

Exhibit Number: 3

The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned. A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.

109TH CONGRESS
1ST SESSION

H. R. 418

To establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. SENSENBRENNER (for himself, Mr. TOM DAVIS of Virginia, Mr. DREIER, Mr. HUNTER, Mr. HYDE, Mr. HOEKSTRA, Mr. COX, Mr. HOSTETTLER, Mr. SMITH of Texas, Mr. COBLE, Mr. CHABOT, Mr. AKIN, Mr. ALEXANDER, Mr. BACHUS, Mr. BAKER, Mr. BARTON of Texas, Mr. BASS, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BONO, Mr. BOOZMAN, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. CHOCOLA, Mr. CRENSHAW, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FEENEY, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Ms. FOXX, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Ms. HART, Mr. HAYWORTH, Mr. HENSARLING, Mr. HERGER, Mr. ISSA, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. DANIEL E. LUNGREN of California, Mr. McCAUL of Texas, Mr. McCRERY, Mr. MCHUGH, Mr. MCKEON, Mr. MANZULLO, Mr. MILLER of Florida, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUNES, Mr. OSBORNE, Mr. OTTER, Mr. PITTS, Mr. RADANOVICH, Mr. RAMSTAD, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROHRBACHER, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHUSTER, Mr. SIMPSON, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. SWEENEY, Mr. TANCREDO, Mr. TURNER, Mr. THOMAS, Mr. WAMP, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mrs. DRAKE) introduced the following bill; which was referred to the

Committee on the Judiciary, and in addition to the Select Committee on Homeland Security and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "REAL ID Act of
5 2005".

6 **TITLE I—AMENDMENTS TO FED-**
7 **ERAL LAWS TO PROTECT**
8 **AGAINST TERRORIST ENTRY**

9 **SEC. 101. PREVENTING TERRORISTS FROM OBTAINING ASY-**
10 **LUM.**

11 (a) **CONDITIONS FOR GRANTING ASYLUM.**—Section
12 208(b)(1) of the Immigration and Nationality Act (8
13 U.S.C. 1158(b)(1)) is amended—

1 (1) by striking “The Attorney General” fol-
2 lowing the paragraph heading and inserting the fol-
3 lowing:

4 “(A) ELIGIBILITY.—The Secretary of
5 Homeland Security or the Attorney General”;

6 (2) by striking “the Attorney General” each
7 place such term appears and inserting “the Sec-
8 retary of Homeland Security or the Attorney Gen-
9 eral”; and

10 (3) by adding at the end the following:

11 “(B) BURDEN OF PROOF.—

12 “(i) IN GENERAL.—The burden of
13 proof is on the applicant to establish that
14 the applicant is a refugee, within the
15 meaning of section 101(a)(42)(A). To es-
16 tablish that the applicant is a refugee,
17 within the meaning of such section, the ap-
18 plicant must establish that race, religion,
19 nationality, membership in a particular so-
20 cial group, or political opinion was or will
21 be a central reason for persecuting the ap-
22 plicant.

23 “(ii) SUSTAINING BURDEN.—The tes-
24 timony of the applicant may be sufficient
25 to sustain the applicant’s burden without

1 corroboration, but only if the trier of fact
2 determines that it is credible, is persuasive,
3 and refers to specific facts that dem-
4 onstrate that the applicant is a refugee. In
5 determining whether the applicant has met
6 the applicant's burden, the trier of fact is
7 entitled to weigh the credible testimony
8 along with other evidence of record. Where
9 the trier of fact determines, in the trier of
10 fact's discretion, that the applicant should
11 provide evidence which corroborates other-
12 wise credible testimony, such evidence
13 must be provided unless the applicant does
14 not have the evidence or cannot obtain the
15 evidence without departing the United
16 States. The inability to obtain corrobo-
17 rating evidence does not excuse the appli-
18 cant from meeting the applicant's burden
19 of proof.

20 “(iii) CREDIBILITY DETERMINA-
21 TION.—The credibility determination of the
22 trier of fact may, in the trier of fact's dis-
23 cretion, be based, in addition to other fac-
24 tors, on the demeanor, candor, or respon-
25 siveness of the applicant or witness, the in-

1 herent plausibility of the applicant's or wit-
2 ness' account, the consistency between the
3 applicant's or witness' written and oral
4 statements, made at any time and whether
5 or not under oath, the internal consistency
6 of each such statement, the consistency of
7 such statements with the country condi-
8 tions in the country from which the appli-
9 cant claims asylum, and any inaccuracies
10 or falsehoods in such statements.”.

11 (b) WITHHOLDING OF REMOVAL.—Section 241(b)(3)
12 of the Immigration and Nationality Act (8 U.S.C.
13 1231(b)(3)) is amended by adding at the end the fol-
14 lowing:

15 “(C) SUSTAINING BURDEN OF PROOF;
16 CREDIBILITY DETERMINATIONS.—In deter-
17 mining whether an alien has demonstrated that
18 the alien's life or freedom would be threatened
19 for a reason described in subparagraph (A), the
20 trier of fact shall determine whether the alien
21 has sustained the alien's burden of proof, and
22 shall make credibility determinations, in the
23 manner described in clauses (ii) and (iii) of sec-
24 tion 208(b)(1)(B).”.