

**Testimony before the United States Senate
Committee on Homeland Security and Governmental Affairs**

Hearing on “Identification Security: Reevaluating the REAL ID Act”

**Leroy D. Baca
Sheriff, Los Angeles County, California**

July 15, 2009

Good Morning Chairman Lieberman, Ranking Member Collins, and Members of the Committee. My name is Lee Baca and I currently serve as the Sheriff of Los Angeles County, California and on the Board of Directors of the National Sheriffs' Association (NSA).

I am pleased to have this opportunity to appear before you today to express our support for *S. 1261, The Providing for Additional Security in States' Identification Act of 2009 (PASS ID)*. As the witnesses before me have addressed the problems and challenges associated with the implementation of REAL ID, my testimony will focus on the critical need for a national standard for identification security from a local law enforcement perspective, so that we are effectively integrated to ensure homeland security.

We recognize that the proposal to issue a national standard for identification security has been a contentious issue. However, we believe that PASS ID adequately addresses the cost, policy and privacy concerns so as to protect the citizens that we serve. From a law enforcement perspective, it gives us that much more confidence that the identification we are looking at is authentic – that you are in fact who you say you are. It provides one more tool to ensure public safety. It is designed to make it much

more difficult for terrorists, criminals and illegal aliens to tamper with official identification.

In 2005, the National Sheriffs' Association was asked to take a position on REAL ID. NSA discussed the issue at length and while the Association did not take an official position on the Act itself, we did support the concept of the need to develop a national standard for identification security.

Recognizing the significant problems associated with REAL ID and the looming deadline for full compliance, the NSA Board of Directors reviewed and discussed the provisions of PASS ID and officially endorsed the proposal. In doing so, NSA became the first national law enforcement organization in the United States to endorse this proposal.

Since the events of 9/11, the significance of how local law enforcement might protect national security and the importance to homeland security measures have increased substantially. Sheriffs and their deputies play a critical role in homeland security efforts as the nation's counterterrorism "eyes and ears." Local law enforcement personnel are almost always the first to experience firsthand suspicious activities and first to respond to any terrorist event. Clearly, there is a compelling role for local law enforcement in which we make contributions to preventing and responding to local manifestations of terrorist threats.

We must make communication and integration of federal homeland security efforts with local law enforcement a priority at the policy and operational levels. Information sharing is the mission-critical requirement to achieve homeland security, to protect the American public, and to defend against terrorism. Whether it's an officer at a

traffic stop, an investigator at a crime scene, a first responder at a toxic spill, or an officer at the border, it is vital that we move forward in providing efficient, secure, and accurate identification across jurisdictional and technological boundaries.

NSA believes that PASS ID is a logical solution and currently the only pragmatic approach to implement a national standard for identification security. The core of the PASS ID concept is premised on a practical approach to avoid the systematic malady of REAL ID including cost and privacy concerns.

In light of the 9/11 terrorist attacks and the discovery that its hijackers boarded flights with fraudulent identification and the need for increased border security, it is readily apparent that we need to develop a national standard for identification security on state identification cards and driver's licenses to prevent the ability of forging these documents and obtaining such state identification with fraudulent papers.

We witness daily during the course of our law enforcement duties individuals who are routinely found to have counterfeit identification. While some fraudulent documents are easy for law enforcement to recognize as counterfeit, there are documents that are expertly crafted and almost impossible to detect as counterfeit.

Such documents pose a dangerous risk to not only the law enforcement community, as we become unsure of the identities of individuals we have in our custody, but to the public, as we may release potentially dangerous individuals unknowingly into an unsuspecting public.

Under PASS ID, the requirements necessary for obtaining state identifications and driver's licenses remain as strong as they were with REAL ID. States will be required to validate the identity of an individual by checking several federal government

databases, including the Social Security database, and confirming his or her legal status with federal immigration services.

PASS ID will require that the citizenship or legal status of an individual is fully displayed on the state identification cards and driver's licenses. Such information is critical to local law enforcement in our border security efforts. In particular, the information will help to identify those individuals who are in the United States illegally, who are dangerous criminals or who could potentially pose a threat to national security.

It would mandate that identification cards still contain the requirements from REAL ID, meaning that the cards would display a photo of the individual, the individual's valid signature, and a machine-readable barcode on the back of the license or identification. The bar code would continue to contain the appropriate identification that would already be included on the ID, but presents it in a more readable form for law enforcement and continues to verify that an individual is who he or she claims. PASS ID would, however, prohibit the social security number of an individual from being included within the barcode or on the card itself to ensure that the individual is protected against identity theft.

We are not declaring PASS ID as the end-all perfect solution and anticipate that further technological systems, laws and regulations will likely have to be developed and enforced to improve provisions under PASS ID. However, we believe that PASS ID is a significant and necessary step forward in establishing a much needed national standard for identification security to strengthen homeland security. We must accept that REAL ID has not and will not be fully realized and that there is an urgent need to implement an alternative security measure as a starting point.

Simply, the implementation of PASS ID would enhance law enforcement's ability to identify and translate critical information to the officer on the street in an effort to ensure America's public safety.

I want to thank you for the opportunity to come before you today and express our support for *S. 1261, The Providing for Additional Security in States' Identification Act of 2009 (PASS ID)*. The National Sheriffs' Association stands ready to assist Congress and the Administration in implementing PASS ID and creating a safer and more secure nation for all individuals.