

Transcript of Press Conference

January 11, 2008

Department of Homeland Security

Annexed hereto is a transcript of the press conference and questions period held by Michael Chertoff, Secretary of the US Department of Homeland Security on January 11, 2008, concerning the contemporaneous release of the:

Minimum Standards for Drivers' Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes

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January 11, 2008**

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Remarks by Homeland Security Secretary Michael Chertoff at a Press Conference on REAL ID

Release Date: January 11, 2008

Washington, D.C.

Secretary Chertoff: That's what you call an introduction that is short and sweet. Thank you. Thank you for hosting me here. Happy New Year to everybody.

One of the biggest concerns we've had for the last several years, one we continue to have at the Department of Homeland Security, is how do we promote a secure form of identification across America? And Congress has spoken to this by passing the REAL ID Act several years ago, which provides that we have the obligation to set uniform security standards for the issuance of state driver's licenses.

When we went back and investigated the 9/11 attacks, one of the things which we found, and which the 9/11 Commission found, was that all but one of the hijackers carried a government-issued identification form – mostly driver's licenses. And this government-issued ID helped the hijackers board airplanes, or remain in the country illegally. That's why the 9/11 Commission recommended that we enhance the security of our driver's licenses as a counterterrorism measure. And that's why Congress set higher standards for driver's licenses in the REAL ID Act. That's also why the American people overwhelmingly support more security for driver's licenses.

There are really three reasons why secure driver's licenses and security standards for driver's licenses make a lot of sense. First of all, as the 9/11 Commission noted in its final report, secure identification is an essential way of ensuring that people are who they say they are. And therefore this kind of identification gives us a tremendous tool in preventing dangerous people from getting on airplanes or getting into federal buildings.

Second, secure identification happens to be a very good way to prevent illegal immigrants from pretending to be American citizens so they can work illegally in this country. And make no mistake about it: identity fraud among illegal immigrants is a serious problem. It harms the legal worker, it deceives the honest employer, and it destroys the privacy and the good credit of innocent Americans every year.

During fiscal year 2007, when we were conducting worksite enforcement operations, enforcing the immigration laws, our Immigration and Customs Enforcement agents made 863 criminal arrests, and ended up charging more than 500 individuals with state and federal document fraud crimes, including identity theft and Social Security fraud.

Third, secure identification protects all of us from the pernicious plague of identity theft. Last year, our Secret Service arrested over 4,300 suspects, including both legal and illegal workers, for identity theft crimes that totaled \$690 million in actual fraud loss to individuals and financial institutions. Studies show that roughly 35 percent of these kinds of fraud cases involve the use of fraudulent driver's licenses or phony state ID cards. And in the year 2005, according to the FTC, identity theft cost American households \$64 billion, and 28 percent of those incidents likely involved the use of a phony driver's license.

So there are three categories of people who will be very unhappy about secure driver's licenses:

terrorists, some people who want to get on airplanes and federal buildings and avoid terrorist watch lists; illegal immigrants who want to work in this country by pretending to be American citizens; and con men. And we're going to disappoint all three categories of these people by announcing today's final REAL ID rule for driver's licenses.

In accordance with the REAL ID Act of 2005, we are publishing today the final rule that will lay out uniform security standards for driver's licenses and state identification cards. And let me tell you what the major features of the rule will be.

First, under the rule, people seeking driver's licenses must provide to their state Department of Motor Vehicles documents that prove who they are and prove that they are here in this country legally. This is a major step forward in preventing illegal immigrants from getting driver's licenses. Second, Department of Motor Vehicle offices must verify that the documents they are being presented with are legitimate. And they have to take steps to protect their own operations and their own databases from identity theft and other corrupt activities. Third, licenses issued by states now must meet tamper-proof, specific standards that will make it much harder to counterfeit or alter a secure driver's license. And finally, states have to work together to assure that individuals are not able to obtain driver's licenses from multiple states in an improper manner.

Let me give you some concrete examples of how these new common-sense standards are going to work. First, for far too long, people who came into this country under a lawful visa and then overstayed that visa were able to obtain driver's licenses in many jurisdictions that continue to be valid after the expiration date of the original visa. What this meant was people who overstayed their visas had a form of documentation that made it seem to the innocent observer that they were here in the country legally. Under today's rule, we're going to put a stop to that activity. By the end of 2009, if you illegally overstay your visa, you will not be able to get a REAL ID-compliant driver's license.

Let me give you a second example. There remain a few states that, when presented with a Social Security number by an applicant for a driver's license, do not check to determine whether that number is genuine. As a result of today's new REAL ID rule, those who create phony Social Security numbers will now risk getting caught at their DMV because our rule requires that the DMV check Social Security databases to make sure that the number presented is genuine and real.

And finally, in the past if you presented fraudulent documents in a DMV office while trying to get a license, you might be turned away – and then you could go down the road to the next DMV or to the next state, and try again. Under today's rule, DMV employees are going to require that you take your photograph as the first step of the application process – as soon as you set foot inside the door. What that means is that if we discover, or if DMV workers discover, that you have submitted fraudulent documents, you're not going to be able to try again down the road because we're going to have a record at the DMV of the fact that you tried and failed to get a license the first time.

Now, these are very important and significant goals, but there are some burdens involved, obviously, in distributing a new kind of license. Many of the states, of course, have already begun to take steps to secure identification. But others expressed a concern about the business process, and the cost of these measures, and whether they were in fact doable within the time allotted and without undue expense and undue burden to the states.

So we've addressed these concerns in a number of different ways. First, we have taken steps in the new rule, in response to an awful lot of comments – about 21,000 – to simplify the business process to give the states more flexibility in terms of the kind of security features that will satisfy our requirements, and to extend the period of enrollment for people over the age of 50 so as to allow the business process to work in a somewhat more orderly and a somewhat more extended fashion.

The net result of these changes, which do not sacrifice the core security features of the new REAL ID license, is that we have been able to reduce implementation costs to the states by approximately three

quarters – and that's going to be with allowing them a greater flexibility for their own business processes. In order to do that, one major change that we're making for Americans 50 years or older is expanding their enrollment deadline, or extending their enrollment deadline, from December 2014 to December 2017. And so we've built a series of milestones which the states can meet in order to remain in compliance with the law, and which will put them on what I would call a gentle but nevertheless expeditious glide path to getting the job done.

What is the cost going to be? Well, at the end of the day, we estimate that the average actual cost for issuing a REAL ID license is about \$8 per license at the margin. So if you're in a state that issues a four-year license, that means you're going to be paying a little bit more than \$2 a year in order to have a license that validates your identity, proves that you are in the country legally, and is secure from being counterfeited or tampered with by identity thieves.

I know I speak for most Americans when I say that \$2 is a very small price to pay for increased confidence that you'll be safe when you get on an airplane or when you walk into a federal building; for confidence that your identity is not going to be stolen and misused by somebody else; for confidence that illegal immigrants are not going to be able to pretend to be Americans by using phony documentation. And that's why we think going forward with this rule is a fair balance between important security measures and a need to make sure we are cost-effective in what we do.

Before I take questions, let me respond briefly to objections that I sometimes hear, raised by civil libertarians about REAL ID, particularly the argument that somehow REAL ID is going to impair our privacy.

I have to say that most of these objections are really grounded in misinformation, so let me clarify a number of things right now. We are not going to have a national database. REAL ID does not require that states start to collect additional information from applicants that they have not already created. We are not going to wind up making this information available willy-nilly. In fact, the steps we are taking under REAL ID will enhance and protect privacy rather than degrade and impair privacy.

I'm going to begin by pointing out that among the things we're doing under REAL ID is requiring that state motor vehicle agencies have in place background checks and security plans for their databases at – in terms of the motor vehicle information. Traditionally, again and again we have seen corruption at motor vehicle agencies leading to people improperly disseminating personal information. These security plans and these background checks will actually minimize the risk that employees will improperly take that information and disseminate it.

Second, as I said, we are not building a large database for collecting additional information. What we are doing is using the existing network of databases, using information already held and collected by state agencies and by the federal government, to make sure that people cannot present phony identification by checking that identification against the original database. So if somebody tries to present a phony passport and substitutes a picture of themselves for the real passport owner, by checking that passport against the database that we have at the Department of State with the passport page, we can see there's a difference in the photograph, and we can detect a potential identity thief or other kind of con man. That again is a step forward in terms of privacy.

So finally, we come to the core question: Is it somehow an invasion of privacy to require that when people present identification to come into a building or to get on an airplane that that identification be genuine and valid? Now I guess you could make the argument – and I know I certainly wouldn't make it, and I doubt you're going to find many Americans who would make it – but I guess you could make the argument that you should have the right to get on an airplane without telling anybody who you are, and that it's wrong for us to be able to check a watch list to see whether Mohammed Atta, number two, is getting on an airplane. And if that's your position, then you're against all identification; you don't want people to identify themselves in any circumstance. But as I say, I don't think that makes sense, and I don't think the American people [think that] makes sense.

So given that we do have a general consensus – that it is appropriate to ask people to identify themselves in certain circumstances – the question I have to ask is, what is the privacy argument for making it easy to forge that identification, or to impersonate somebody, or to lie about who you really are? I'm frankly still waiting to hear the ACLU or somebody else get up and explain why we are better off as a society if when someone presents a license to get on an airplane, they can pretend to be somebody else, or they can lie about their identity; or that it's good to be able to have illegal immigrants pretend to be American citizens by stealing the identity of somebody else, or by having a license that allows themselves to represent themselves as legally in the country. And if they can make the case and persuade people, then maybe we'll – people will push back against this rule.

I think at the end of the day there is no argument in favor of insecure identification. I think there is no argument in favor of making it easy for somebody to steal my identity and invade my privacy because it's easy to fabricate a driver's license or another document. I think that anybody who looks at this in a fair-minded and objective way is going to say, what we are doing in REAL ID is taking a major step forward in terms of protecting privacy, even as we protect security.

Finally, I'd like to talk a little bit about the process. This is not – contrary to what some people say – just the federal government big-fooding itself on the states. As I said, we had a very lengthy and frankly what I would call an iterative process, a back-and-forth process, with state legislators, governors, DMVs, and a whole host of interested people between the time we issued our original proposal and the final proposal that we're issuing today. We had a great deal of consultation, and if you look at the regulation that we have issued and compare it to the original proposed regulation, you will see some meaningful changes. So this is very much the product of a lot of listening, a lot of careful consideration, and frankly taking on board some good ideas from the states and the other people who are interested in this.

But I will also say there comes a point in time that all the discussion and analysis has to stop. We are now over six years from 9/11. We live every day with the problems of false identification. Simply kicking this problem down the road year after year after year for further discussion and further debate and further analysis is a time-tested Washington way of smothering any proposal with process. So I think we've given it a fair process. Some people probably think we've given it too much time. But I think the time has come to bite the bullet and get the kind of secure identification I am convinced the American public wants to have.

And I'm prepared to defend this against criticism. I invite people, if they want – you know, if they want to raise privacy arguments or other arguments, send them into us; we'll put it on our website and I'll answer them on our leadership blog, because I think the time for smothering this important 9/11 Commission recommendation with endless process and discussion is over.

So I'm delighted to say we're moving forward. We're expecting to work with the states to begin the first stages of implementation. And as the years go by, the consequence of this is going to be a more secure form of identification which will serve both our homeland security and our individual concerns about personal privacy. And now I'm happy to take questions.

Yes. I think you got to wait for the mike.

Question: So, as long as one state does not comply with the regulations, can this regulation be successful?

Secretary Chertoff: Oh, sure. Let me tell you how this is going to work. Under the law, we are required, by May of this year, to have states come into compliance with REAL ID, or else to decline to accept the states' driver's license for getting on an airplane or getting in a federal building. But the law does allow us to waive that with respect to any state that is coming into compliance with REAL ID. And so we are creating a path for the states to get waivers as they begin the process of implementing the REAL ID regulations. And all they need to do to begin with is to simply indicate that they're going to

begin the process, and then we have a series of milestones to make sure we move forward on a disciplined way.

About 40 percent of the people in this country already live in states which have begun the process of moving toward REAL ID. And I think many more states are going to be joining as soon as we get these regulations out, and people have an opportunity to analyze them. And I say that because we've had a lot of discussion, frankly, with the major states on these issues.

Now if a particular state were to say, "We opt out; we're not going to participate at all," then the law is very clear: after May of this year, that state's driver's licenses will no longer be acceptable as a form of federal identification for getting on an airplane or getting into a federal building. The consequences of that is going to be, frankly, more inconvenience for the residences of that state, but that's what the law requires, and I'm going to obey the law.

Question: Follow-up, please? Won't illegal immigrants and others flock to those states to get their driver's license?

Secretary Chertoff: Well, I think that's a very good question. I think that if you have states that decline to participate in REAL ID, they may well find that they become a magnet for illegal immigrants, and that illegal immigrants go to get those state driver's licenses because they begin to see those as the only way they can come up with some kind of ID in order to work and stay in the country.

Now, maybe the public in those states is going to think that's a great idea, you know, to have a lot more illegal immigrants move in. I'll be curious to see the reaction. I can tell you, everything I've seen publicly is public concern about people who are here illegally, using documents to facilitate their stay; and that's particularly true when the documents they're using are phony documents, or documents that misrepresent what their legal status is. So we'll see how this all plays out over the next several months.

Question: Mr. Secretary, you mentioned that FTC says the cost of stolen IDs is \$64 billion, and legal, or illegal immigrants cost only about 1 percent of that. But you seem to emphasize that the main danger here are the illegal immigrants, in terms of theft – ID theft.

Secretary Chertoff: I'm actually not emphasizing one or the other. The most important thing from our standpoint, obviously, is terrorists. I mean, this concern about identification was born out of a need to make sure that when we put people on a watch list to keep them off an airplane because they're dangerous, that we can determine whether someone is – who's watch-listed is sneaking on using another person's identity; that's priority number one.

But the other priorities follow as well. Having illegal immigrants using phony documents; that's a priority. Having con men steal identity in order to rip people off is a priority. And I'm certainly not suggesting that most illegal immigrants who use phony documents do it to rip people off. I'm saying these are all important concerns, and we can kill three birds with one stone if we get ourselves on a path to a secure driver's license.

Yes.

Question: (Inaudible). You said that you're not collecting any additional information, but you touted that as soon as people go into a DMV, they're going to get their picture taken.

Secretary Chertoff: Right.

Question: Isn't that collecting additional information?

Secretary Chertoff: Well, their picture is taken now.

Question: Not necessarily. You can walk into a DMV and, you know, schlep around and then get out.

Secretary Chertoff: Well, I guess you could. I think if you walk into a DMV and just schlep around, they probably won't take your picture. But if you get in there and represent yourself as someone who is starting the process of applying for a driver's license, yes, they will take your picture. And I don't think taking your picture is any different from the kind of information that we collect now.

Question: Doesn't that turn the DMV into an apparatus of the Department of Homeland Security?

Secretary Chertoff: No, it turns the DMV into an apparatus of making sure it doesn't become victimized by people who try to get phony driver's licenses. You know, this is really basic common sense. And we have to get over the idea that every time we do something at the Department of Homeland Security and the U.S. government it automatically is a nefarious, evil thing.

It's very simple. If someone comes in and pretends to be you in order to get your identity and steal your identity and victimize you, it's in your interest to prevent that from happening. And if we're doing our job properly, we're helping to protect your interest. And the way we're doing that is we're saying if we catch a person who has tried to pretend to be you, and we reject them from getting a driver's license, let's make sure they don't go down the road to the next DMV, where maybe someone's not quite so vigilant, and they manage to perpetrate the scam down there.

Perfect common sense, and in the end the net winner is the legitimate person; is the person who is not going to be victimized because we're not going to let someone come in again and again and again and try to beat the system.

Yes.

Question: Mr. Chertoff, can you tell me, will there be (inaudible) be (inaudible) compliant as of May this year, or will that – do you think that will only begin for most of the states after the – at the end of 2009?

Secretary Chertoff: I think all that's going to be required as of May of this year is you have to begin the process, you have to indicate you're beginning the process and request an extension. Many states will be much further along than that, but I can't tell you off the top of my head which ones will be exactly where in the process. I think a number of states may, though, be able to come into compliance with at least the first stage of this within about a year.

Question: And can you tell me exactly what's going to happen on May 2008 at airports across the country?

Secretary Chertoff: Well, what should happen, and what I'm expecting is going to happen, is the vast majority of states are going to be signed onto this, and therefore people will see no difference in the way they're handled at the airport.

If a state were to opt out of this, then their license would no longer, as a matter of law, be accepted as identification for getting on an airplane. That means people from that state would have to come up with a different form of identification, or they might find themselves in secondary, because when people come without proper identification and they want to fly, they do wind up going into secondary and getting questioned.

So it's going to be inconvenient. I mean, there's no question the law creates a very powerful incentive for states getting on board with this process. It doesn't make states do it, but convenience and common sense strongly counsel in favor of beginning to move down the path towards this secure form of identification.

Question: Secretary Chertoff, a couple of questions here. Could you tell us about the interplay between these rules today and WHTI? And anything going on with your negotiations with New York state on these issues?

Secretary Chertoff: Well, of course, we've announced where we are with New York, so, I mean, that's out and been public. And at the time that we talked to New York and they agreed to get on board with REAL ID, we had – as part of our back-and-forth with all the states, we had, I think, made it quite clear what this regulation was going to be. So there will be no surprise for them in this; they've been anticipating it.

Just to put it in perspective: Western Hemisphere Travel Initiative has to do with crossing the border, in particular the land border between the United States and either Canada and Mexico. And as you know, in response to a lot of public demand we have agreed to go forward with enhanced driver's licenses that would satisfy border crossing requirements.

Now, enhanced driver's licenses will automatically be compliant with REAL ID. But they will be – have some additional features that are relevant for crossing the border that are not relevant for REAL ID. So you might describe the enhanced driver's license as "REAL ID plus." And the state of Washington, I think this month, is beginning to issue its enhanced driver's licenses, and other states will follow this year.

So what we will do is, again, we're looking to maximize the convenience for the American public, but in a way that actually promotes security and is consistent with privacy.

Yes.

Question: Hi, Mr. Secretary. I was just wondering if you could clear up – I'm a little confused about the \$8 and \$2 figure. I remember when you were with Governor Napolitano of Arizona, you had mentioned a \$5-\$6 per license fee. Could you just –

Secretary Chertoff: This is not a fee. What we're doing is we're taking the current cost estimate, which may – which is a pretty generous estimate, I might say – which is under \$4 billion for a period of 10 years nationwide. And if you were to extrapolate that over all the licenses, it would essentially, on a pro rata basis, come out to a cost of a little more than \$8 per license. It doesn't mean that the states are going to charge necessarily \$8, and I should point out that we have, in this year's appropriations, there will be available about \$360 million for purposes of REAL ID work by the states.

So the combination of the money we're making available this year and the reduced cost should largely eliminate the complaining about an unfunded mandate.

Yes.

Question: Mr. Secretary –

Secretary Chertoff: Well, actually, I was pointing to the young lady next to you.

Question: Oh, sorry.

Question: Hi, my question is, could you answer the argument that actually REAL ID would make it easier for people to conduct the criminality – con men, et cetera – because what's happening is you're creating this trusted card; however, you cannot guarantee that it will never be forged. So when people forge it and it's trusted, therefore it would make it even easier for these con men to be able to conduct their crimes.

Secretary Chertoff: You know, that's a species of argument which goes under the heading of "the perfect is the enemy of the good." There's nothing in the world that's foolproof, but the idea that we should have poor forms of identification that are easily forged and tampered with, because that way everyone will know they're worthless and not rely on them, strikes me as a really bizarre argument.

We are eliminating, through this measure, maybe 99 percent of the risk; maybe 99.9 percent of the risk. That's a major step forward. Is it perfect? No. And if we're talking about, for example, getting into a top security facility, it's probably not going to be enough to have a REAL ID driver's license. But for the vast majority of people, it is a huge benefit to be able to have a high degree of confidence that the license that they're presented with is an accurate license and that the person is who they say they are.

The alternative is for us to send a message to people that basically says a driver's license is useless, it has no identification value, and it's the kind of thing you can pick up at, like, an amusement park when you pay a few bucks and they do some kind of a funny identification.

If someone wants to make the case that we'll be safer by having degraded and readily counterfeited documentation, I mean, you're welcome to make the case. It just makes no sense to me.

Question: Secretary, how will this impact the use of the Mexican matricula consular, which a lot of Mexicans, both legal and illegal, use for all sorts of official business? How will this impact that?

Secretary Chertoff: Well, that document is, of course, not a driver's license, and I don't want to get too far afield into discussing other documents.

Whatever your nationality, your ability to get a driver's license that's REAL ID-compliant is going to require you to establish you are lawfully present in the country. So what that means is, if you're a citizen or a legal permanent resident, you can get a – you can satisfy that requirement. If you're here on a two-year visa, you can get a license, but that license will expire when your visa expires.

So whatever your basis for being here lawfully, your license will be coextensive with that, but it's not going to give you the ability to use the license beyond the scope of your legality.

Question: Mr. Secretary, what's the logic of not having a biometric, other than a photograph, in this kind of supposedly secure ID?

Secretary Chertoff: We have nothing against a fingerprint. Some states have fingerprints, some states don't. Again, we're balancing risk. We believe the digital features of the license we're talking about, coupled with the embedded security features, are sufficient to do the trick. Also, frankly, fingerprint readers are not in sufficiently widespread use that having a fingerprint biometric would necessarily help very much. But states are free to have a fingerprint on, and some states do, in fact, have a fingerprint on.

Question: To follow up – sorry, can I follow up with the question that, you had said that it was either poor identification or secure identification through REAL ID. However, as I had asked, that means that it makes it more valuable if people can forge the REAL ID. And then, when we look at number five, which says that employers can now trust that the secure and this trusted identification, this means that it's going beyond entering nuclear facilities, boarding a plane. Now you're talking about employment.

Secretary Chertoff: Well, I think what's going to – let's separate two things out. Again, I just have to say, you know, your argument that the more secure the document the worse we are because the more we rely on it the more dangerous it becomes, under that theory we should eliminate passports and let people come across the border using a note written by their third-grade teacher. I mean, it just doesn't make any sense to say that more security makes us more at risk. Nothing is perfect, but if we waited for the perfect, nothing would ever get done in human existence.

As far as employment is concerned, we are not, under this rule, requiring that you have a REAL ID license for employment. It is probably reasonably predictable that as these licenses become more widely distributed, the reliability will make them attractive to people who are using identification for other purposes.

The marketplace is a very powerful tool. When people realize that there's a more trustworthy form of identification, they're going to flock to it. And when employers realize that there's a more trustworthy form of identification, they're going to want to rely on it.

So you can't – this is the basic working of common sense and the free market. People will gravitate to what works. What we need to do is enable people by giving them a tool that is a reliable tool – and that's what this is all about.

Yes.

Question: Secretary Chertoff, is the – will there be any new changes or responsibilities, relationships with sovereign tribes, especially those – sovereign tribes, especially those that overlap Canada and Mexico, with the U.S. and Canadian and Mexican borders?

Secretary Chertoff: I think the rule here with the driver's licenses affects – it's not a peculiar requirement for tribes; it doesn't put any special burden on them. It's the same process you use now if you're part of a tribe to get a license, except that the business process will be a little bit more reliable and the card will be more reliable.

For the person going to through the DMV, they may not see much of a difference. They'll get their picture taken up front instead of at the end, but a lot of the checking will take place behind the scenes. It will be on the computer, it will be the person checking the databases. But I don't think the experience for the average person is going to be significantly or noticeably different than what they go through now.

Question: Except they need to bring a lot more documents.

Secretary Chertoff: No, not necessarily a lot more documents. There will be – some documents will satisfy two or three of the requirements. For example, if you bring a passport and something with your address, like a utility bill, that may satisfy the requirements right there. If you bring a naturalization card and a Social Security card or a pay stub with your Social Security number and something to validate your address, that may satisfy the requirements.

As it is now when you go to the DMV, you do have to bring documents with you. And so we're going to be very clear in the regulation about the kinds of documents that you have to bring. And I think like with anything else, once people actually look at what they need to get on the various websites it will be very easy to come in with the requisite documents.

Yes.

Question: Secretary Chertoff, the date for final implementation is December 1, 2017. That's more than 16 years after 9/11. I understand that you have made these changes in an effort to compromise with the states, but in the meantime, have you left a gaping hole in homeland security for too long a period of time?

Secretary Chertoff: You know, I'll tell you, I wish I could have gotten this done last year. I mean, this is the reality of what we face at Department of Homeland Security. On the one hand, I feel as keenly as anybody else the urgency about getting all these things done as quickly as possible. On the other hand, whenever we try to do something, everybody who finds it inconvenient or expensive starts to complain about it. And we've got to try to figure out a way to reconcile the competing demands of security with

the practical realities of what it takes to implement a major program that touches a lot of people.

So what we do in this area, as we do with everything else, is we manage the risk. We say to ourselves, what is the highest risk, and how do we take that off the table first? And then as we move forward over time, we move to the less risky issues. That's why we've got a program to get the – phase of the security upgrades up by the end of next year, the rest of them up by the middle of 2011, and then our first group of people 50 and under have to be completed by the end of 2014.

Now, do I wish we could have done it more quickly? Absolutely. Practically everything in my domain I wish we could do more quickly. It's like building fence. We're still on track to build that fence, but we're going to be in court pretty soon because people are resisting us there.

So the bottom line here is, we are – and that's why I said the time for process and discussion has to come to an end. We've given everybody a fair hearing. We've had a lot of dialogue. We've picked up some useful advice and we've incorporated it. But the last thing I'm going to do is put this off for 20 years.

I think we're on a glide path that will get us where we need to go. I'm willing to predict, as sure as God made little green apples, that there will be people out there who will immediately be running to find ways to overturn what we're doing or to kick this further or to restart the – reboot the process to the very beginning again. And when they do that, you're going to have to ask them, are they prepared to wait not ten years but 20 years or 30 years?

So this is a great teaching moment on the challenges of really reconfiguring a society so that we can take reasonable steps to secure ourselves in a way that is nevertheless consistent with our civil liberties and our prosperity.

Question: Mr. Secretary, would you elaborate on what will happen in those states that opt out of it? How do people in those states get on airplanes and into federal buildings?

Secretary Chertoff: You know, they're going to wind up bringing other documents that are satisfactory, or what will happen is, if they don't have other documents, they're going to have to face what people face now when they show up at the airport and they don't have identification, which is, they wind up going into secondary and we try to validate who they are.

The last thing I want to do is punish citizens of a state who would love to have a REAL ID driver's license and can't get one because the state has voted to opt out of the program. And there will be other kinds of documentation available at the federal level, like, for example, the new PASS card that the State Department is going to start taking applications for in February; the traditional passport. If you're in a northern state and you have NEXUS, that can do the trick.

So there will be other options. I'm going to make a prediction that the public demand for having secure identification is going to be overwhelming. And we'll try to work with people whose states have opted out. But in the end, the rule is the rule. It was passed by Congress, it was enacted into the law of the land, and I'm obliged to enforce it.

Yes.

Question: What is the minimum time for a foreign-born person staying legally in the U.S. would need to apply for REAL ID? And if REAL ID is for tourists?

Secretary Chertoff: It's not for tourists because if you come in as a tourist, it's usually a three-month period of time or a short period of time.

This will be something, for example, if you come in as a student, you get a two-year visa as a student.

That will be the kind of temporary status that would make it sensible to have this kind of a license.

And of course, we're going to key in – one of the ways we're going to key in the licensing process is by having it connected to our Citizen and Immigration Service database. So if someone does come in with a visa, the DMV will be able to validate that it's a legitimate visa with the Citizenship and Immigration Services database. And if the time comes that Congress passes some kind of temporary worker program or enhances a temporary worker program, we can adjust to take account of those visas as well.

The idea is ultimately to have a system that, as common sense would tell you, is synchronized, where your period of lawful presence in the country matches up to your period of a REAL ID license. And once we complete this process, that's going to make it easier for the person who's here legitimately, and it's going to be easier for everybody who interacts with that person, because they're going to have reliability and confidence in the documents they're being presented with.

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