

March 29, 2019

Dear Lobbying Registrant:

On January 3, 2019, the President signed into law the Justice Against Corruption on K Street Act of 2018 or the “JACK Act.” The JACK Act amended the Lobbying Disclosure Act (LDA) to require all registrations (LD-1) and all quarterly activity reports (LD-2) to include:

“for any listed lobbyist who was convicted in a Federal or State court of an offense involving bribery, extortion, embezzlement, an illegal kickback, tax evasion, fraud, a conflict of interest, making a false statement, perjury, or money laundering, the date of the conviction and a description of the offense.”

The LDA online filing system at <https://lda.congress.gov/LD> has been revised to provide fields for reporting information required by the JACK Act (Line 15 is added on the LD-1 registration and Line 29 is added on the LD-2 quarterly activity report). Please note that the JACK Act became effective on January 3, 2019 and therefore it may be necessary for you to amend a previous registration or quarterly report submitted on or after January 3, 2019, to include the relevant information required by the Act.

To comply with this statutory requirement and ensure the accuracy and completeness of the disclosure, all registrants must list the required information for every listed lobbyist with any prior conviction of an offense involving one of the JACK Act’s listed predicates (a “predicate offense”).

To satisfy the “description of the offense,” for every date upon which a conviction involving a predicate offense occurred for a listed lobbyist, you must indicate for that lobbyist, the jurisdiction of offense (federal judicial district or the specific county or municipal jurisdiction in which a State conviction is on record) and either a list of which predicate offenses from the list above were involved in the lobbyist’s conviction, or each code section under which the lobbyist was convicted of a predicate offense.

For example, if a listed lobbyist was convicted in the United States District Court for the District of Columbia on January 1, 1970 of 22 counts of violating the Hobbs Act through extortion, 5 counts of making a false statement, 1 count of conspiracy to make a false statement, and the nature of those offenses also involved tax evasion and receiving illegal kickbacks, you could report either:

1/1/1970 – U.S. District Court (DDC), offenses involving extortion, making a false statement, tax evasion, and receiving an illegal kickback; or

1/1/1970 – U.S. District Court (DDC), 18 U.S.C. §1951 (22 counts)
 – U.S. District Court (DDC), 18 U.S.C. §1001 (5 counts)
 – U.S. District Court (DDC), 18 U.S.C. §371

If the convictions were in state court of two counts of Public Bribery and one count of False Accounting, and if the nature of the False Accounting conviction involved making a false statement, fraud, and money laundering, you could report either:

1/1/1970 – State of East Hypothetica, City of Example Criminal Court, offenses involving bribery, false statements, fraud, and money laundering; or

1/1/1970 – State of East Hypothetica, City of Example Criminal Court, EH Rev. Stat. §37:206 (2 counts)
 – State of East Hypothetica, City of Example Criminal Court, EH Rev. Stat. §37:1309

Once a JACK Act disclosure is required for a listed lobbyist, that disclosure will be required on every future registration or quarterly report that includes that lobbyist. Please be advised that making false statements on LDA filings, or intentionally omitting required information from LDA filings, may constitute a violation of federal law.

As our offices cannot give legal advice or opinions, for questions regarding whether a conviction involves a predicate offense, or which predicate offenses it may involve, filers may wish to consult with private counsel.

For any other questions regarding the filing of LDA registrations and reports, please feel free to call either of the following offices and we will do our best to provide appropriate assistance:

Legislative Resource Center

202-226-5200

LobbyInfo@mail.house.gov

Senate Office of Public Records

202-224-0758

Lobby@sec.senate.gov