

116TH CONGRESS  
1ST SESSION

# S. 2781

To prohibit the involvement of immediate family members of senior United States Government officials with Ukrainian entities.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2019

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To prohibit the involvement of immediate family members of senior United States Government officials with Ukrainian entities.

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. DEFINITIONS.**

4 In this Act:

5 (1) COVERED INDIVIDUAL.—The term “covered  
6 individual” means—

7 (A) the President;

8 (B) the Vice President;

1 (C) the head of any Executive department  
 2 (as that term is defined in section 101 of title  
 3 5, United States Code);

4 (D) any individual occupying a position  
 5 designated by the President as a Cabinet-level  
 6 position; and

7 (E) a Member of Congress.

8 (2) IMMEDIATE FAMILY MEMBER.—The term  
 9 “immediate family member”, with respect to a cov-  
 10 ered individual, means—

11 (A) a spouse, parent, child, or sibling of  
 12 the covered individual; and

13 (B) a parent, child, or sibling of the spouse  
 14 of the covered individual.

15 (3) UKRAINIAN ENTITY.—The term “Ukrainian  
 16 entity” means an entity organized under the laws of  
 17 Ukraine or otherwise subject to the jurisdiction of  
 18 the government of Ukraine.

19 **SEC. 2. PROHIBITION ON INVOLVEMENT OF IMMEDIATE**  
 20 **FAMILY MEMBERS OF SENIOR UNITED**  
 21 **STATES GOVERNMENT OFFICIALS WITH**  
 22 **UKRAINIAN ENTITIES.**

23 (a) OFFENSE.—It shall be unlawful for an immediate  
 24 family member of a covered individual to—

1 (1) serve as a consultant to, employee of, inde-  
2 pendent contractor of, or member of a board of di-  
3 rectors or similar governing body of a Ukrainian en-  
4 tity; or

5 (2) possess an ownership interest of 5 percent  
6 or more in a Ukrainian entity.

7 (b) PENALTIES AND INJUNCTIONS.—

8 (1) CRIMINAL PENALTIES.—

9 (A) IN GENERAL.—Any individual who vio-  
10 lates subsection (a) shall be imprisoned for not  
11 more than 1 year, fined under title 18, United  
12 States Code, or both.

13 (B) WILLFUL VIOLATIONS.—Any indi-  
14 vidual who willfully violates subsection (a) shall  
15 be imprisoned for not more than 5 years, fined  
16 under title 18, United States Code, or both.

17 (2) CIVIL PENALTIES.—

18 (A) CIVIL ACTION.—The Attorney General  
19 may bring a civil action in an appropriate dis-  
20 trict court of the United States against any in-  
21 dividual who violates subsection (a).

22 (B) PENALTY.—In an action against an  
23 individual under subparagraph (A), upon proof  
24 of a violation of subsection (a) by a preponder-  
25 ance of the evidence, the individual shall be

1 subject to a civil penalty of not more than the  
2 greater of—

3 (i) \$50,000 for each violation; or

4 (ii) the amount of compensation, in-  
5 cluding any amounts generated from an  
6 ownership interest, that the individual re-  
7 ceived for the prohibited conduct.

8 (C) RELATION TO OTHER LAWS.—The im-  
9 position of a civil penalty under this paragraph  
10 shall not preclude any other criminal or civil  
11 statutory, common law, or administrative rem-  
12 edy that is available by law to the United  
13 States or any other person.

14 (3) INJUNCTIONS.—

15 (A) PETITION.—If the Attorney General  
16 has reason to believe that an individual is en-  
17 gaging in conduct constituting an offense under  
18 subsection (a), the Attorney General may peti-  
19 tion an appropriate district court of the United  
20 States for an order prohibiting that individual  
21 from engaging in that conduct.

22 (B) ISSUANCE.—The court may issue an  
23 order prohibiting an individual from engaging  
24 in conduct described in subparagraph (A) if the

1 court finds that the conduct constitutes an of-  
2 fense under subsection (a).

3 (C) RELATION TO OTHER LAWS.—The fil-  
4 ing of a petition under this paragraph shall not  
5 preclude any other remedy that is available by  
6 law to the United States or any other person.

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