

# ACMUN XXI

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U.S. Congress

Chair: David Zhao

Co-Chair: Jackson Bigler

## Committee Description

Founded in 1789, the United States Congress is the legislative branch of the federal government. Comprised of the House of Representatives and the Senate, congress' primary responsibilities include drafting legislation, controlling federal spending, and overseeing the executive branch. With politicians from both the Democratic and Republican Parties, this committee will emulate the evolving political sphere of the United States (with a few creative liberties, of course).

The very basis of democracy is to ensure equal representation and equal opportunity to shape the future of the nation, but it is far from perfect. American politics is sensationalized; it is volatile; and it is inflammatory; and as a reflection of its real-life institutions, this committee will be too. Thus, delegates are reminded to abide by the conference Code of Conduct.

We look forward to welcoming you on campus, and fostering a respectful, creative and fun debate that will push your adaptivity, thinking, and oration skills as we delve into our topic!

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## Topic 1: National Strategies to Reduce Armed Conflict and Violence

### Introduction

Domestic unrest is a term as old as the first communities established by man. As states grew larger in population, dissenting voices against the ruling regime also became louder. When left unchecked, these seemingly isolated pockets of unrest can grow into riots, looting, and violence, exhausting state institutions and destroying the foundations of the state. Due to this, almost every country today has some combination of contingency plans, “emergency powers” legislation, and specialized government agencies to provide governments the means to stabilize society in a time of crisis. Today, domestic unrest is at an all-time high. The government is very unpopular, political violence is rising at a dangerous rate, and the constitutional rights of many are at risk. Thus, it is in the interest of all delegates, regardless of party affiliation, to come together and restore peace, order, and good governance.

### History

As the second largest democratic nation by population in the world, the United States has the difficult task of maintaining public order while balancing civil liberties guaranteed by the Constitution. For instance, the Second Amendment provides all citizens with the means to protect themselves against tyranny, but certain restrictions on how guns can be acquired reduce violent crime. In a country with more guns than people, it is prudent to have a strong system of crisis management and armed conflict prevention (Banks & Dycus, 2020). Even though the federal government is less powerful in America than in many other countries, it is not without the means of its preservation.

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The United States has been wrappd in domestic unrest since its birth. Just two years after the ratification of the Constitution, farmers in western Pennsylvania resisted the collection of a new tax on whiskey by destroying public property and assaulting tax collectors (Hogeland, 2006). When rebellious distillers were summoned to appear in court, militias were organized to resist law enforcement. Declaring the region in open rebellion, President Washington led a military expedition which peacefully dissolved the insurrection (Coakley, 1988). In the aftermath, a series of raids were conducted without any concern for due process: homes were broken into, suspects forced to march barefoot, and necessities like food and water was denied (Shively, 2022). Moreover, most insurgents successfully evaded capture by fleeing to the frontier. For many in the federal government, their sloppy handling of the incident highlighted the need to have a concrete plan for dealing with domestic unrest with legal foundation.

Thus, the Insurrection Act was passed by Congress in 1807 that gave POTUS the power to deploy the Armed Forces and use the National Guard to quell civil disorder when called upon by states, law enforcement is severely obstructed by unrest, or constitutional rights are not protected in times of crisis (Kapp, 2021). The Insurrection Act has been invoked many times in the history of the United States, most notably during Reconstruction to quell Southern resistance, the Gilded Age to suppress strikes, and to reinforce desegregation in public institutions during the height of the Civil Rights Movement (Vladeck, 2004). Outside of the Insurrection Act, the federal government's ability to use military personnel as law enforcement is prohibited by the Posse Comitatus Act, (1878). While National Guard units are under the command of state governors, they are not subject to the Act (Elsea, 2020). Moreover, the military can provide assistance to civilian law enforcement as long as they are not making arrests or conducting searches (U.S. Department of Justice, n.d.).

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Under extreme circumstances, it may not be enough to simply assist local/regional governments but substitute them entirely with the military. If civilian courts and law enforcement are unable to function, the President can declare martial law. Various Supreme Court rulings such as *Ex Parte Milligan* (1866) and *Duncan v. Kahanamoku* (1946) have provided 3 general conditions for declaring martial law:

1. There must be an active rebellion/invasion.
2. Public safety is in immediate, dire jeopardy.
3. The civilian courts are closed or physically unable to process cases (*Ex parte Milligan*, 1866; *Duncan v. Kahanamoku*, 1946).

Under martial law, civil rights could be limited, curfews and checkpoints could be enforced, and civilians may be tried in military courts (Lovelace, 2010). Martial law has been enacted several times in U.S. history in response to war, natural disasters, and strikes. Notably, habeas corpus, the right to challenge unlawful detention, has been suspended on multiple occasions (Rehnquist, 1998).

The ability to declare national emergencies have also been used by past Presidents to grant themselves with extraordinary powers to effectively manage crises, such as waiving requirements for healthcare providers (used during the COVID-19 pandemic), repurposing military funds for emergency construction, and restricting trade with hostile entities under the International Emergency Economic Powers Act (Klieman, 2021). For many years after Lincoln declared the first national emergency, there was no framework outlining how national emergencies could be declared and what powers to be used (Goitein, 2019). Some emergencies dating back to 1933 were still technically active in 1970. Thus, the National Emergencies Act was passed in 1976 to regulate the declaration process (National Emergencies Act, 1976).

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For a national emergency to be valid, the president must sign a document formally declaring the emergency. They must list the specific statutory powers out of 130+ powers that congress allotted for emergencies that they intend to use (Garvey, 2020). Finally, the proclamation must be published in the Federal Register and officially sent to Congress. Every six months, the President must report to Congress on the actions taken and their costs under the emergency. Emergencies automatically expire after one year if not renewed. Congress has the power to end a national emergency through a joint resolution that must be approved by the President. If the resolution is vetoed, a two-thirds supermajority is needed in both houses to override the veto (Vladeck, 2019). Unlike the Insurrection Act and martial law, the NEA does not define what constitutes a “national emergency” (Scheppelle, 2004).

Besides provisions to expand the powers of the federal government during crises, elements of federal agencies such as the Federal Emergency Management Agency as well as the Armed Forces have drafted many scenarios and contingency plans in anticipation of domestic insurgencies. As early as 1919, plans to combat major disruptions of domestic peace were being drafted by the War Department General Staff in the form of War Plan White (O’Harrow, 2020). Using intelligence gathered from surveillance of “radicals”, the War Plans Division identified key zones of interest and assigned aspects of the military to tasks such as seizing ports, controlling railroads, and enforcing martial law in the event of a major uprising. Although the plan was never placed into effect, it led to the creation of other scenarios like Readiness Exercise 1984 Bravo (Executive Order 12148, 1979). Rex 84B was a classified "continuity of government" drill developed by the U.S. federal government during the Reagan administration. In this fictional scenario, the government hypothesized a situation where a U.S. led invasion of Central America triggered widespread domestic rioting. The most controversial aspect of the plan was the authorization of

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FEMA to detain up to 400,000 "undocumented aliens" and thousands of American citizens whom the Attorney General designated as "national security threats" (Center for Constitutional Rights, 2020).

## **Case Study: National Emergency Concerning the Southern Border of the United States**

In December of 2018, a 35-day federal government shutdown occurred because Congress and President Trump were unable to pass an appropriations bill to fund the government. The key point of contention was Trump's request for \$5.7 billion to be allocated for a physical barrier on the southern border with Mexico (Givens et al., 2009). Eventually, a budget was passed that gave \$1.375 billion for fencing on February 14, 2019. Upon signing the budget, the President immediately declared a national emergency under the NEA in an attempt to divert \$8 billion in additional funds for the barrier. \$3.6 billion was procured with emergency powers that allowed the Secretary of Defense to begin military construction projects not otherwise authorized by law (Masters & Robinson, 2019).

Several days after the declaration, both the House and the Senate passed a joint resolution to overturn it. However, it was vetoed and both houses failed to meet the supermajority needed to overturn the veto (U.S. Government Accountability Office, 2021). Many critics argued that this use of the NEA was against Article I of the Constitution, which gave Congress the exclusive power to decide how federal money is spent. Moreover, the border situation had been ongoing for decades (Giannini, 2020).

Opponents of the President argued that a legitimate "crisis" should be a sudden event. However, because the NEA does not define what constitutes as a national emergency, supporters of the invocation cited the surge in illegal immigration and narcotics overwhelmed civilian resources, providing a need for emergency powers (National Guard Bureau, 2019).

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The legal battle eventually reached the Supreme Court in the landmark case *Trump v. Sierra Club* (2019). In July 2019, the Court issued a 5–4 ruling that granted a stay on lower court injunctions, allowing the administration to spend the diverted funds while the litigation continued. The conservative majority hinted that the plaintiffs, consisting of environmental groups and a coalition of states, might lack the locus standi to challenge the executive branch's internal rearrangement of military funds (Scharfenberg, 2021). Although the Ninth Circuit later ruled in 2020 that the fund diversion violated the Appropriations Clause, the Supreme Court's stay remained in place, allowing construction to proceed. The crisis only reached a conclusion in 2021, when President Biden issued a proclamation terminating the national emergency and halting all border wall construction, leaving the fundamental question of the NEA's limits largely unresolved (Ackerman, 2019).

Although the nature of this case study is not directly related to armed violence, the emergency declaration blurred the lines between civilian law enforcement and military action by utilizing Department of Defense funds and personnel to perform duties traditionally reserved for civilian agencies, essentially militarizing a domestic policy issue. The border crisis also stress-tested the federal government's emergency response system, uncovering critical flaws that could set a dangerous precedent for future uses of the crisis response framework as a convenient way of bypassing the slow, deliberative process of legislation in favor of immediate, unilateral decree.

## **Current Situation**

The current state of crisis management in 2026 is defined by a precarious gray area of governance where mechanisms intended for short-term crises are increasingly being weaponized to manage long-term domestic instability. Following the 2019 Southern Border Emergency, the NEA has evolved into a

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standard tool for resolving policy deadlocks. This normalization of emergency governance has created a reality where "crises" are applied to chronic societal issues like border security and high-intensity urban crime.

This expansion of executive power is occurring against a backdrop of escalating political and armed violence. On one hand, 2025 has seen a historic drop in general crime, with homicide rates dropping by 21% and gun assaults falling by 22% nationwide (Federal Bureau of Investigation, 2025). However, according to the National Consortium for the Study of Terrorism and Responses to Terrorism (2025), there has been a 34.5% increase in “targeted violence and terrorism” from 2024 to 2025. There has also been a 187.5% increase in mass-casualty attacks with four or more victims during the first half of 2025 compared to the same period in 2024 (Gun Violence Archive, 2025).

To avoid the political firestorm associated with a formal invocation of the Insurrection Act, the federal government has pivoted toward the deployment of specialized civilian task forces, such as the Border Patrol Tactical Unit (BORTAC) or Immigration and Customs Enforcement (ICE), which operate with military-grade equipment and training (Sandel & Martaindale, 2026). Because these agents are technically civilian law enforcement, their deployment allows the government to bypass the Posse Comitatus Act’s restrictions on using the military for domestic policing (Brennan Center for Justice, 2025). Furthermore, recent audits indicate that the procurement of military-grade hardware by these civilian units has increased by 40% under modern crisis response frameworks (U.S. Government Accountability Office, 2026).

A critical point of conflict within this current landscape is the mounting jurisdictional friction between federal and state authorities. In recent instances of unrest, such as the 2026 Operation Metro

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Surge, there were many scenarios where state police and federalized units operated under conflicting rules of engagement in the same operational zone. Additionally, state representatives have repeatedly pushed back against the federal intervention, launching lawsuits against the Department of Homeland Security for unlawfully mass-deploying ICE in Minnesota for general policing (State of Minnesota v. Mayorkas, 2026).

Next, the increasingly widespread use of advanced surveillance technology has raised questions regarding mass surveillance, privacy, and algorithm transparency. For example, Palantir's ImmigrationOS is a platform that integrates government records with commercial data to map social networks of targets via the ELITE app (ACLU, 2026). This is supplemented by Clearview AI's facial recognition database, which allows agents to instantly link a digital footprint to any face in a crowd, and Paragon Solutions' commercial spyware, which grants federal agents the ability to infiltrate encrypted messaging platforms (LAist, 2026). Finally, the Mobile Fortify app enables instant biometric scans that run public faces against hundreds of millions of government images (404 Media, 2025). While DHS leadership argues these tools are essential for maintaining peace and security in the digital age, critics argue that these instruments facilitate "pre-crime" targeting and strips citizens of their Fourth Amendment right to anonymity in public spaces (City of Chicago v. DHS, 2026).

Ultimately, the United States' crisis response framework exists as a fragmented patchwork of 18th-century rebellion laws and 20th-century attempts to standardize crisis management that struggles to provide a cohesive strategy for modern armed violence. The current reliance on the Insurrection Act is particularly problematic, as the statute lacks a modern "necessity" test, allowing the President to bypass local authorities based on the subjective determination that law enforcement is "obstructed." Furthermore,

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the issue of martial law remains dangerous because the Supreme Court has never fully defined the "immediate, dire jeopardy" required to substitute civilian courts with military tribunals. Finally, this structural ambiguity is further exacerbated by the veto power given to the President in the National Emergencies Act, which poses a threat to Congressional checks on Executive overreach. On the other hand, proponents of the current system may argue that the flexibility of action given to the President allows them to resolve crises with the speed and efficiency required to save lives. Nevertheless, delegates must now reconcile these provisions with modern protections to ensure that the preservation of the state does not necessitate the destruction of its democratic foundation. Delegates should aim to draft a bill that standardizes crisis response mechanisms, reevaluates powers granted to various branches of federal government, and defines thresholds for their activation with the key interest of managing/preventing organized domestic armed conflict. The topics of advanced surveillance technology and federal intervention in state affairs should also be addressed.

## Key Terms

*Locus standi* (Standing): The legal right of a party to bring a lawsuit to court.

Appropriations Clause (Article I, Section 9): The Constitutional provision stating that no money can be drawn from the Treasury except by law passed by Congress.

National Emergencies Act (NEA) of 1976: The federal law that empowers the President to declare a national emergency, unlocking over 130 specific statutory powers. It requires the President to specify which powers are being invoked and report costs to Congress.

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**Insurrection Act of 1807:** A set of laws that allows the President to deploy the Armed Forces and federalized National Guard within the U.S. to suppress civil disorder, rebellion, or to protect constitutional rights when state authorities are unable or unwilling to do so.

**Posse Comitatus Act (1878):** A federal statute that generally prohibits the use of federal military personnel to enforce domestic policies or act as law enforcement unless expressly authorized by the Constitution or an Act of Congress.

**Federal Emergency Management Agency (FEMA):** Part of the Department of Homeland Security, FEMA is the primary federal agency responsible for coordinating the government's response to disasters that overwhelm state resources (Lindsay, 2021).

**Department of Homeland Security (DHS):** Created in the aftermath of 9/11, DHS is tasked with protecting the U.S. from a wide range of threats including anti-terrorism, cybersecurity, civil defense, and immigration (Homeland Security Act, 2002). It acts as an umbrella organization for several agencies, including ICE and United States Customs & Border Protection (Krouse, 2020).

**Immigration and Customs Enforcement (ICE):** Established in 2003 as a principal criminal investigative agency within the Department of Homeland Security, ICE is tasked with enforcing federal laws governing border control, customs, trade, and immigration to promote public safety (U.S. Immigration and Customs Enforcement, 2025). The agency is divided into two primary directorates: Homeland Security Investigations (HSI), which targets transnational criminal organizations, human trafficking, and cybercrime; and Enforcement and Removal Operations (ERO), which manages the identification, arrest, and relocation of non-citizens subject to removal from the United States (Bullock et al., 2021).

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Department of Defense (DoD): The executive branch department responsible for providing the military forces of the United States. Headed by the Secretary of Defense, the department oversees the Army, Navy, Air Force, Marine Corps, and Space Force (Nucciarone, 2022). While its primary purpose is dealing with foreign threats and national defense, the DoD may provide logistical support, engineering expertise, and personnel to assist civilian authorities in restoring public order or managing large-scale national crises under special circumstances (Department of Homeland Security, 2024).

## Questions to Consider

1. What kind of specific, measurable criteria must be met to trigger the use of crisis management mechanisms such as the Insurrection Act?
2. How can public trust in the government be maintained during crises?
3. Does the NEA give too much power to the Executive? How should it be reworked?
4. How should the separation of powers, transparency, and the protection of civil liberties be balanced with government efficiency during national emergencies?
5. How should the use of surveillance technology be regulated?
6. How can the federal government effectively combat national crises while protecting the exclusive powers of states?
7. How should the transition from a period of national emergency to normalcy be facilitated?

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## **Topic 2: Improving Public Transportation Systems and Ensuring Accessibility**

### **Introduction**

As urban populations increase across the United States, public transportation systems are under increasing pressure to meet rising demand. Factors such as outdated infrastructure, congestion, and unequal access continue to limit the effectiveness of transit systems. For many individuals, transportation is not simply a convenience but a bridge to education, employment and essential services. At the same time, transportation is a major contributor to greenhouse gas emissions, making it essential that future transit developments prioritize sustainability. Improving transportation requires coordinated efforts to balance efficiency, accessibility, affordability, and sustainability, creating a more equitable and efficient transportation for all.

### **Case Study: New York Transit Systems**

New York city, as most populated city in the United States, has one of the most heavily used transit system in the world. Most of the New York subway system was built in the early 1900s, which means many of the tracks, signals, and stations are outdated. As a result, the system experiences frequent delays and breakdowns, slow train speeds, and safety concerns. While Manhattan is extensively covered in transit, outer boroughs such as Queens and the Bronx have less extensive coverage. Another major concern in New York is accessibility. Only 25-30% of subway stations are fully accessible – many stations lack elevators and ramps. Due to this discrepancy, people with disabilities, strollers, and seniors cannot independently use some parts of the system.

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A last key issue is affordability. Subway fares are also relatively high for frequent users, making transportation financially inaccessible for some. For example – low-income, long distance commuters pay a higher percent of their income on transit, reinforcing cycles of poverty. Finally, the most immanent issue with the transit system is overcrowding and congestion. Many systems are at capacity during peak rush hours which creates uncomfortable conditions for riders. The MTA depends on government funding and ticket revenue; advancement projects are both expensive and time consuming. This often leads to government budget deficits, incomplete projects, or delays in modernization.

## **Past UN Actions**

One of the United Nations Sustainable Development Goals is UN SDG 11: Sustainable Cities and Communities, which aims to create safe, affordable, and sustainable transport systems for all. This includes public transit expansion, and special attention to vulnerable populations. Unfortunately, this goal has not been met because of rapid urban growth. Additionally, the UN convention on the Rights of Persons with Disabilities (CRPD), is a legally binding agreement that requires equal access to transportation and removal of physical barriers for individuals with disabilities. Despite this, many transit systems remain partially accessible. Lastly, the Paris Agreement recognizes that transportation is a major contributor of emissions and therefor encourages electric systems resulting in a reduced reliance on fossil fuels for energy. However, the agreement lacks accountability and leads to uneven progress between countries.

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## Current Situation

While transit infrastructure is in high demand, chronic underinvestment and aging infrastructure has led to congestion, delays, inefficiencies, and a decline in public trust. While the United States is a well-developed country, they have struggled to modernize because of political gridlock and the high costs that come with these large infrastructure projects.

In many American cities, urban sprawl has made efficient transportation difficult to implement. Spread out development patterns has made effective transport systems expensive. This increases reliance on cars, contributing to more carbon emissions and congestion on highways. Alongside this, governments face increasing pressure to transition to sustainable transit options. Governments have been encouraged to transition to electric buses and train options.

The public transit system can be considered inequitable because low-income communities are disproportionately affected by poor transit access, often called “transit deserts” – areas with unreliable transit systems. This leads to longer commute times, and by consequence, reduced access to jobs and education. This reduces economic efficiency as individuals are discouraged to travel to cities for better opportunities, and if they do, they spend more time commuting than being productive. The government must decide how to ensure equitable, sustainable public transportation options for all Americans.

## Questions to Consider

1. What specific, measurable criteria should be used to determine federal funding allocation for public transportation projects?

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2. How should Congress balance federal and state authority in the planning, funding, and regulation of public transit systems?
3. To what extent should the federal government mandate accessibility standards (e.g., ADA compliance) across all transit systems, regardless of cost?
4. How should policymakers address urban sprawl when designing and expanding public transportation infrastructure?
5. How can public transportation systems remain financially sustainable while ensuring affordability for low-income populations?

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