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Senators Who Die In Office: History and Current Practices

Since 1789, 301 Senators have died in office. When a sitting Member dies, the Senate and House of Representatives carry out a number of actions based in part on chamber rules, statutes, long-standing practices, and other variables extant at the time of the Senator's demise.

Some congressional practices related to the death of a sitting Member predate the national legislature established by the Constitution. On October 23, 1775, the Continental Congress, sitting in Philadelphia, was informed that Peyton Randolph, a Delegate from Virginia and President of the Continental Congress, had died the day before, and resolved that its Members would attend the funeral and observe a month's mourning.

During the First Congress (1789-1791), the first instance of the death of a sitting Senator occurred. Senator William Grayson of Virginia died on March 12, 1790. In the 19th century, Congress adopted the practice of paying some of the expenses of funeral services for sitting Senators. Services were sometimes held in the Senate chamber. When services or interments were not held in Washington, DC, it was the practice of both chambers to appoint a committee of Members to escort the remains of a deceased colleague to their final destination.

In contemporary times, Senate rules and statutes set out some of the congressional response to the death of a sitting Senator. Some long-standing observances, such as adjourning briefly as a mark of respect to the deceased, appointing Member delegations to attend funerals of deceased colleagues, or paying the costs of a funeral from public funds, may be employed. It appears that contemporary congressional response is affected by a number of external factors, including the following:

- circumstances of the Member's death;
- preferences of the deceased Member, or the Member's family, regarding funeral services;
- whether Congress is in session when the Member dies;
- pending congressional business at the time of the Member's death; and
- events external to Congress.

Consequently, a congressional response to the death of a sitting Member could be characterized as a set of actions that are determined in detail at or around the time of the death, in response to an array of factors. Generally, these actions fall into five categories:

- floor announcement or acknowledgment;
- resolution of condolence;

- funeral;
- deceased Member's office, staff, and survivor benefits; and
- publication of memorials.

Floor Announcement or Acknowledgment of a Senator's Death

When the Senate is in session, news of the passing of a sitting Senator is often widely known when the chamber meets, so a formal floor announcement is generally not made. The death of a sitting Senator has been acknowledged on the Senate floor in prayers offered by the chaplain, through tributes offered by other Senators, and through consideration of a resolution of condolence. The Senate has continued with other business, or adjourned after acknowledging a Senator's demise. When it does adjourn, the chamber has typically done so as a mark of further respect to the late Senator. Exceptions to this practice arise when news of the death of a Senator reaches the Senate while it is meeting. In those circumstances, including the deaths of Senator Paul Coverdell of Georgia on July 18, 2000, and Senator Quentin Burdick of North Dakota on September 8, 1992, the majority leader made an announcement.

Senator John Sidney McCain III died on August 25, 2018, and was the most recent Senator to die while serving in office. No formal announcement of his passing was made in the Senate. When the Senate came into session on August 27, Senator Mitch McConnell, then Majority Leader, offered a tribute, followed by then-Minority Leader Charles Schumer, who also offered a tribute, before the Senate moved on to other business. Throughout the day, several Senators offered additional tributes, among other chamber activity. Senator McCain lay in state in the Capitol Rotunda on August 31, 2018.

Another recent example of a Senator dying while in office is Senator Frank Raleigh Lautenberg, who died on June 3, 2013. No formal announcement of his passing was made in the Senate. When the Senate met that day, the chaplain mentioned Senator Lautenberg in the opening prayer. Majority Leader Harry Reid asked for a moment of silence and also offered a tribute. Throughout the day, as regular business proceeded, several Senators offered tributes. Senator Lautenberg lay in state in the Senate on June 6, 2013.

Since at least 1807, Senators who have died during periods of recess or adjournment have been acknowledged when the Senate reconvened. The most recent sitting Senator to die during a recess was Senator Edward Moore (Ted) Kennedy of Massachusetts, who died on August 25, 2009. When the

Senate met on September 8, the Senate chaplain mentioned Senator Kennedy in the opening prayer. Thereafter, Majority Leader Harry Reid asked for a moment of silence, before he and Minority Leader Mitch McConnell offered tributes. Later that day, the Senate adopted a resolution of condolence, and a number of Senators delivered tributes on September 10.

Resolutions of Condolence

The first publicly available resolution of mourning for a sitting Senator appears to have been adopted in 1806. In current practice, the Senate typically considers a resolution expressing its condolences to the family of a deceased Senator. The measure may be introduced by the majority leader, the minority leader, or the surviving Senator from the state the deceased Senator represented. All living, sitting Senators are listed as cosponsors. There may follow a period of debate, particularly if other tributes have not already been offered or a future tribute is scheduled. At the conclusion of debate, the resolution of condolence is typically adopted by unanimous consent.

In addition to observances of record, a deceased Senator's desk in the Senate chamber may be draped in black for a brief period. Additionally, upon the death of a sitting Senator, the majority leader and minority leader may permit a display of flowers to be placed upon the desk of a deceased Senator on the day set aside for eulogies.

When a Senator dies, the House sometimes adopts a resolution of condolence. CRS Report RL34347, *Members of Congress Who Die in Office: Historic and Current Practices* summarizes Senate and House resolutions adopted to mark the passing of a sitting Senator since 1973.

Funeral and Disposition of Remains

Since the earliest days of the republic, some of the expenses of holding funerals for sitting Members, or the procurement of cemetery monuments, have been defrayed in part from public funds. In contemporary practice, the Senate may pay for funeral services for Senators who die in office. While the location of any funeral service is chosen by a deceased Senator's widow, widower, or heirs, the responsibility for official arrangements, including funeral or other services, and for any committee appointed to attend services, rests with the Senate Sergeant at Arms. Costs of arrangements for the transportation, preparation, and disposition of the remains are paid from the contingent fund of the Senate, subject to regulations of the Committee on Rules and Administration.

If there is a request for the remains to lie in state in the Capitol Rotunda, a decision is made by the leadership of the Senate and the House, and the Architect of the Capitol. Since 1953, Congress has typically adopted a concurrent

resolution authorizing the use of the Capitol Rotunda for services or for the remains of a government official or prominent citizen to lie in the Capitol. If Congress is not in session, the use of Capitol facilities has in the past been authorized by the Speaker of the House and the majority leader of the Senate. If the deceased does lie in state, the Architect of the Capitol makes arrangements with the Department of Defense for an honor guard. If there is to be a ceremony at the Capitol, or lying in state or related ceremony in the Senate, the Senate Sergeant at Arms makes the necessary arrangements.

Deceased Member's Office, Staff, and Survivor Benefits

Employees in the personal office of a deceased sitting Senator are continued on the Senate payroll at their respective salaries for up to 60 days after the Senator's death, unless the Senator's term of office expires sooner. Employee duties are performed under the direction of the Secretary of the Senate.

A deceased Senator is removed from the Senate payroll as of the date of death. The Employee Benefits Section of the Senate Disbursing Office ascertains any benefits due to a beneficiary previously identified by the Senator, or the widow or widower or other relevant survivors. In the next appropriations bill, an item is typically inserted for a gratuity to be paid to the widow(er) or other next-of-kin, in the amount of one year's compensation. By statute, a death gratuity is considered a gift. For more information on death gratuities, House and Senate offices may request a copy of the Congressional Research Service congressional distribution memorandum, "Gratuity Payments for Members of Congress Who Die in Office: Historical Practice."

Publication of Memorials

The Senate may adopt a resolution ordering that tributes to a deceased Senator be printed as a Senate document.

Further Information for Congress

House and Senate offices seeking more information about observances and policy matters related to the death of a sitting Senator may request a copy of the Congressional Research Service congressional distribution memorandum, "Senators Who Die in Office: Historic and Current Practices, and Policy Issues."

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