

117TH CONGRESS  
1ST SESSION

# H. R. 5791

To amend title 10 and title 46, United States Code, to allocate authority for nominations to the service academies in the event of the death, resignation, or expulsion from office of a Member of Congress, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2021

Mr. BROWN (for himself, Mr. RUPPERSBERGER, Mr. SARBANES, Mr. TRONE, Mr. MFUME, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10 and title 46, United States Code, to allocate authority for nominations to the service academies in the event of the death, resignation, or expulsion from office of a Member of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Service Education Re-  
5 allocation for Vacant Elected offices Act of 2021” or the  
6 “SERVE Act of 2021”.

1 **SEC. 2. ALLOCATION OF AUTHORITY FOR NOMINATIONS TO**  
2 **THE SERVICE ACADEMIES IN THE EVENT OF**  
3 **THE DEATH, RESIGNATION, OR EXPULSION**  
4 **FROM OFFICE OF A MEMBER OF CONGRESS.**

5 (a) UNITED STATES MILITARY ACADEMY.—

6 (1) IN GENERAL.—Chapter 753 of title 10,  
7 United States Code, is amended by inserting after  
8 section 7442 the following new section:

9 **“§ 7442a. Cadets: nomination in event of death, res-**  
10 **ignation, or expulsion from office of**  
11 **Member of Congress otherwise author-**  
12 **ized to nominate**

13 “(a) SENATORS.—In the event a Senator does not  
14 submit nominations for cadets for an academic year in ac-  
15 cordance with section 7442(a)(3) of this title due to death,  
16 resignation from office, or expulsion from office and the  
17 date of the swearing-in of the Senator’s successor as Sen-  
18 ator occurs after the date of the deadline for submittal  
19 of nominations for cadets for the academic year, the nomi-  
20 nations for cadets otherwise authorized to be made by the  
21 Senator pursuant to such section shall be made instead  
22 by the other Senator from the State concerned.

23 “(b) REPRESENTATIVES.—In the event a Representa-  
24 tive from a State does not submit nominations for cadets  
25 for an academic year in accordance with section  
26 7442(a)(4) of this title due to death, resignation from of-

1 fice, or expulsion from office and the date of the swearing-  
2 in of the Representative's successor as Representative oc-  
3 curs after the date of the deadline for submittal of nomi-  
4 nations for cadets for the academic year, the nominations  
5 for cadets otherwise authorized to be made by the Rep-  
6 resentative pursuant to such section shall be made instead  
7 by the Senators from the State of the congressional dis-  
8 trict concerned, with such nominations divided equally  
9 among such Senators and any remainder going to the sen-  
10 ior Senator from the State.

11       “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-  
12 tion for cadets made by a Member pursuant to this section  
13 is not a reallocation of a nomination. Such nominations  
14 are made in lieu of a Member that does not submit nomi-  
15 nations for cadets for an academic year in accordance with  
16 section 7442 of this title due to death, resignation from  
17 office, or expulsion from office and the date of the swear-  
18 ing-in of the Member's successor occurs after the date of  
19 the deadline for submittal of nominations for cadets for  
20 the academic year.”.

21           (2) CLERICAL AMENDMENT.—The table of sec-  
22 tions at the beginning of chapter 753 of such title  
23 is amended by inserting after the item relating to  
24 section 7442 the following new item:

“7442a. Cadets: nomination in event of death, resignation, or expulsion from of-  
    fice of Member of Congress otherwise authorized to nomi-  
    nate.”.

1 (b) UNITED STATES NAVAL ACADEMY.—

2 (1) IN GENERAL.—Chapter 853 of title 10,  
3 United States Code, is amended by inserting after  
4 section 8454 the following new section:

5 **“§ 8454a. Midshipmen: nomination in event of death,**  
6 **resignation, or expulsion from office of**  
7 **Member of Congress otherwise author-**  
8 **ized to nominate**

9 “(a) SENATORS.—In the event a Senator does not  
10 submit nominations for midshipmen for an academic year  
11 in accordance with section 8454(a)(3) of this title due to  
12 death, resignation from office, or expulsion from office and  
13 the date of the swearing-in of the Senator’s successor as  
14 Senator occurs after the date of the deadline for submittal  
15 of nominations for midshipmen for the academic year, the  
16 nominations for midshipmen otherwise authorized to be  
17 made by the Senator pursuant to such section shall be  
18 made instead by the other Senator from the State con-  
19 cerned.

20 “(b) REPRESENTATIVES.—In the event a Representa-  
21 tive from a State does not submit nominations for mid-  
22 shipmen for an academic year in accordance with section  
23 8454(a)(4) of this title due to death, resignation from of-  
24 fice, or expulsion from office and the date of the swearing-  
25 in of the Representative’s successor as Representative oc-

1 curs after the date of the deadline for submittal of nomi-  
2 nations for midshipmen for the academic year, the nomi-  
3 nations for midshipmen otherwise authorized to be made  
4 by the Representative pursuant to such section shall be  
5 made instead by the Senators from the State of the con-  
6 gressional district concerned, with such nominations di-  
7 vided equally among such Senators and any remainder  
8 going to the senior Senator from the State.

9       “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-  
10 tion for midshipmen made by a Member pursuant to this  
11 section is not a reallocation of a nomination. Such nomina-  
12 tions are made in lieu of a Member that does not submit  
13 nominations for cadets for an academic year in accordance  
14 with section 8454 of this title due to death, resignation  
15 from office, or expulsion from office and the date of the  
16 swearing-in of the Member’s successor occurs after the  
17 date of the deadline for submittal of nominations for mid-  
18 shipmen for the academic year.”.

19           (2) CLERICAL AMENDMENT.—The table of sec-  
20 tions at the beginning of chapter 853 of such title  
21 is amended by inserting after the item relating to  
22 section 8454 the following new item:

“8454a. Midshipmen: nomination in event of death, resignation, or expulsion  
from office of Member of Congress otherwise authorized to  
nominate.”.

23       (c) AIR FORCE ACADEMY.—

1           (1) IN GENERAL.—Chapter 953 of title 10,  
2           United States Code, is amended by inserting after  
3           section 9442 the following new section:

4   **“§ 9442a. Cadets: nomination in event of death, res-**  
5                   **ignation, or expulsion from office of**  
6                   **Member of Congress otherwise author-**  
7                   **ized to nominate**

8           “(a) SENATORS.—In the event a Senator does not  
9           submit nominations for cadets for an academic year in ac-  
10          cordance with section 9442(a)(3) of this title due to death,  
11          resignation from office, or expulsion from office and the  
12          date of the swearing-in of the Senator’s successor as Sen-  
13          ator occurs after the date of the deadline for submittal  
14          of nominations for cadets for the academic year, the nomi-  
15          nations for cadets otherwise authorized to be made by the  
16          Senator pursuant to such section shall be made instead  
17          by the other Senator from the State concerned.

18          “(b) REPRESENTATIVES.—In the event a Representa-  
19          tive from a State does not submit nominations for cadets  
20          for an academic year in accordance with section  
21          9442(a)(4) of this title due to death, resignation from of-  
22          fice, or expulsion from office and the date of the swearing-  
23          in of the Representative’s successor as Representative oc-  
24          curs after the date of the deadline for submittal of nomi-  
25          nations for cadets for the academic year, the nominations

1 for cadets otherwise authorized to be made by the Rep-  
2 resentative pursuant to such section shall be made instead  
3 by the Senators from the State of the congressional dis-  
4 trict concerned, with such nominations divided equally  
5 among such Senators and any remainder going to the sen-  
6 ior Senator from the State.

7       “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-  
8 tion for cadets made by a Member pursuant to this section  
9 is not a reallocation of a nomination. Such nominations  
10 are made in lieu of a Member that does not submit nomi-  
11 nations for cadets for an academic year in accordance with  
12 section 9442 of this title due to death, resignation from  
13 office, or expulsion from office and the date of the swear-  
14 ing-in of the Member’s successor occurs after the date of  
15 the deadline for submittal of nominations for cadets for  
16 the academic year.”.

17       (2) CLERICAL AMENDMENT.—The table of sec-  
18 tions at the beginning of chapter 953 of such title  
19 is amended by inserting after the item relating to  
20 section 9442 the following new item:

“9442a. Cadets: nomination in event of death, resignation, or expulsion from of-  
fice of Member of Congress otherwise authorized to nomi-  
nate.”.

21       (d) MERCHANT MARINE ACADEMY.—

22       (1) IN GENERAL.—Chapter 513 of title 46,  
23 United States Code, is amended by inserting after  
24 section 51302 the following new section:

1 **“§ 51302a. Cadets: nomination in event of death, res-**  
2 **ignation, or expulsion from office of**  
3 **Member of Congress otherwise author-**  
4 **ized to nominate**

5 “(a) SENATORS.—In the event a Senator does not  
6 submit nominations for cadets for an academic year in ac-  
7 cordance with section 51302(b)(1) of this title due to  
8 death, resignation from office, or expulsion from office and  
9 the date of the swearing-in of the Senator’s successor as  
10 Senator occurs after the date of the deadline for submittal  
11 of nominations for cadets for the academic year, the nomi-  
12 nations for cadets otherwise authorized to be made by the  
13 Senator pursuant to such section shall be made instead  
14 by the other Senator from the State concerned.

15 “(b) REPRESENTATIVES.—In the event a Representa-  
16 tive from a State does not submit nominations for cadets  
17 for an academic year in accordance with section  
18 51302(b)(2) of this title due to death, resignation from  
19 office, or expulsion from office and the date of the swear-  
20 ing-in of the Representative’s successor as Representative  
21 occurs after the date of the deadline for submittal of nomi-  
22 nations for cadets for the academic year, the nominations  
23 for cadets otherwise authorized to be made by the Rep-  
24 resentative pursuant to such section shall be made instead  
25 by the Senators from the State of the congressional dis-  
26 trict concerned, with such nominations divided equally



1 among such Senators and any remainder going to the sen-  
2 ior Senator from the State.

3 “(c) CONSTRUCTION OF AUTHORITY.—Any nomina-  
4 tion for cadets made by a Member pursuant to this section  
5 is not a reallocation of a nomination. Such nominations  
6 are made in lieu of a Member that does not submit nomi-  
7 nations for cadets for an academic year in accordance with  
8 section 51302 of this title due to death, resignation from  
9 office, or expulsion from office and the date of the swear-  
10 ing-in of the Member’s successor occurs after the date of  
11 the deadline for submittal of nominations for cadets for  
12 the academic year.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions at the beginning of chapter 513 of such title  
15 is amended by inserting after the item relating to  
16 section 51302 the following new item:

“51302a. Cadets: nomination in event of death, resignation, or expulsion from  
office of Member of Congress otherwise authorized to nomi-  
nate.”.

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