

Political Law Alert

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LDA Forms Amended to Require Disclosure of Certain Lobbyist Criminal Convictions

The Office of the Clerk of the House and the Senate Office of Public Records recently amended the online federal Lobby Disclosure Act (LDA) filing system to provide fields for the new disclosures required by the Justice Against Corruption on K Street Act of 2018 (JACK Act). As mentioned in a prior mailing, the JACK Act requires LDA filers to disclose details of certain convictions of listed lobbyists in federal or state court. Convictions requiring disclosure include offenses involving bribery, extortion, embezzlement, an illegal kickback, tax evasion, fraud, a conflict of interest, making a false statement, perjury or money laundering.

The amended forms include the new questions on Line 15 of the LD-1 registration and Line 29 of the LD-2 quarterly activity reports. If a conviction must be disclosed, the law requires disclosing the date of the offense and a description of the offense. Under the new guidance, this includes the jurisdiction of the offense(s) and either a list of the covered predicate offense(s) (*e.g.*, bribery, extortion) or the code section(s) that the lobbyist was convicted under. Once a disclosure is required for a listed lobbyist, the disclosure must be repeated on every subsequent LD-2 filing listing that lobbyist.

The JACK Act became effective on January 3, 2019. Therefore, if an organization is filing, or has filed an LD-1 since January 3 for the first time, the LD-1 may need to be amended to capture required disclosures. If the organization filed the LD-1 prior to January 3, the convictions will need to be disclosed on subsequent LD-2 filings beginning with the first quarter of 2019. These first quarter reports are due on April 22, 2019. Skadden reports analysts are available to assist in completing any amendments.

These new disclosures raise questions about the level of diligence a company must perform when listing inside or outside lobbyists on LD-1 and LD-2 reports.

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