

117TH CONGRESS
1ST SESSION

S. 3127

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2021

Mr. VAN HOLLEN (for himself and Mr. CARDIN) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

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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