

**Statement of Senator Daniel K. Akaka**  
***Nominations of Mark Robbins to be a Member of the***  
***Merit Systems Protection Board; and***  
***Roy McLeese III to be an Associate Judge of the***  
***District of Columbia Court of Appeals***

**March 6, 2012**

Good afternoon and welcome. Today, the Committee on Homeland Security and Governmental Affairs meets to consider the nominations of Mark Robbins to be a Member of the Merit Systems Protection Board and Roy McLeese III to be an Associate Judge of the District of Columbia Court of Appeals.

Mr. Robbins has spent most of his professional career in Federal service, and has significant experience with Federal personnel issues. From 2001 through 2006, he served as General Counsel of the Office of Personnel Management, where among other duties, he was responsible for determining whether the Office of Personnel Management should intervene in or seek reconsideration of Board decisions.

Mr. Robbins currently serves as the General Counsel at the U.S. Election Assistance Commission, an independent, bipartisan commission established under the Help America Vote Act of 2002 to improve voting systems and voter access across the country. He also has served as the Executive Director of the Privacy and Civil Liberties Oversight Board in the White House under President George W. Bush and as a State Department legal advisor to a Provincial Reconstruction Team in Iraq.

Mr. Robbins received his undergraduate and law degrees from George Washington University. I would like to thank Mr. Robbins for his public service and his focus on Federal workforce issues.

The Civil Service Reform Act of 1978 created the Merit Systems Protection Board to protect merit system principles and prevent unfair practices in the workplace. In addition to appeals of alleged prohibited practices and adverse actions, the Board hears cases under the Whistleblower Protection Act, the Hatch Act, the Veterans' Employment Opportunity Act, and the Uniformed Services Employment and Reemployment Act.

I believe that the position to which Mr. Robbins has been nominated is among the most important in the Federal Civil Service, and I look forward to hearing his views on the many important issues affecting the Federal workforce.

At a time when Federal employees are under-appreciated and often disparaged, it is important to take this opportunity to recognize the critical work they do securing our nation, keeping our food safe, caring for wounded warriors, and many other critical tasks. These dedicated individuals are among this country's greatest assets. To provide the best possible service to the American people, Federal employees must be able to serve in a workplace without fear of discrimination or undue influence.

Mr. Robbins, if you are confirmed, I expect you to be a strong advocate of the merit system and Federal employees' rights.

One of the most important functions of the Merit Systems Protection Board is to protect Federal whistleblowers from illegal retaliation. As the sponsor of the Whistleblower Protection Enhancement Act, I believe it is vital that Federal employees be able to report waste, fraud, and abuse without fear. Whistleblowers are essential to accountable, fiscally responsible government.

Last year, according to the Department of Justice, private sector whistleblowers reporting fraud against the government were responsible for nearly three billion dollars recovered by the government in civil cases. But Federal employees who blow the whistle simply do not receive the protections they need. I am hopeful that Congress will finally pass my bill, so Federal employees and taxpayers will have these protections.

Other responsibilities of the Board include reviewing Office of Personnel Management regulations and conducting studies on the merit systems. I understand that the Board is currently conducting studies on important issues such as: implementing effective telework programs in the Federal government; the importance of protecting against stereotyping of, and discrimination against, women in the Federal workforce; and an explanation of each prohibited personnel practice under the law, with real world examples.

Mr. McLeese has a distinguished legal career devoted to public service. He currently is Chief of the Appellate Division of the U.S. Attorney's Office for the District of Columbia, and has twice been detailed to the Office of the Solicitor General to argue complex cases before the U.S. Supreme Court. Mr. McLeese also clerked on the Federal Court of Appeals for the D.C. Circuit and the U.S. Supreme Court.

This Committee consistently receives excellent D.C. judicial candidates, nominated by the President from those recommended by the non-partisan Judicial Nomination Commission. I believe Mr. McLeese is well qualified and has much to offer the District Bench.

I hope that the Committee and the Senate can act quickly to confirm both of the nominees.