

**Statement of Ranking Member Tom Carper:
“Nomination of Carol Waller Pope to be a Member, Federal Labor Relations Authority,
and Robert A. Salerno and Darlene M. Soltys to be Associate Judges, D.C. Superior Court”**

Thursday, December 03, 2015

As prepared for delivery:

Thank you Mr. Chairman.

Before I read my opening remarks, I'd like to offer my condolences to the loved ones of the victims of yesterday's tragic shooting in San Bernardino, California. I continue to closely monitor the developments as law enforcement conducts its investigation.

I want to thank all of our nominees and their families for being here today. My thanks as well to Senator Lankford for chairing this hearing and for his work in helping us move forward in considering these nominees.

First, I want to welcome Carol Waller Pope, who is no stranger to this committee nor to the position to which she is nominated. Chairman Pope has over 30 years of experience at the Federal Labor Relations Authority, or FLRA. She began as a career employee in 1980, was confirmed as a Member in 2000, and has served as its Chairman since 2009. Under Chairman Pope's leadership, the FLRA has eliminated its case backlog, significantly reduced the average amount of time cases are pending, and vastly improved employee satisfaction and morale.

In addition, the agency has increased the success of alternative dispute resolution to encourage parties to resolve differences without the need for costly and time-consuming litigation. I look forward to hearing more about the work Chairman Pope has done and also her vision for the FLRA going forward. Thank you again for being with us today.

I am very pleased that we are also considering two nominees for the Superior Court of the District of Columbia. Robert A. Salerno has had a long career in private law practice, where he has worked on issues ranging from criminal investigations to commercial litigation to whistleblower protections. Darlene M. Soltys, currently an Assistant U.S. Attorney for the District of Columbia, has many years of experience as a prosecutor. I believe that the background and experience both of these nominees bring makes them extremely well-qualified to serve as judges on the Superior Court. Thank you both for joining us.

Before I close so we can hear from our nominees, I want to note that I am also pleased that, on November 19, the Senate confirmed nominees to fill two other vacancies on the D.C. Superior Court, William Nooter and Steven Wellner.

That said, the length of time that it took to get Judges Nooter and Wellner confirmed is simply shameful. These qualified individuals waited two years for confirmation. We must do better. And I hope we can do better with these two nominees as well as four others that are currently pending in our committee.

Most people – including some of our colleagues who are not on this committee – likely don't know that local judges in the District of Columbia must be confirmed by the Senate. The D.C. Superior Court and Court of Appeals are operated by the federal government. Their judges are appointed by the President from a slate of candidates thoroughly vetted and recommended by a non-partisan nomination commission. They must then be confirmed by the Senate for 15 year terms. But these courts don't handle federal matters. They are the local courts for the District of Columbia and deal with matters such as local crimes and domestic and civil disputes between the people who live here.

Just this past September, Pope Francis addressed a joint session of the Congress. His remarks that day drew great accolades and standing ovations especially when he invoked the Golden Rule, which calls on us to treat others the way we'd want to be treated.

The way that this body has been treating the nominees for court positions in the District of Columbia, as well as the residents of the District who rely on the court system, is a clear violation of the Golden Rule. It's got to stop, and it needs to stop now. No other jurisdiction in our country must have its local judges approved by Congress. And no other state or locality is denied representation in the Senate that might help it pursue its priorities here, including nominations.

Some have suggested that local D.C. judges should not have to go through Senate confirmation. I think we should seriously consider that idea. But at a minimum, we should develop an expedited process for the confirmation of these local judges.

In the meantime, I hope that the Senate will move forward quickly on the nominations of Mr. Salerno and Ms. Soltys and I thank you both for being here and for your responses to our questions.