

TRIBUTE TO LEON BRACHMAN

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Ms. GRANGER. Mr. Speaker, I rise today to pay tribute to Leon Brachman, one of Fort Worth, Texas' finest sons, in honor of his upcoming 80th birthday.

While he was born and raised in Marietta, OH, Mr. Brachman moved to Forth Worth in 1938. He married a Fort Worth girl from an old Forth Worth family and never left.

Mr. Brachman has served his adopted city in almost every civic capacity imaginable. In his service as a founder of the Fort Worth Symphony and the Fort Worth Chamber Music Society, an original board member of the Van Cliburn Quadrennial Piano Competition, and president of Casa Manana, he has shown his profound love of culture and his belief that all should be able to share in its beauty. By his decades long service as the treasurer, president, and chairman of the board of All Saints Hospital, as well as his chairmanship of the Steering Committee of the Public Health School of the University of North Texas, Health Science Center, Fort Worth, he has shown his devotion to the provision of quality health care to all citizens of our community. As the chairman of the Tarrant County Appraisal District, he devoted countless hours ensuring that Fort Worth and Tarrant County raised their required revenues in a way that was fair to all of its citizens.

To the Jewish community of our city and our entire country, Mr. Brachman has served in virtually every possible leadership role, giving of his time and his resources to keep their institutions strong, their communal needs met, their self-reliance vital. Having served as a vice chairman of the United Jewish Appeal, the president of Ahavath Sholom Synagogue, founder and president of the Hebrew Day School of Fort Worth, and countless other Jewish communal roles, each institution has been positively influenced by his involvement.

Whenever the community has called upon him, Mr. Brachman has never hesitated to take on the most thankless tasks. Wherever there has been an institution in a seemingly hopeless situation, Mr. Brachman has accepted the challenge to nurse it back to health. Our community is incredibly stronger for his presence. We are very lucky that he chose to adopt Fort Worth as his home.

I would like to congratulate Mr. Brachman, his wife of 58 years, Fay, his three children, nine grandchildren, and four great grandchildren and wish them all continued health and success.

It is important that the House of Representatives acknowledge and be thankful for the spirit of community responsibility embodied by Mr. Brachman. His life's work to make our world a better place demonstrates the best our country has to offer.

SENIOR FOREIGN SERVICE
RESERVE OFFICERS**HON. MIKE McINTYRE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. McINTYRE. Mr. Speaker, I rise today to express my thoughts on an issue that has been brought to my attention by a constituent of mine in southeastern North Carolina.

My constituent and his colleagues were Senior Foreign Service Reserve Officers, until they were involuntarily converted out of the Foreign Service by the Foreign Service Act of 1980. These officers were, in general, specialists in professional fields other than those commonly associated with overseas assignments.

When Congress wrote the law that was to become known as the Foreign Service Act of 1980 ("FSA"), Members of Congress spent many hours debating the question of providing safeguards for the careers of the Foreign Service Reserve Officers whose personnel status would be most affected by the newly drafted legislation. Therefore, the FSA guaranteed the permanent preservation of the grade and benefits of the employees.

Please allow me to read an excerpt from the Report of the Committee on Post Office and Civil Service, regarding the Foreign Service Act of 1980:

Converting employees from their present positions to new pay schedules and different personnel systems, including the Senior Service, cannot be accomplished without some difficulties. The policy governing this chapter is to minimize the disruption to the individual employees and to preserve the rights and benefits of employees subject to conversion. The Committee recognizes that minimizing disruption and saving rights and benefits entail cost to the Government. These costs are justified in view of the fact that by forcing conversions the Government, as the employer, is altering the legitimate expectations of the employees. Fairness requires that the Government cushion these employees against the hardships which will come in wake of forced conversion . . . Employees converted are provided with permanent saved grade and tenure rights comparable to what they had.

The Department of State did fulfill their obligation to protect the earned rights of these senior officers from the date of the Act until early 1990. Executive Order 12698 increased the salary of the Senior Foreign Service Officers ("SFS"). However, the Department of State did not adjust the salary of my constituent and his fellow SFS-4 officers. No explanation was given to the affected officers for this arbitrary action of the Department of State.

At about the same time, the Federal Employees Pay Comparability Act ("FEPBA") became law. This law eliminated all Civil Service grades above GS-15, substituting the designation of Senior Level ("SL"), and authorized the agencies to pay SL's a salary as high as SFS-6.

Initially the Department of State proposed to designate these former SFS-4 officers as Senior Level 8, at a salary equal to that of SFS-4. Without explanation and contradictory to the intent of Congress in the Foreign Service Act, the Department of State issued personnel actions designating these long-time,

professional and dedicated officers as SL-00, at a salary \$13,000 below that of SFS-4. This was, and is in my opinion, a distorted interpretation of the Foreign Service Act as passed by Congress and signed into law.

These officers then followed prescribed procedures to effect an administrative correction. The ruling of the Agency's Foreign Service Grievance Board stated that it lacked jurisdiction to interpret Section 2106 of the law, but they then denied the officer's claim, without a hearing.

These officers, frustrated by the Department of State's refusal to uphold the law that protected what they had earned as senior officers of the Department of State, filed an action in the Federal Court for the District of Columbia. The Department of State attorneys with the assistance of lawyers from the Department of Justice resisted to a de novo hearing of the facts. After months of delays, the presiding judge dismissed the case without granting a hearing.

I am equally concerned that the Department of State did not provide a copy of a June 25, 1991, Memorandum from the Office of the Legal Advisor of the Office of the Director General when responding to a request for production of documents by the attorney representing these officers. That document had a direct and dire effect on the status of these officers. The document was kept secret from these officers, and an attempt was made to suppress the document in court. The document, contrary to the clear intent of the law, stated, "Owing to their conversion to the Civil Service, their rights are governed by the Civil Service statutes and regulations." This appears to be the authority used to justify the improper personnel actions that deprived these former Senior Foreign Service officers their guarantees as stated in the Foreign Service Act of 1980.

I seek the support of my fellow colleagues, especially those who also have former Foreign Service Reserve Officers living in their districts, to assist me in putting forth an effort to bring about the restoration of the rank and benefits to which officers are entitled.

I hope that Secretary Albright, in keeping with her May 21, 1996 Department Notice to All Under Secretaries, Assistant Secretaries, Ambassadors, Principal Officers dealing with long term employees disputes, will take a direct interest in resolving this matter and avoid the necessity of remedial legislation.

**IMPROVING SOCIAL SECURITY'S
PAYMENT SYSTEM FOR CLAIM-
ANT REPRESENTATIVES****HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 9, 2000

Mr. SHAW. Mr. Speaker, today I am introducing legislation that if enacted would update and improve Social Security's payment systems for claimant representatives.

Currently, many would-be beneficiaries hire attorneys to help them file applications for Social Security retirement and, most commonly, disability benefits. That this process is so complex people feel obligated to hire an attorney to help them is in itself a serious problem. It is especially troubling given the expected rapid