

Mark Up of the Homeland Security and Governmental Affairs Committee
Opening Statement
Chairman Joe Lieberman
July 29, 2009

Good morning. The meeting will now come to order. This morning, we have a full mark-up agenda with three nominees and 10 pieces of legislation. So the faster we get started, the more we will get done.

I want to say a brief word about S. 1261, the Providing for Additional Security in States' Identification Act of 2009 (PASS ID). This is a critical piece of legislation that will make our country safer by keeping fraudulent identification documents – primarily drivers' licenses -- out of the hands of terrorists by ensuring that people are who they say they are. I commend Senator Akaka for his stalwart leadership on this very important, bipartisan bill.

Because all but one of the 19 9/11 hijackers had obtained U.S. drivers' licenses – 11 of them legally -- the 9-11 Commission was explicit on the topic of secure identification. Let me read from the Commission's report. Open quote: "Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers' licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities,

including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.” End of quote.

Senator Collins and I developed a process for securing federal identification as part of the Intelligence Reform and Terrorism Prevention Act of 2004. But the following year, Congress adopted the REAL ID Act which, although well-intentioned, was poorly conceived, overly prescriptive, and expensive. States found it burdensome to implement. Thirteen have opted out of compliance and several others are considering doing the same. That is a big problem.

In response, Senator Akaka, along with Senators Voinovich, Carper, Tester, and Burris have championed corrective legislation in S. 1261, which provides states with the flexibility they need, reduces the costs of implementation, and ensures privacy.

As always, we cannot let the perfect be the enemy of the good. But we must ensure that the “good” is not so diluted as to compromise our homeland security. I believe we can accomplish both goals with a substitute amendment Senator Collins and I will offer.

In an age of terrorism, reliable personal identification is an urgent matter. In fact, secure identification is at the very heart of our homeland security. So I urge my colleagues to support our substitute amendment.

Another important matter on the agenda today is S. 372, the Whistleblower Protection Enhancement Act of 2009, also championed by Senator Akaka. This bill would allow federal employees – under certain circumstances - to bring claims of retaliation to court and before a jury, and would grant intelligence agency employees whistleblower rights, except for the right to bring a case to court.

Finally, we have the nomination of Tara O'Toole to be Undersecretary of the Department of Homeland Security in charge of the Science and Technology Directorate.

These are all important items and I hope we can complete our agenda today.
Senator Collins?