

U.S. Congressman

**Nick Rahall***WORKING FOR WEST VIRGINIANS*

FOR IMMEDIATE RELEASE

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**RAHALL TO INTRODUCE MRS. BYRD AT WEST PARK HOTEL**

WASHINGTON, D.C. -- U.S. Rep. Nick Rahall (D-WV) has been invited to introduce Mrs. Robert C. Byrd on Wednesday, October 17th at the West Park Hotel in Rosslyn, Virginia where she will be presented with the West Virginia Society's "Daughter of the Year" award.

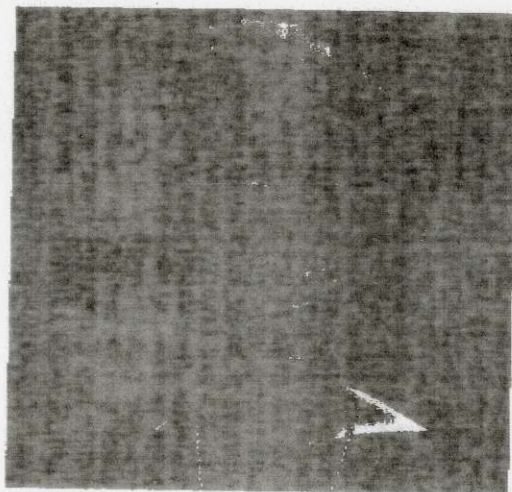
Mrs. Byrd married the Senator in 1937, and is the mother of two daughters-- Mona Byrd Fatemi and Marjorie Byrd Moore. She is also the grandmother of six grandchildren.

She has been an active member of the Senate Wives Club and has played a continuing part in the Senate Wives' Red Cross Project.

The dinner for Mrs. Byrd will be held from 7 to 9 pm.

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## Sponsor



## Mrs. Robert C. Byrd

*Mrs. Robert C. Byrd*

Mrs. Byrd was born Erma Ora James at Stotesbury, Raleigh County, West Virginia. A coal miner's daughter, she attended the public schools of Raleigh County and graduated from Mark Twain High School at Stotesbury, where she met her future husband.

Mrs. Byrd married her high-school sweetheart in 1937, and is the mother of two daughters — Mona Byrd Patemi and Marjorie Byrd Moore.

She is also the grandmother of six grandchildren, the eldest — Jon Michael Moore — now deceased.

Mrs. Byrd is an active member of the Senate Wives' Club, and has played a continuing part in the Senate Wives' Red Cross Project.

Though Mrs. Byrd's public image is that of the domestic helpmate, those closest to the Byrds have no doubt that she is the Senator's most trusted confidante, his most constructive critic, and a great source of strength in fulfilling his senatorial duties. Of his wife, Senator Byrd has said, "She is not only my wife, but also my best counselor. She has been a strong pillar of support in all of my endeavors."

## Principal Speaker



Senator Robert C. Byrd (D-WV) has served in the United States Senate since 1959, 11 years as Senate Majority Leader (1977-1981) and six years as Senate Minority Leader (1981-1989). In 1989, he became Chairman of the Appropriations Committee. Also in 1989, he was elected by his colleagues as President of the Senate, an appointment that gained distinction of having held more leadership positions in the U.S. Senate than any other Senator of any party.

Born in North Wilkesboro, North Carolina, Senator Byrd was brought to West Virginia as still an infant and reared by an aunt. Unable to afford college tuition upon graduation from high school, he worked at a variety of jobs.



## Erma Byrd Bio

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SOME THANKS I NEED TO  
EXTEND

Mr. BYRD. Mr. President, the distinguished Senator in expressing his thanks reminded me of some thanks I need to, extend also. I have not thanked, to the degree that I should, my excellent staffs. I took an occasion some days ago to express thanks to them, but as I approach the end of this day and the sunset of my career as majority leader of the Senate, I thank again the excellent Democratic Policy Staff, which has served not only me as the leader but also all of the other Democratic Senators, and served us all well and with great dedication. I also thank my office staff, which helps me in responding to the many inquiries and the needs of my constituents, and works long hours and does a fine job.

Finally, I would like to thank my wife, Erma. I married Erma over 51 years ago, and I have to pay her the tribute for rearing two fine daughters, because at that most formative age when I should have been spending hours with them as a father, I was spending hours out on the campaign trail, working to enter the House of Delegates in West Virginia, and then the West Virginia Senate, and then the U.S. House of Representatives, and now completing five terms in the U.S. Senate. She played the part of mother and father, and they were well-raised daughters. I smoke cigars, but I have two daughters who have never smoked a cigarette. They have never indulged in alcoholic beverages. They do not drink, have not drunk, and I do not think they ever will drink. They do not use profanity. They have never used God's name in vain in their lives. They have been excellent daughters.

The credit goes to Erma, certainly for the most part. I can say a lot about some fine grandchildren also. They receive a great deal of their inspiration from their grandmother. She has been an excellent wife, dedicated to the utmost, a wonderful asset to a politician who has been in politics now for 42 years. She has exhibited an indefatigable patience in view of the hours and hours and hours, and days and weekends that I have had to spend away from home over the long years.

I know how imposed upon my colleagues feel from time to time as they have had to go home late for their "supper," as we call it in West Virginia, and I know how imposed upon their wives have been also. There is a schedule here that nobody can predict with certitude. It is an honorable task, it is a patriotic task, it is a difficult task, it is a demanding task. And when we answer the call, we answer the call. We sign up for duty. We do not punch a time clock as I did during World War II when I was in the shipyards welding on the Liberty and Victory ships.

My wife has with great patience and fortitude stood this kind of life now

for all these years. For 22 years I have been in the leadership in the Senate in one capacity or another, having run 11 times, having asked my Democratic colleagues to elect me to one or another of the Democratic leadership posts 11 times and they have favored me 11 times. The demands upon me, time increased geometrically over the demands that were on me prior to my being in the leadership, because during those 22 years I have been on this floor just as my colleagues have seen me on the floor today and yesterday and the day before. I have never missed a Democratic conference. We began having weekly conferences when we became the minority in 1981 January and we have continued them since we returned to the majority. I have never missed a party conference. There have been few times over these 22 years when I have not been here to open the Senate, few times when I have not been here to close the Senate, and yet my wife Erma has many, many, many times been left alone there at home with our daughters married and having families of their own, she has been left alone, spent countless long hours alone, but she has never grumbled. She knows that this is a tough business, a demanding job. It is a serious business, and I think she has been put upon a great deal. But we have accepted this as part of the service that we both can and should perform for the people of West Virginia.

My wife put me through law school. Andrew Johnson and others—I know there have been others who have sat in the Senate, who were helped by their wives to get an education. I finished high school in 1934, during the Great Depression, and it was 16 years before I could start college. I had to go to work.

I started in a gas station, glad to get a job—any job. Too many people these days do not want to start at the bottom; they want to start at the top. I was happy to start at the bottom, pumping gas, and I was making \$50 a month—\$50 a month, working 13 days out of every 14.

Then I became a produce salesman, then I learned the trade of meat cutting. All those years, my wife stayed at home with the two daughters, and I stayed there building up the meat business for my employers. I wanted to be the best butcher in the whole chain of Kopper Stores. I do not know that I was, but that is what I wanted to be and I tried to be. I tried to win the fish-selling contests, the beef-selling contests, the dairy-selling contests, and sometimes I did win them.

Then it took me 10 years after I came to Washington to get my law degree, going to school at night. Before I came here, while I was in the West Virginia House and Senate, I started attending college across the river from the State capital.

I had a grocery store of my own, then, and my wife kept the store. We had one employee at times I think we had a many as two. Erma tended the store, and I went to college. She put me through 2 years of college in West Virginia. I had 70 hours of college work when I came to Washington to start a work.

I came to Washington, and the late Senator Harley Kilgore, my predecessor said, "Why don't you go to law school?"

I said, "Well, I haven't finished my prelaw work."

He said, "That doesn't make any difference. Go on downtown and enroll in law school."

So I went down to George Washington University, and I enrolled there as a special student.

After a while, I found out that I would not be recommended for a law degree because I did not have the prerequisite bachelor of arts or bachelor of science degree.

So I went down to American University and told the same sad tale. The dean there said, "We require the same thing here at American University. We require a prerequisite BA degree or BS degree. But I'll tell you what I'll do. If you can finish the required courses in law with no lower than a B average, I'll recommend you for an LL.B. degree."

So I took on the challenge. It was tough.

I used to leave the House when I was a Member of the House—I could not take courses every year, because in the House I had to run every other year in a campaign year. I could not take courses at the school. Finally, when I came to the Senate, I could finish.

My wife would come here after I had worked the day in the House or in the Senate. She would come here and wait on me, outside on the parking lot. We had one car in those days, when I first came to Washington.

By the way, I did not learn to drive a car until I was in the West Virginia State Senate. I was 31 or 32 years old then.

She would come to the Hill and bring a jar of milk and some white bread and a pork chop, and a little jar of peaches or pineapples, and on the way down to American University, would eat my supper. She would drop me off there at the law college, go home, and come back that night and pick me up after class.

So she put me through school, and never with any complaint, never grumbling about the sacrifices she made.

Mr. WARNER. Mr. President, if the Senator will yield, I remember when she accompanied us on the code when we went to visit the five heads of state.

I can say, as one of the members of that group, that she protected us from



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on occasion and not work more than 12 or 14 hours a day.

So, apart from our respect for her as a Senate wife, from time to time she is vitally needed for other roles.

Mr. BYRD. I thank the Senator.

She has been good for me and to me, and I think I would be recreant if I did not take these final moments, as majority leader, to call attention to her sacrifices and to thank her publicly. I can never repay that debt I owe to her.

## RECESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, at 5:05 p.m. the Senate recessed until 5:37 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SHELBY].

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I am authorized by the distinguished Republican leader, even though he is not momentarily on the floor, to proceed with the following:

## PAST EMPLOYMENT RESTRICTIONS ACT

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5048.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 5043) entitled "An Act to amend section 207 of title 18, United States Code, relating to restrictions on post-employment activities", with the following Amendment:

In lieu of the matter inserted by said amendment, insert:

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Post-Employment Restrictions Act of 1988".

## SEC. 2. RESTRICTIONS ON POST-EMPLOYMENT ACTIVITIES.

(a) RESTRICTIONS.—Section 207 of title 18, United States Code, is amended to read as follows:

"207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches; restrictions on partners of certain current officers and employees of the executive branch.

"(a) RESTRICTIONS ON ALL OFFICERS AND EMPLOYEES OF THE EXECUTIVE BRANCH AND CERTAIN OTHER AGENCIES.—

"(1) PERMANENT RESTRICTIONS.—Any person who is an officer or employee of the executive branch of the United States Government, or of any independent agency of the United States (including the Government Printing Office and the General Accounting Office), including the President, the Vice President, and any special Government employee, and who, after his or her service or employment with the United States Government terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, aids, or advises any other person (except the United States) concerning any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any department, agency, court, or court-martial of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter—

"(i) in which the United States is a party or has a direct interest,

"(ii) the person participated personally and substantially as such officer or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, and

"(iii) which involved a specific party or specific parties at the time of such participation,

shall be punished as provided in subsection (h).

"(2) TWO-YEAR RESTRICTIONS.—Any person subject to the restrictions contained in paragraph (1) who, within 2 years after his or her service or employment with the United States Government terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any other person (except the United States) to,

any department, agency, court, or court-martial of the United States, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter—

"(i) in which the United States is a party or has a direct interest,

"(ii) which such person knows was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States Government, and

"(iii) which involved a specific party or specific parties at the time it was so pending,

shall be punished as provided in subsection (h).

"(3) ONE-YEAR RESTRICTIONS WITH RESPECT TO TRADE NEGOTIATIONS.—Any person subject to the restrictions contained in paragraph (1) who, within 1 year after his or her service or employment with the United States Government terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, aids, or advises any other person (except the United States) concerning any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of

any other person (except the United States) to,

any department, agency, court, or court-martial of the United States, or any officer or employee thereof, in connection with any trade negotiation—

"(i) in which the United States is a party or has a direct interest, and

"(ii) which such person knows was actually pending under his or her official responsibility as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States Government, or

"(iii) in which such person participated personally and substantially as such officer or employee within a period of 1 year before the termination of his or her service or employment with the United States Government,

shall be punished as provided in subsection (h). For purposes of this paragraph, the term 'trade negotiation' means negotiations undertaken to enter into a trade agreement pursuant to section 1102 of the Omnibus Trade and Competitiveness Act of 1988. This paragraph applies only in a case in which neither paragraph (1) or (2) of this subsection applies.

## " (b) ONE-YEAR RESTRICTIONS ON CERTAIN SENIOR EXECUTIVE BRANCH PERSONNEL.—

"(1) RESTRICTIONS.—In addition to the restrictions set forth in subsection (a), any person who is an officer or employee of the executive branch of an independent agency (including the Government Printing Office and the General Accounting Office), who is referred to in paragraph (2) (other than a special Government employee who serves less than 60 days in the 1-year period before his or her service or employment as such employee terminates), and who, within 1 year after his or her service or employment as such officer or employee terminates—

"(A) knowingly acts as agent or attorney for, or otherwise represents, any other person (except the United States) in any formal or informal appearance before, or

"(B) knowingly makes, with the intent to influence, any communication on behalf of any person (except the United States) to,

any department or agency in which such person served within 1 year before such person's service or employment as such officer or employee terminated, or any officer or employee thereof, in connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter, which is pending before such department or agency or in which such department or agency has a direct interest, shall be punished as provided in paragraph (h).

"(2) PERSONS TO WHOM RESTRICTIONS APPLY.—(A) Paragraph (1) shall apply to a person (other than a person subject to the restrictions of subsection (c) or (d))—

"(i) employed at a rate of pay fixed according to subchapter II of chapter 53 of title 5, or a comparable or greater rate of pay under other authority, or

"(ii) employed in a position which involves significant decisionmaking or supervisory responsibility, as designated by the Director of the Office of Government Ethics, in consultation with the department or agency concerned.

Only positions which are not referred to in clause (i), and for which the basic rate of pay is equal to or greater than the basic rate of pay payable for GS-17 of the General Schedule, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of