**The Court upheld the 1964 law's application to the motel, supporting its enforcement there. The Court ruled that the HEROES Act did not authorize the broad debt cancellation plan, so that plan did not take effect.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The state policy would provide free lunches only in that state's public schools. If Congress passed a nationwide law and the president signed it, the federal policy could reach public schools across the country. An agency rule might also reach beyond one state, but the agency would need authority from the existing law. A court could stop the rule if that law did not give the agency authority to provide free lunches.

Accept answers that accurately connect an institution's authority or a limit on that authority to a policy outcome. For Your Turn, students should distinguish the state policy's reach from both proposed federal routes.