

court has signed certificates of presumptive death with respect to Representative Begich, Russell L. Brown and Don E. Jonz; and

Whereas no evidence has been presented to this House or is known to it which distinguishes the missing status of Representative-elect Hale Boggs from that of the three men for whom the aforementioned certificates of presumptive death have been issued; Therefore be it

*Resolved*, That based on information provided by its Clerk, this House of Representatives hereby determines that there is a vacancy in the Ninety-third Congress in the representation from the Second Congressional District in the State of Louisiana because of the absence of Representative-elect Hale Boggs.

*Resolved*, That the Speaker of the House is hereby directed to notify the Governor of the State of Louisiana of the existence of this vacancy so that appropriate measures to fill this vacancy may be undertaken by the Governor pursuant to Article I, Section 2 of the Constitution of the United States. . . .

The resolution was agreed to.

*Parliamentarian's Note:* The House may declare the seat of a Member-elect vacant where a Member-elect is not able to take the oath or resign due to an incapacitating illness. Gladys Noon Spellman, of Maryland, was elected to the 97th Congress. At the convening of that Congress, Member-elect Spellman was in a coma and unable to take the oath or re-

sign. During the debate on the resolution declaring her seat vacant, the Majority Leader<sup>(2)</sup> inserted into the *Congressional Record* a letter from the Attending Physician indicating his opinion that she was unable to serve out her term of office.<sup>(3)</sup> The House adopted by voice vote a resolution declaring the seat vacant on Feb. 24, 1981.<sup>(4)</sup> Ms. Spellman died June 19, 1988.

### § 3. Death Benefits; Claims of Survivor's Spouse

When a Member of the House dies after the commencement of the Congress to which he had been elected, any unpaid salary and other sums due him at the date of death, are paid to his survivors in the order of precedence specified by statute.<sup>(1)</sup>

The House Sergeant at Arms is authorized<sup>(2)</sup> to defray the funeral expenses of the deceased Member and to defray the expenses of the surviving spouse, or minor children, or both, of the deceased

2. James C. Wright, Jr. (TX).

3. 127 CONG. REC. 2917, 97th Cong. 1st Sess., Feb. 24, 1981.

4. See *Id.* at pp. 2916, 2917 (H. Res. 80).

1. 2 USC § 38a.

2. See 2 USC § 124.

Member incurred in attending the funeral rites and burial of such Member. A gratuity for surviving spouses of Members—amounting to one full year's pay—is authorized subsequent to a Member's death in an appropriations bill.<sup>(3)</sup> A gratuity for surviving spouses of House employees is also authorized by law.<sup>(4)</sup>

The surviving spouse of a deceased Member is authorized use of the frank for a period of 180 days following the death of a Member for correspondence relating to the death.<sup>(5)</sup> The surviving spouse of a former President is also authorized use of the frank.<sup>(6)</sup>

Death benefits and payment toward funeral expenses have been allotted to the surviving spouses of two Capitol Police officers killed in the line of duty in the Capitol,<sup>(7)</sup> the Sergeant at Arms,<sup>(8)</sup> and the Doorkeeper.<sup>(9)</sup>

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### *Benefits for President's Widow*

#### **§ 3.1 Jacqueline Bouvier Kennedy, widow of the assassinated President, was granted:**

3. See, e.g., H.J. Res. 122 at 148 CONG. REC. 20304, 107th 2d Sess., Oct. 10, 2002; Pub. L. No. 107-240 (Mink).
4. 2 USC § 125.
5. 39 USC § 3218.
6. *Id.* at § 3214.
7. See § 3.5, *infra*.
8. See § 3.6, *infra*.
9. See § 3.7, *infra*.

**inated President, was granted: (1) the franking privilege, (2) office space, (3) secretarial staff for one year, as well as (4) secret service protection for a two-year period. The same bill also appropriated funds to cover expenses incident to the death and burial of President John F. Kennedy.**

On Dec. 2, 1963,<sup>(1)</sup> the House agreed to a motion to suspend the rules and pass a bill providing office space, franking, and other privileges for Mrs. Kennedy. The bill also authorized appropriations for the payment of expenses incidental to the death and burial of the former President.

*Parliamentarian's Note:* Because of the anomalous circumstances pertaining to the death of President Kennedy, privileges granted his widow were broader in scope than would ordinarily be the case for the widow of a President. Anticipating a heavy influx of mail as well as the possibility of

1. 109 CONG. REC. 22978, 22979, 88th Cong. 1st Sess.

H.R. 9291 passed the House on Dec. 2, 1963. The Senate amended it on Dec. 3, 1963. The House agreed to the Senate amendment with an amendment on Dec. 9, 1963. The Senate agreed thereto on Dec. 10, 1963. See Pub. L. No. 88-195 for the complete text.

threats to her life, facilities for attending to correspondence, and secret service protection were granted for the two-year period.

### *Funeral Expenses*

#### **§ 3.2 A resolution was agreed to authorizing and directing the Clerk of the House to pay expenses in connection with the funeral of the late Speaker Sam Rayburn.**

On Jan. 10, 1962,<sup>(1)</sup> the following resolution was offered and agreed to:

Mr. [Omar T.] BURLERSON [of Texas]. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 486

*Resolved*, That the Clerk of the House is hereby authorized and directed to pay all the expenses in connection with the funeral of the late Speaker Sam Rayburn, and such sum as may be found necessary to carry out the purpose of this resolution shall be paid out of the contingent fund of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### **§ 3.3 Payment of expenses incurred by the Clerk and the**

1. 108 CONG. REC. 8, 87th Cong. 2d Sess.

#### **Sergeant at Arms in connection with preparations for memorial services for a former Majority Leader and Member-elect was authorized from the House contingent fund.**

On Jan. 3, 1973,<sup>(1)</sup> a resolution<sup>(2)</sup> offered by Rep. Olin E. Teague, of Texas, concluded with an authorization for payment of certain expenses relating to memorial services for the former Majority Leader of the House, Hale Boggs, of Louisiana:

*Resolved*, That the Speaker be authorized to appoint a delegation of Members of this House, together with such Members of the Senate as may be joined, to attend memorial services to be held for the former Majority Leader in New Orleans, Louisiana, on January 4, 1973.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary to carry out the provisions of these resolutions and that the necessary expenses in connection therewith, as well as any incurred by the Clerk at the Speaker's request, be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate, to the Governor of the State of Louisiana, and transmit a copy to the family of the missing Representative-elect Hale Boggs.

1. 119 CONG. REC. 15, 16, 93d Cong. 1st Sess.

2. H. Res. 1.

The resolution was agreed to.

### *Survivor's Benefits*

**§ 3.4 *Parliamentarian's Note:* The gratuity equal to one year's salary traditionally paid by the House to the surviving spouse or closest living relative of a Member who dies in office normally is contained in the legislative branch appropriation bill. However, in the cases of two Members-elect presumed to have died in a plane crash the preceding October, resolutions were, by unanimous consent, offered from the floor and agreed to at the inception of the 93d Congress, making the gratuities immediately available out of the House contingent fund.**

On Jan. 3, 1973,<sup>(1)</sup> Rep. F. Edward Hébert, of Louisiana, offered House Resolution 8, authorizing expenditures in connection with a gratuity for the widow of the late Member-elect and Majority Leader Hale Boggs, of Louisiana:

Mr. HÉBERT. Mr. Speaker, I offer a resolution (H. Res. 8) and ask unanimous consent for its immediate consideration.

1. 119 CONG. REC. 27, 93d Cong. 1st Sess.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the resolution as follows:

#### H. RES. 8

*Resolved*, That there shall be paid from the contingent fund of the House a sum equal to the annual compensation of the Majority Leader of the House of Representatives in the 92nd Congress as a gratuity to Corinne C. Boggs (Mrs. Hale Boggs) of Louisiana. . . .

The resolution was agreed to.

On the same day,<sup>(3)</sup> Mr. Thomas P. O'Neill, Jr., of Massachusetts, offered House Resolution 9:

#### H. RES. 9

*Resolved*, That there shall be paid out of the contingent fund of the House a sum equal to the annual compensation of a Representative in Congress as a gratuity to Margaret J. Begich, widow of Nick Begich, late a Representative-elect from the State of Alaska. . . .

The resolution was agreed to.

**§ 3.5 Following the death of two Capitol Police officers killed in the line of duty in the Capitol, a concurrent resolution was adopted authorizing the Sergeant at Arms to make payments in connection with funeral expenses**

2. Carl Albert (OK).

3. 119 CONG. REC. 27, 93d Cong. 1st Sess.

**and authorizing the Chief Administrative Officer to pay a gratuity to their surviving spouses.**

On July 27, 1998,<sup>(1)</sup> the following procedures took place:

Mr. [Tom] DELAY [of Texas]. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 310) and I ask for its immediate consideration and adoption by the House.

The SPEAKER pro tempore.<sup>(2)</sup> The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 310

*Resolved by the House of Representatives (the Senate concurring),*

**Section 1. Authorizing Use of the Rotunda of the Capitol for Memorial Service for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut.**

The rotunda of the Capitol is authorized to be used for a memorial service and proceedings related thereto for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police on Tuesday, July 28, 1998, under the direction of the United States Capitol Police Board.

**Sec. 2. Placement of Plaque in Capitol in Memory of Detective Gibson and Private First Class Chestnut.**

The Architect of the Capitol shall place a plaque in honor of the memory of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police at an appropriate site in the United States Capitol, with the approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

1. 144 CONG. REC. 14738, 105th Cong. 2d Sess. See also Ch. 36, *supra*.
2. John M. Shimkus (IL).

**Sec. 3. Payment of Funeral Expenses for John Gibson and Jacob Joseph Chestnut.**

(a) In General: The Sergeant at Arms of the House of Representatives is authorized and directed to make such arrangements as may be necessary for funeral services for Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police, including payments for travel expenses of immediate family members, and for the attendance of Members of the House of Representatives at such services, including payments for expenses incurred by Members in attending such services.

(b) Source and Manner of Making Payments: Any payment made under subsection (a) shall be made from the applicable accounts of the House of Representatives, using vouchers approved in a manner directed by the Committee on House Oversight.

**Sec. 4. Payment of Survivor's Gratuity to Widows of John Gibson and Jacob Joseph Chestnut.**

(a) In General: In accordance with the first sentence of the last undesignated paragraph under the center heading "HOUSE OF REPRESENTATIVES" in the first section of the Legislative Branch Appropriation Act, 1955 (2 USC 125), the Chief Administrative Officer of the House of Representatives is authorized and directed to pay, from the applicable accounts of the House of Representatives

(1) a gratuity to the widow of Detective John Michael Gibson of the United States Capitol Police in the amount of \$51,866.00; and

(2) a gratuity to the widow of Private First Class Jacob Joseph Chestnut of the United States Capitol Police in the amount of \$47,280.00.

(b) Treatment as Gift: Each gratuity paid under subsection (a) shall be held to have been a gift.

**Sec. 5. Sense of Congress Regarding Establishment of Capitol Police Memorial Fund.**

It is the sense of Congress that there should be established under law a United States Capitol Police Memorial Fund for the surviving spouse and children of members of the United States Capitol Police who are slain in the line of duty.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?

There was no objection.

**§ 3.6 Following the death of the Sergeant at Arms, a resolution was passed authorizing the contingent fund of**

**the House to pay one year's salary and an additional amount to defray funeral expenses.**

On July 13, 1953,<sup>(1)</sup> the following proceedings took place:

Mr. [Karl M.] LECOMPTE [of Iowa]. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution (H. Res. 335) providing a gratuity for the widow of the late Sergeant at Arms, William F. Russell, which resolution was introduced by the gentleman from Pennsylvania [Mr. GRAHAM].

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the resolution, as follows:

*Resolved*, That there shall be paid out of the contingent fund of the House to Helen W. Russell, widow of William F. Russell, late Sergeant at Arms of the House of Representatives, an amount equal to 1 year's salary at the rate he was receiving at the time of his death, and an additional amount not to exceed \$350 toward defraying the funeral expenses of said William F. Russell.

The resolution was agreed to, and the motion to reconsider was laid on the table.

**§ 3.7 By resolution, the widow of the Doorkeeper was allotted funds equivalent to one**

1. 99 CONG. REC. 8696, 8697, 83d Cong. 1st Sess.
2. Joseph W. Martin, Jr. (MA).

**year's salary and an additional amount for funeral expenses.**

On Feb. 16, 1943,<sup>(1)</sup> Mr. Nat Patton, of Texas, called up House Resolution 100, which provided payment of funeral expenses and salary to the wife of Joseph J. Sinnott, the late Doorkeeper of the House of Representatives:

Mr. PATTON. Mr. Speaker, I call up House Resolution 100, which provides for the payment of funeral expenses and a year's salary to the wife of our deceased Doorkeeper and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That there shall be paid out of the contingent fund of the House to Mrs. Alyce W. Sinnott, widow of Joseph J. Sinnott, late Doorkeeper of the House, an amount equal to 1 year's salary compensation, and an additional amount not to exceed \$250 to defray funeral expenses of the said Joseph J. Sinnott.

The resolution was agreed to.

***Payment of Benefits During Adjournment; Determination of Beneficiary by Clerk***

**§ 3.8 The Clerk was authorized by the House, during the period after the close of the first session of the 80th Congress, until Jan. 3, 1948, to pay out of the contingent**

1. 89 CONG. REC. 1000, 78th Cong. 1st Sess.

**fund an amount equal to six months' salary of any deceased employee and \$250 for funeral expenses to whomever in the judgment of the Clerk would be justly entitled thereto subject to the approval of the Committee on House Administration.**

On July 11, 1947,<sup>(1)</sup> a privileged resolution was introduced and agreed to, as follows:

Mr. [Karl M.] LeCOMPTE [of Iowa]. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 283) and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That during the period of any adjournment or recess of the House after the close of the first session of the Eightieth Congress until January 3, 1948, the Clerk of the House is authorized to pay out of the contingent fund of the House an amount equal to 6 months' salary of any deceased employee of the House at the rate such employee was receiving at the time of his or her death and an additional amount not to exceed \$250 toward defraying the funeral expenses of any such employee to whomsoever in the judgment of the Clerk is justly entitled thereto subject to the approval of the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

1. 93 CONG. REC. 8708, 80th Cong. 1st Sess.

**§ 3.9 In the 83d Congress, a resolution was passed providing that during the period of any adjournment of the 83d Congress until Jan. 3, 1954, the Clerk may pay six months' salary of any deceased employee and \$350 for funeral expenses.**

On July 17, 1953,<sup>(1)</sup> the following proceedings took place:

Mr. [Karl M.] LeCOMPTE [of Iowa]. Mr. Speaker, I call up House Resolution 340 approved unanimously by the Committee on House Administration and ask for its immediate consideration.

The Clerk read the House resolution, as follows:

*Resolved*, That during the period of any adjournment or recess of the House of the first session of the 83d Congress until January 3, 1954, the Clerk of the House is authorized to pay out of the contingent fund of the House an amount equal to 6 months' salary of any deceased employee of the House at the rate such employee was receiving at the time of his or her death and an additional amount not to exceed \$350 toward defraying the funeral expenses of any such employee to whomever in the judgment of the Clerk is justly entitled thereto subject to the approval of the Committee on House Administration.

The resolution was agreed to, and a motion to reconsider was laid on the table.

1. 99 CONG. REC. 9072, 83d Cong. 1st Sess.