

116TH CONGRESS
1ST SESSION

S. 2781

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

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

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) serve as a consultant to, employee of, independent contractor of, or member of a board of directors or similar governing body of a Ukrainian entity; or

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

(b) PENALTIES AND INJUNCTIONS.—

(1) CRIMINAL PENALTIES.—

(A) IN GENERAL.—Any individual who violates subsection (a) shall be imprisoned for not more than 1 year, fined under title 18, United States Code, or both.

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

(2) CIVIL PENALTIES.—

(A) CIVIL ACTION.—The Attorney General may bring a civil action in an appropriate district court of the United States against any individual who violates subsection (a).

(B) PENALTY.—In an action against an individual under subparagraph (A), upon proof of a violation of subsection (a) by a preponderance 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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