

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.**

**S. 1494**

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. WHITEHOUSE

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. CAMPAIGN FINANCE DISCLOSURES BY BENE-**  
4 **FICIARIES OF BORDER FACILITY OPER-**  
5 **ATIONS.**

6 (a) IN GENERAL.—Section 304 of the Federal Elec-  
7 tion Campaign Act of 1974 (52 U.S.C. 30104) is amended  
8 by adding at the end the following new subsection:

9 “(j) DISCLOSURE BY BENEFICIARIES OF BORDER  
10 FACILITY OPERATIONS.—

1 “(1) IN GENERAL.—

2 “(A) INITIAL DISCLOSURE.—Every covered  
3 entity which has made covered disbursements  
4 and received covered transfers in an aggregate  
5 amount in excess of \$10,000 during the period  
6 beginning on June 16, 2015, and ending on the  
7 date that is 165 days after the date of the en-  
8 actment of this subsection shall file with the  
9 Commission a statement containing the infor-  
10 mation described in paragraph (2) not later  
11 than the date that is 180 days after the date  
12 of the enactment of this subsection.

13 “(B) SUBSEQUENT DISCLOSURES.—Every  
14 covered entity which makes covered disburse-  
15 ments (other than covered disbursement re-  
16 ported under subparagraph (A)) and received  
17 covered transfers (other than a covered transfer  
18 reported under subparagraph (A)) in an aggre-  
19 gate amount in excess of \$10,000 during any  
20 calendar year shall, within 48 hours of each dis-  
21 closure date, file with the Commission a state-  
22 ment containing the information described in  
23 paragraph (2).

24 “(2) CONTENTS OF STATEMENT.—Each state-  
25 ment required to be filed under this subsection shall

1 be made under penalty of perjury and shall contain  
2 the following information:

3 “(A) The identification of the person mak-  
4 ing the disbursement or receiving the transfer,  
5 of any person sharing or exercising direction or  
6 control over the activities of such person, and of  
7 the custodian of the books and accounts of the  
8 person making the disbursement or receiving  
9 the transfer.

10 “(B) The principal place of business of the  
11 person making the disbursement or receiving  
12 the transfer, if not an individual.

13 “(C) The amount of each disbursement or  
14 transfer of more than \$200 during the period  
15 covered by the statement and the identification  
16 of the person to whom the disbursement was  
17 made or from whom the transfer was received.

18 “(D) The elections to which the disburse-  
19 ments or transfers pertain and the names (if  
20 known) of the candidates involved.

21 “(E) If the disbursements were paid out of  
22 a segregated bank account which consists of  
23 funds contributed solely by individuals who are  
24 United States citizens or nationals or lawfully  
25 admitted for permanent residence (as defined in

1 section 101(a)(20) of the Immigration and Na-  
2 tionality Act (8 U.S.C. 1101(a)(20))) directly to  
3 this account for electioneering communications,  
4 the names and addresses of all contributors who  
5 contributed an aggregate amount of \$1,000 or  
6 more to that account during—

7 “(i) in the case of a statement under  
8 paragraph (1)(A), during the period de-  
9 scribed in such paragraph, and

10 “(ii) in the case of a statement under  
11 paragraph (1)(B), the period beginning on  
12 the first day of the preceding calendar year  
13 and ending on the disclosure date.

14 Nothing in this subparagraph is to be construed  
15 as a prohibition on the use of funds in such a  
16 segregated account for a purpose other than  
17 covered disbursements.

18 “(F) If the disbursements were paid out of  
19 funds not described in subparagraph (E), the  
20 names and addresses of all contributors who  
21 contributed an aggregate amount of \$1,000 or  
22 more to the person making the disbursement  
23 during—

1                   “(i) in the case of a statement under  
2                   paragraph (1)(A), during the period de-  
3                   scribed in such paragraph, and

4                   “(ii) in the case of a statement under  
5                   paragraph (1)(B), the period beginning on  
6                   the first day of the preceding calendar year  
7                   and ending on the disclosure date.

8                   “(3) COVERED ENTITY.—For purposes of this  
9                   subsection—

10                   “(A) IN GENERAL.—The term ‘covered en-  
11                   tity’ means—

12                   “(i) any person who is described in  
13                   subparagraph (B), and

14                   “(ii) any person who owns 5 percent  
15                   or more of any person described in sub-  
16                   paragraph (B).

17                   “(B) PERSON DESCRIBED.—A person is  
18                   described in this subparagraph if such person  
19                   has received revenues or stands to receive reve-  
20                   nues of \$1,000,000 or greater from the oper-  
21                   ation of facilities that temporarily house indi-  
22                   viduals apprehended at or near the southern  
23                   border, or from providing services to those fa-  
24                   cilities.

1           “(4) COVERED DISBURSEMENT.—For purposes  
2 of this subsection, the term ‘covered disbursement’  
3 means a disbursement for any of the following:

4           “(A) An independent expenditure.

5           “(B) A broadcast, cable, or satellite com-  
6 munication (other than a communication de-  
7 scribed in subsection (f)(3)(B)) which—

8           “(i) refers to a clearly identified can-  
9 didate for Federal office;

10          “(ii) is made—

11           “(I) in the case of a communica-  
12 tion which refers to a candidate for an  
13 office other than President or Vice  
14 President, during the period beginning  
15 on January 1 of the calendar year in  
16 which a general or runoff election is  
17 held and ending on the date of the  
18 general or runoff election (or in the  
19 case of a special election, during the  
20 period beginning on the date on which  
21 the announcement with respect to  
22 such election is made and ending on  
23 the date of the special election); or

24           “(II) in the case of a communica-  
25 tion which refers to a candidate for

1 the office of President or Vice Presi-  
2 dent, is made in any State during the  
3 period beginning 120 days before the  
4 first primary election, caucus, or pref-  
5 erence election held for the selection  
6 of delegates to a national nominating  
7 convention of a political party is held  
8 in any State (or, if no such election or  
9 caucus is held in any State, the first  
10 convention or caucus of a political  
11 party which has the authority to  
12 nominate a candidate for the office of  
13 President or Vice President) and end-  
14 ing on the date of the general election;  
15 and

16 “(iii) in the case of a communication  
17 which refers to a candidate for an office  
18 other than President or Vice President, is  
19 targeted to the relevant electorate (within  
20 the meaning of subsection (f)(3)(C)).

21 “(C) A transfer to another person for the  
22 purposes of making a disbursement described in  
23 subparagraph (A) or (B).

24 “(5) COVERED TRANSFER.—For purposes of  
25 this subsection, the term ‘covered transfer’ means

1 any amount received by a covered entity for the pur-  
2 poses of making a covered disbursement.

3 “(6) DISCLOSURE DATE.—For purposes of this  
4 subsection, the term ‘disclosure date’ means—

5 “(A) the first date during any calendar  
6 year by which a person has made covered dis-  
7 bursements and received covered transfers ag-  
8 gregating in excess of \$10,000; and

9 “(B) any other date during such calendar  
10 year by which a person has made covered dis-  
11 bursements and received covered transfers ag-  
12 gregating in excess of \$10,000 since the most  
13 recent disclosure date for such calendar year.

14 “(7) CONTRACTS TO DISBURSE; COORDINATION  
15 WITH OTHER REQUIREMENTS; ETC.—Rules similar  
16 to the rules of paragraphs (5), (6), and (7) of sub-  
17 section (f) shall apply for purposes of this sub-  
18 section.”.