

中央選舉委員會 107 年

「公職候選人登記時財產申報施行 成效檢討之研究」研究成果報告書

受委託單位：國立中央大學法律與政府研究所

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摘要

委託機關之研究需求，包括以下三項課題：一、是否應明定公職候選人財產申報制度，如欲明定財產申報規定，應於「總統副總統選罷法」、「公職人員選罷法」，或「公職人員財產申報法」予以規範？二、適用或準用的法律概念，如直接用於現行公職人員財產申報法規定有無窒礙難？三、與其他國家（如美國）公職候選人財產申報法制規範，進行比較法研究。

以上課題經整理為公職候選人財產申報義務之檢討以及公職候選人財產申報義務之規範形式之檢討兩個面向。本文採取法釋義學與比較法之研究，經分析與檢討，本文肯定公職候選人有申報財產之必要，至於其規範形式，原則上以修改公職人員財產申報法，並明定其準用範圍為佳，且宜規定公職候選人申報財產之資料，無須查核，僅予公開揭露即可。但另應於相關選舉罷免法規定，各級選舉委員會應於公職參選人申報財產後，始准其登記為公職候選人。

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一、序論

(一) 研究緣起

委託機關之研究需求，包括以下三項課題：一、是否應明定公職候選人財產申報制度，如欲明定財產申報規定，應於「總統副總統選罷法」、「公職人員選罷法」，或「公職人員財產申報法」予以規範？二、適用或準用的法律概念，如直接用於現行公職人員財產申報法規定有無窒礙難？三、與其他國家（如美國）公職候選人財產申報法制規範，進行比較法研究。

以上課題中，課題一包含兩項問題，即是否應規定公職候選人財產申報制度？以及前一問題之答案如為肯定，則公職候選人財產申報制度應規定於相關之選舉罷免法或如現制規定於公職人員財產申報法？換言之，前者是對於公職候選人申報制度應否存在之檢討，後者則是對於公職候選人財產申報制度之規範形式的檢討。前者不僅涉及政策上之考量，也須考慮公職候選人財產申報制度之合憲性，具體而言，應考慮強制公職候選人申報財產，是否構成對其基本權之過度侵害。至於後者則主要涉及法制上妥當性之考量。對於法制上妥當性之檢討，比較法上之觀察應能提供如何規範之參考。

至於課題二，顯然是針對現行公職人員財產申報法(以下簡稱申報法)第 2 條第 3 項規定：「總統、副總統及縣(市)級以上公職之候選人應準用本法之規定，於申請候選人登記時申報財產。」換言之，乃涉及現行規定形式之檢討，亦即在此仍係涉及公職人員財產申報制度規範形式之檢討，從而可以併入前述第二項問題之檢討。

(二) 研究方法與過程

以上問題，涉及憲法所保障基本權之限制，也涉及現行申報法規定之詮釋以及立法政策上之考量，本文之研究因此主要採行法釋義學與比較法之研究方法。

綜上所述，本文以下之論述，將集中於兩方面，即公職候選人財產申報義務之檢討(下文四、)，以及公職候選人財產申報制度規範形式之檢討(下文五、)。關於準用規定之妥當性，將於公職候選人財產申報制度規範形式之檢討中予以論述。惟在進行相關問題之檢討前，有必要對於現行公職候選人財產申報制度作一瀏覽(下文二、)，以藉此對於相關問題有進一步之釐清與掌握，再對於美國之公職候選人財產申報制度作簡單介紹(下文三、)以作為討論之基礎。最後，提出研究結論並提出相關建議(下文六、)。

二、公職候選人財產申報制度

(一) 公職候選人財產申報制度之建立

我國於1993年7月2日制定公布公職人員財產申報法(以下簡稱申報法),建立公職人員財產申報制度。1992年4月14日林正杰委員等48人提出申報法草案,後行政院/考試院亦於同年12月8日提出申報法草案(以下簡稱政府草案),函請立法院審議。於立法院委員會審查之前,陸續有趙少康等、尤宏等以及張俊雄等所提草案版本、於委員會併案審查。

1993年7月2日制定公布之申報法第2條第3項規定:「縣(市)級以上公職候選人準用本法之規定,應於選舉登記時申報。」政府草案僅就現職公職人員規定財產申報義務,就公職候選人,並未規定其申報義務。¹公職候選人之財產申報義務,係由立法委員趙少康等所提版本所提出。趙少康等所提版本第3條第2項規定:「公職候選人應於競選登記截止7日內將其及其配偶、未成年子女及其他受其撫養或同財共居者之財產、前一年之收入、前一年收受之餽贈加以申報。」同版本第2條第3項就公職候選人加以定義:「公職候選人:指登記競選總統、副總統、國民大會代表、立法委員、監察委員、省(市)及縣(市)議會議員與各縣(市)鄉鎮長候選人。」後因版本過多且規定複雜,由協調會進行協商,協商後之文字即為前揭申報法第2條第3項所規定文字。

從立法過程來看,關於公職候選人之財產申報,討論並不多,大致上可以斷言,我國公職候選人財產申報制度乃是作為公職人員財產申報制度之一環而建立。

(二) 公職候選人財產申報制度之規範內容

1. 申報義務人

申報法對於公職候選人之申報財產,規定頗為簡略,如前所述,原申報法第2條第3項規定:「縣(市)級以上公職候選人準用本法之規定,應於選舉登記時申報。」因此,鄉、鎮長與鄉、鎮民代表之候選人,並無申報義務。

申報法第2條第3項所稱之「縣(市)級以上公職候選人」,依2002年3月20日訂定之申報法施行細則第11條第1項前段規定,「係指依總統副總統選舉

¹ 參閱:行政院/考試院中華民國81年12月8日台81法字第41596號/(81)考台秘議字第3791號函(<https://lis.ly.gov.tw/lgcgi/lgmeetimage?cfcec6cfcecdcf5c8ccd2c7c8>)。

罷免法規定申請登記為總統、副總統之候選人及依公職人員選舉罷免法規定申請登記為國民大會代表、立法委員、直轄市議員、縣（市）議員、直轄市長、縣（市）長之候選人；……。」顯係將趙少康等所提版本對於公職候選人之定義，納入施行細則。

惟「縣（市）級以上公職候選人」是否能涵蓋總統、副總統候選人，於2000年總統大選產生爭議。當時中央選舉委員會（以下簡稱中選會）以某總統候選人無正當理由而不申報財產，予以裁處罰鍰新台幣30萬元。該候選人主張申報法施行細則第11條第1項前段規定抵觸申報法第2條第3項，而提起行政救濟。此案後雖經台北高等行政法院90年度訴字第2846號判決撤銷原處分與訴願決定，但對於縣（市）級以上公職候選人是否涵蓋總統、副總統候選人之問題，台北高等行政法院則肯定總統、副總統候選人依申報法之規定有申報財產之義務。且此一判決經中選會提起上訴後，最高行政法院92年度判字第210號判決予以廢棄發回，並經台北高等行政法院92年度訴更一字第24號更審判決駁回原告之訴，此一爭議始告平息。

申報法第2條第3項於96年3月2日全文修正公布時修正為：「總統、副總統及縣（市）級以上公職之候選人應準用本法之規定，於申請候選人登記時申報財產。」就總統、副總統候選人之準用本法作明文之規定，杜絕爭議。

2. 受理申報機關

受理公職候選人申報財產之機關，依申報法第4條第3款之規定為各級選舉委員會。此一規定自申報法制定以來，迄未改變。

直轄市縣市選舉委員會組織準則第1條第1項規定：「中央選舉委員會為辦理選舉業務，於直轄市、縣（市）各設直轄市、縣（市）選舉委員會。」從而上開規定所稱「各級選舉委員會」，理當指稱中選會、各直轄市選舉委員會以及各縣（市）選舉委員會。

惟總統、副總統選舉罷免法第6條第1項前段規定，「總統、副總統選舉、罷免，由中央選舉委員會主管，並指揮、監督省（市）、縣（市）選舉委員會辦理之。」以及公職人員選舉罷免法第7條第1項規定：「立法委員、直轄市議員、直轄市長、縣（市）議員及縣（市）長選舉，由中央選舉委員會主管，並指揮、監督直轄市、縣（市）選舉委員會辦理之。」可知縣級以上公職人員（含總統、副總統）選舉皆為中選會主管，並指揮、監督直轄市、縣（市）選舉委員會辦理。總統、副總統以及立法委員候選人之受理申報機關為中選會，固無疑問，但對於直轄市議員、縣（市）議員、直轄市長、縣（市）長候選人之受理申報機關究竟為主管之中選會，或為實際辦理選舉之直轄市、縣（市）選舉委員會，則並不清

楚。但從條文使用「各級」選舉委員會來看，立法意旨應係指中選會以及其下屬之直轄市、縣（市）選舉委員會。故直轄市議員、縣（市）議員、直轄市長、縣（市）長候選人之受理申報機關應為實際辦理選舉之直轄市、縣（市）選舉委員會。實務上之作法亦同此。

3. 準用範圍

依 2002 年 3 月 20 日訂定之申報法施行細則第 11 條第 1 項後段規定，公職候選人申報財產制度係準用申報法第 5 條、第 10 條、第 11 條第 1 項、第 3 項、第 4 項及第 13 條等規定。依當時之申報法規定，準用之相關規定如下：

- 第 5 條：「公職人員應申報之財產如下：一、不動產、船舶、汽車及航空器。二、一定金額以上之存款、外幣、有價證券及其他具有相當價值之財產。三、一定金額以上之債權、債務及對各種事業之投資。公職人員之配偶及未成年子女所有之前項財產，應一併申報。」
- 第 10 條：「受理申報機關（構）認有申報不實者，得向該財產所在地之機關（構）、團體或個人查詢，受查詢者有據實說明之義務。受查詢之機關（構）、團體或個人無正當理由拒絕說明或為虛偽說明者，處新台幣二萬元以上十萬元以下罰鍰，經通知限期提出說明，逾期未提出或提出仍為虛偽者，按次連續處新台幣四萬以上二十萬以下之罰鍰。」
- 第 11 條第 1 項：「公職人員明知應依規定申報，無正當理由不為申報，處新台幣六萬以上三十萬以下罰鍰。其故意申報不實者，亦同。」
- 第 11 條第 3 項：「公職人員受第一項之處罰後，經受理申報機關（構）通知限期申報或補正，無正當理由仍未申報或補正者，處一年以下有期徒刑、拘役或科新台幣十萬元以上五十萬元以下罰金。」
- 第 13 條：「依本法所處之罰鍰，經通知繳納逾期不繳納者，移送法院強制執行。」

依據以上規定，當時申報法所規定申報機關對於申報資料之公開揭露（第 6 條）、一定範圍之申報義務人處分財產之動態申報以及不動產與股票之信託（第 7 條）、民意代表對於其助理、服務處所、交通車輛經費來源之申報義務（第 8 條）等等，均不在準用之列。

申報法於 2007 年 3 月 21 日全文修正公布，申報法施行細則相應修正，修正後之申報法施行細則刪除原第 11 條第 1 項後段關於準用範圍之明文規定。換言之，在現行公職候選人財產申報制度，公職候選人申報財產，應如何準用申報法規定而受規範，並不清楚。按法律規定使用「準用」一詞，係因擬處理之案型與擬

引用法條所規範案型，其法律事實雖不同一，但卻類似，基於平等原則之考慮而對其作相同處理。惟無論如何，系爭法律事實終究只是類似而非同一，因此準用與適用在範圍上仍有差別，在準用之情形，應注意系爭法律事實之性質上差異，來決定可予準用之範圍。²因此，關於公職候選人申報財產，應如何準用申報法規定而受規範之問題，自應考究公職候選人與公職人員之差異而決定申報法上規定得予準用之範圍。施行細則上如有規定，自有釐清之作用，現施行細則將準用範圍之明文規定刪除，則法律解釋機關自應自行面對難題，就個案判斷，所涉及申報法條文是否依其性質不在準用之列。

如就原申報法施行細則第 11 條第 1 項後段所規定準用範圍而論，特別有爭議者，應係對於公職候選人如無正當理由不為申報或申報不實，可否對之科處罰鍰？按申報法原於第 12 條第 3 款規定：「本法所處罰鍰，由左列機關為之：……三、受理機關為各級選舉委員會者，由各該選舉委員會處理。」申報法於 2007 年 3 月 21 日全文修正時刪除此一規定，配合原申報法施行細則第 11 條第 1 項後段關於準用範圍規定之刪除，遂產生對於不為申報或申報不實之公職候選人得否予以科處罰鍰之爭議。在前揭中選會裁罰總統候選人一案中，台北高等行政法院 90 年度訴字第 2846 號判決之所以撤銷中選會之裁罰處分，係認為施行細則屬概括授權規定，依司法院釋字第 313 與第 402 號解釋意旨，僅能就申報法有關細節性及技術性事項為規定，尚不得超越申報法之授權，逕行訂定準用申報法關於裁罰規定之依據。就此，最高行政法院 92 年度判字第 210 號判決係以當時申報法明定公職候選人之財產申報義務，且明定罰鍰之處理機關，從而認定申報法施行細則就此之相關規定並未逾越授權範圍。現申報法修正刪除對於公職後選人裁罰處理機關之明文規定，恐再致爭議。

對於此一問題，法務部 2007 年 5 月 7 日法政決字第 0960013091 號函稱：「……至新修正條文修正後應由何機關處分裁罰乙節，本部刻正積極研議中。」依此，似乎法務部認為公職候選人逾期未申報財產，仍應科處罰鍰，只是由何機關裁罰，尚屬不明，而需「積極研議」。惟至目前為止，應由何機關裁罰，仍無結論。

² 參閱：黃茂榮，法學方法與現代民法，1993 年 7 月增訂 3 版，頁 155。

三、美國公職候選人財產申報制度

(一) 概說

1. 法制之歷史與結構

美國憲法雖未對公職候選人及公職人員之「財產揭露制度」作相關規範，但依據美國憲法第 2 條第 4 節規定，美國總統、副總統及所有民選官員，凡犯下叛亂罪、貪污罪或其他重罪與輕罪而遭彈劾並定罪者，應撤職之³。因此，使得公職人員利用職務而獲取個人利益之不法行為，一直以來為公眾所關注之倫理議題，乃源自於美國憲法對於民選公職人員之理想要求。基於該理想，美國最早於 1829 年作出對聯邦雇員的第一個行為規範，即禁止某些民選公職人員收受禮物之規定⁴。且總統 Roosevelt 於 1905 時，就認識到競選財政的改革必要性，因而呼籲立法禁止出於政治目的的公司捐款⁵。然而，由於缺乏具體的行為準則與財務揭露之規範，總統 Harry Truman 遂於 1951 年時以書信的形式，表達其對於聯邦雇員之倫理期望及標準，並概述聯邦雇員的倫理行為框架，包括要求總統辦公室、國會以及其他任職於聯邦機構之文官，應將其財務予以揭露之⁶。

後續，總統 Johnson 在 1965 年簽署 10939 行政命令 (executive Order)⁷，於行政部門建立機密的財務揭露中心，作為規範聯邦公職人員之機關；另外，國會為了鞏固早期「聯邦選舉競選法 (Federal Election Campaign Act)」之重要性，亦於 1971 年對為聯邦候選人、政黨及政治行動委員會 (political action committees, PACs) 訂定更嚴格的揭露要求⁸。然而，美國對於公職人員的「財務揭露制度」

³ U.S. CONST. art. II, Sec. 4, “The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.”

⁴ See “World Bank; UNODC, *Income and Asset Disclosure: Case Study Illustrations. Directions in development; finance*. Washington, DC: World Bank. © World Bank. at 206 (2014), <https://openknowledge.worldbank.org/handle/10986/13835> at 206.

⁵ See FEC website, <https://www.fec.gov/about/mission-and-history/>.

⁶ World Bank, *supra* note 4, at 206.

⁷ 其內容包含：不得利用擔任公職之機會而獲取私益、不得因公務行為而從非政府組織或私人間獲取優惠待遇、行使公務必須獨立及公正無私、不能於機關外部擅自代表政府作決定、不能產生任何對公眾信心和政府廉潔有害之影響。See JOHN F. KENNEDY, *Executive Order 10939—To Provide a Guide on Ethical Standards to Government Officials*, May 5, 1961. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. <http://www.presidency.ucsb.edu/ws/?pid=58877>.

⁸ See FEC website, <https://www.fec.gov/about/mission-and-history/>.

一直到 1972 年的「水門事件醜聞 (Watergate scandal)」後，公眾的震驚與憤怒成為反貪腐立法的推力，要求政府建立公開透明與可歸責的揭露制度。因此，美國國會隨即於 1974 修正聯邦選舉競選法，限制候選人、政黨及 PACs 之政治捐款，並成立「聯邦競選委員會 (The Federal Election Commission, FEC)」作為管理聯邦競選事務及候選人財務揭露之獨立機關；次於 1976 年制定「政府陽光法案 (the Government Sunshine Act)」，以及於 1978 年制定「政府倫理法 (the Ethics in Government Act, EIGA)」，而該法第 101 條 (c) 即規範總統、副總統及國會議員之候選人，應提交財務揭露報告⁹。從而，政府倫理法則將有助於「所得及資產揭露 (the income and asset disclosure, IAD)」，作為發現與避免公職人員利益衝突之聯邦法律，並賦予政府倫理局 (The U.S. Office of Government Ethics, OGE) 權限得管理並監督行政部門之所得及資產揭露體系¹⁰。

美國作為世界上第一個明文化財產揭露制度之國家，其所建立的所得及資產揭露體系雖複雜，但卻擁有綿密且完善地財務揭露體系。在聯邦層級的部分，由 OGE 負責監督與管理行政部門的所得及收入體系；立法部門則有其各自之倫理委員會—參議院倫理委員會 (the Senate Select Committee on Ethics) 及眾議院行為準則委員會 (the House Committee on Standards of Official Conduct)；司法部門則由司法行為準則會議委員會 (the Judicial Conference Committee on Codes of Conduct) 進行審核財務揭露報告。此外，各州對於公職人員的財務揭露體系具有獨立性，故得提出與聯邦政府不同之財務揭露規定，但通常對於財務揭露之框架體系原則上相似。因而使美國在財務揭露的法制上添增其複雜性，但也因此使美國各州擁有更全面與完善的財務揭露體系¹¹。

2. 制度之目的與功能

美國 IAD 體系並非直接處理不法途徑取得利益之司法機關，其最主要的目的職責是：察覺和預防潛在的利益衝突。該體系之意旨在於，要求民選公職人員 (public officials) 及公務人員 (public employee)，必須透明化其決策過程且保持其決策的自主性，藉以提高社會大眾對於政府誠實信用的信賴與信心¹²。因此，IAD 體系下的倫理官員或機關，並無權進行司法調查和起訴之權力，但仍然可透過申報者所提供之所得及資產揭露報告書中，協助申報者阻止或避免其利用公職

⁹ 5 U.S.C. app. § 101 et seq.

¹⁰ World Bank, *supra* note 4, at 206-7.

¹¹ World Bank, *supra* note 4, at 205-6.

¹² World Bank, *supra* note 4, at 203.

來謀取私人利益。從而，透過 IAD 體系得確認及管理申報者的潛在利益衝突，並讓社會大眾得以關注反貪腐政策之制度與實踐，藉以增加人民對於美國財務揭露制度的信任，以及向公職人員灌輸社會所期待之倫理行為¹³。

由於美國 IAD 體系整體偏向關注在「*“that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the government.”*」即使是最善意的人也會發生公正判斷的損害，當其個人經濟利益受到其所代表之政府交易而有影響時。」因此，IAD 體系告別 1960 年代前，所採取「刑事訴訟來管理利益衝突」之途徑，而轉由對申報者提供「主動訓練、教育和諮詢之措施」並從財務揭露報告中發現並解決潛在的利益衝突，再輔以刑事、民事和行政之懲罰體系予以支持。從而，IAD 體系作為識別與解決潛在利益衝突之前線制度，該財務揭露制度能夠有效提供以下五項作用¹⁴：

- 1) 提高社會大眾對於政府的信心
- 2) 展現多數公職人員的高度誠信力
- 3) 避免產生因受公共監督之政府活動產生利益衝突
- 4) 禁止個人財務不受公眾監督者進入公部門
- 5) 最好能夠使公眾得依據公職人員的外部財務利益判斷其表現

儘管美國的財務揭露一直以來獲得肯認與發展，但仍產生在財務揭露制度與個人隱私權保障間衡平的困難。美國司法判決上有許多關於隱私權保障與財產揭露制度之爭議，但未有原告質疑財產揭露制度之合憲性地位，美國法院仍於判決中肯認該制度之地位與價值。判決中揭示所有當選人、憲法上的公職人員以及類似機關之候選，以及法律規定之公職人員、候選人與公務人員，皆有義務全面地提交並揭露其財務利益，因其所任職工作之性質具有公益信託（public trust）之意義，而該公益信託屬於重要性的公共利益，人民有權捍衛與維持該信任。因此，只有透過「財務揭露制度」的方式，才能夠保障該公共利益之落實，即所謂保護人民知的權利（right to know），以及避免公職人員貪腐的解決方式，且財務揭露之不公開隱私並非美國憲法所欲保護之「深根於這個國家歷史與傳統之隱私價值」，故本揭露制度得於實現行政目的，且符合必要性之原則下，作為限制公職人員財務隱私利益之手段¹⁵。

¹³ World Bank, *supra* note 4, at 203

¹⁴ World Bank, *supra* note 4, at 207-8.

¹⁵ United States Court of Appeals, Fifth Cir., Aug 31, 1978, 575 F.2d 1119 (5th Cir. 1978).

(二) 監督機關與管理機關

1. 政府倫理局 (OGE)

美國根據 1978 年政府倫理法設置政府倫理局，其隸屬於行政部門且該政府倫理局之局長係由總統提名、經參議院同意後任命之政務官，為確保其得超出黨派、獨立行使職權，故其任期為五年與四年之總統不同¹⁶；其於 1989 年依據「政府倫理局重新授權法則 (OGE Reauthorization Act)」而成為一獨立機關，主要監督國會相關倫理立法之運作、向各行政部門機關內的倫理中心，提供專業知識與立法建議，並審查總統任命且須經參議院同意者的財務揭露報告。OGE 的使命在於樹立行政部門的倫理標準，並強化社會大眾對政府業務的公正與誠實信心¹⁷。IAD 體系主要強調早期發現與及時預防利益衝突之問題，故相關機關在審查申報人所提交之財務揭露報告時，主要確認是否存在潛在或實際的利益衝突，以協助申報者解決該利益衝突而非咎責。

OGE 主要負責管理與監督為美國行政部門之 IAD 體系，但其業務並非管理「所有」行政部門之人員，否則將會降低 OGE 的審查能力與效率。因此，每一個行政部門另設有倫理辦公室 (designated agency ethics official, DAEO)，由行政倫理官負責審查任職於其機關內之高級文官，以及具有利益衝突風險之一般文官。OGE 得發布詳細行政命令、程序規範與行政建議，但各部會的 DAEO 仍得依據其部會之性質與類型而量身定做 IAD 體系¹⁸。從而，OGE 的主要職責在於：向各部會的 DAEO 提供諮詢性建議，並負責收受與審查美國總統、副總統、OGE 主管的所得及資產揭露報告，另包含其他高級文官之二級審查機關¹⁹。OGE 除局長室 (The Office of the Director) 外，還下設顧問及法規處 (General Counsel and Legal Policy Division)、計畫諮詢處 (Program Counsel Division)、法律遵循處 (Compliance Division) 及資訊處理處 (Internal Operations Division) 各執其業務。

¹⁶ See, OGE website, <https://www.oge.gov/web/oge.nsf/Organization>.

¹⁷ See, OGE website, <https://www.oge.gov/web/oge.nsf/Legislative%20Affairs%20&%20Budget>.

¹⁸ World Bank, *supra* note 4, at 203-5.

¹⁹ World Bank, *supra* note 4, at 215-18.

圖一 美國政府倫理局之組織架構²⁰



2. 聯邦選舉委員會 (FEC)

在 1972 年水門事件內，總統候選人於競選過程中發生嚴重財務濫用的問題，嗣後國會於 1974 年修訂「聯邦選舉競選法案 (the Federal Election Campaign Act, FECA)」，並於 1975 年成立聯邦選舉委員會，其負責管理和執行聯邦選舉之運動事務。該法案限制候選人所得到資助聯邦選舉捐款的來源和金額，並要求候選人及政黨公開揭露統籌及支出的資金。FEC 屬於獨立於總統權限 / 行政權限外之「獨立性管制委員會 (independent regulatory commission)」，用以執行特定的管制性業務，主要負責管理與執行美國眾議院、參議院及總統與副總統候選人之競選業務，包含：公開揭露對聯邦選舉產生影響之資金取得與支出、限制對聯邦選舉產生影響之捐款與支出，以及總統之公費 (public financing) 競選，藉由公開、透明之競選程序，來保障聯邦選舉之公平性²¹。

FEC 委員會係由 6 名委員所組成，每位委員的任期為 6 年一任期、不得連任；每隔 2 年由總統提名、經參議院同意後任命之，且不得有三位以上委員屬同一政黨；此外，委員會的任何正式決策都必須有至少 4 位委員之同意²²。因此，交錯

²⁰ See, OGE website, [https://www.oge.gov/web/oge/nsf/0/1194FD5A8E2E118A85257EAB0057982E/\\$FILE/organizational_chart.pdf](https://www.oge.gov/web/oge/nsf/0/1194FD5A8E2E118A85257EAB0057982E/$FILE/organizational_chart.pdf).

²¹ See FEC website, <https://www.fec.gov/about/mission-and-history/>.

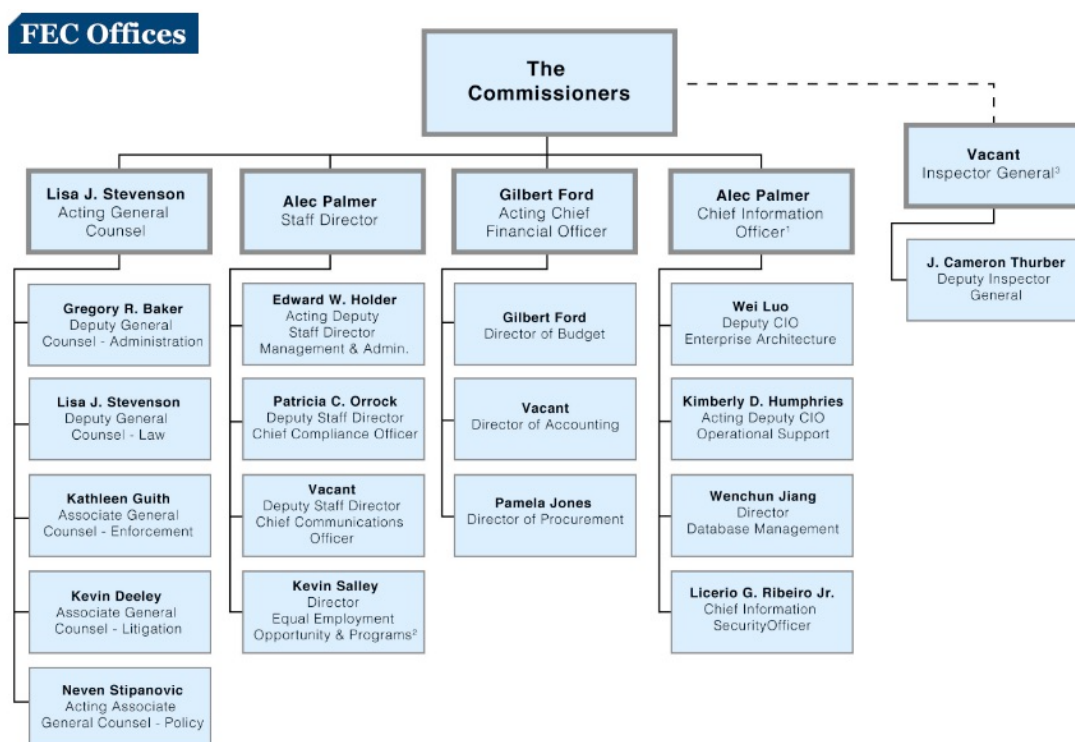
²² See FEC website, <https://www.fec.gov/about/leadership-and-structure/>.

任期制、黨派之限制及決策條件，將有助於 FEC 委員得脫逸黨派色彩，自主獨立地公開制定政策及表決聯邦選舉之法律及行政事項。FEC 主要負責之業務包含：公開選舉財務資訊、向候選人進行教育宣導、遵守並執行 FECA、解釋與修訂法律、分配總統選舉補助款等五大任務²³；此外，在 FEC 的網站內皆可搜尋到歷年候選人所籌措之競選資金、支出、資產及債務等數據²⁴。FEC 的組織結構上，除有 FEC 委員會 (The Commissioners)，還下設總顧問處 (The Office of the General Counsel)、人事處 (The Staff Director)、財務處 (The Office of the Chief Financial)、資訊處 (the Office of the Chief Information) 以及獨立行使審計、評估及調查聯邦選舉委員會管理及運作的監察處 (the Office of Inspector General)，以督促委員會之有效運作，且須每半年撰寫檢討報告，並將報告分別送交委員會及國會。

²³ 徐瑞麟，吳育芬，美國政治獻金制度運作及查核業務專題考察報告，監察院公職人員財產申報處，民國 103 年 8 月，頁 12、13，資料來源：監察院網站，
https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKewjl4qL2u8bdAhUX87wKHYwIBpwQFjABegQICRAC&url=https%3A%2F%2Fwww.cy.gov.tw%2FAp_Home%2FUpload%2FKPost_ToOut%2F8020%2F%25E7%25BE%258E%25E5%259C%25B%25E6%2594%25BF%25E6%25B2%25BB%25E7%258D%25BB%25E9%2587%2591%25E5%2588%25B6%25E5%25BA%25A6%25E9%2581%258B%25E4%25BD%259C%25E5%258F%258A%25E6%259F%25A5%25E6%25A0%25B8%25E6%25A5%25AD%25E5%258B%2599%25E5%25B0%2588%25E9%25A1%258C%25E8%2580%2583%25E5%25AF%259F%25E5%25A0%25B1%25E5%2591%258A.PDF&usg=AOvVaw1w89dsG6_EwSS6-7un3t7e

²⁴ See FEC website, <https://www.fec.gov/data/advanced/?tab=candidates>.

圖二 聯邦選舉委員會之組織結構²⁵



(三) 所得與資產揭露之申報制度

考量美國 IAD 體系之複雜與多樣性，以下關於美國財產揭露之申報制度，主要以「聯邦之公職候選人」作為主要說明對象，並輔以「行政之公職人員」為對照；且內容限制在「個人財產揭露」之部分，故不另就他人捐款、公費競選等細項規範多做說明；另礙於篇幅之限制，故申報之具體內容以政府倫理法 (the Ethics in Government Act, EIGA)、美國法典 (United States Code, U.S.C.) 及聯邦法律彙編 (Code of Federal Regulations, CFR) 為主，故不另詳細說明其他規範。

1. 申報對象與日期

1) 公職候選人

(1) 總統、副總統候選人

依據政府倫理法第 101 (c) 條及聯邦法律彙編第 5 編第 2634.201 (d) 條規

²⁵ See FEC website, <https://transition.fec.gov/about/offices/offices.shtml>.

定，總統、副總統提名人應於獲得提名後 30 日內，或於選舉年度的 5 月 15 日前，以日期較晚者為準，提交 OGE 每一年度之公開財務揭露表單，並將其予 FEC 審查。且候選人在首次提交公開財務揭露報告後，其應於每年 5 月 15 日或之前向 FEC 提交該報告，FEC 亦將該揭露報告之副本送交 OGE 局長²⁶。另外，社會大眾得透過傳真或電子郵件的方式，向 FEC 申請提供總統和副總統財務揭露報告之影本²⁷。

(2) 國會議員候選人

依據 1978 年政府倫理法²⁸，如個人在眾議院藉由募集或花費超過 5,000 美元而具有候選人資格時，則必須提交財務揭露聲明 (Financial Disclosure Statement, FD)；但若在募集或花費超過 5,000 美元前收到財務揭露聲明，則得選擇以電子形式提交，或透過書面形式提交於所屬之國會秘書，再由其統整後提交至國會財務揭露電子系統中²⁹。而這些財務聲明由行政機關——FEC 查核之，作為啟動 FEC 須決定候選人之必要條件³⁰。國會議員候選人應於獲得提名後之選舉年度 30 日內，或於選舉年度的 5 月 15 日前，以日期較晚者為準；然若其非於選舉年度獲得候選人提名，則須於提名後之 30 天內或當年度的 5 月 15 日之前，提交由國會所提供之所得及資產報告聲明³¹。

2) 公職人員

依據政府倫理法第 101 條及聯邦法律彙編第 5 編第 2634.201 及 202 條規定，下列三種類型之申報人 (Public filer) 應公開提交其財務揭露報告：在職人員、

²⁶ 5 C.F.R. § 2634.201; 5 C.F.R. § 2634.202

²⁷ See FEC website, <https://www.fec.gov/press/resources-journalists/presidential-senate-and-house-candidates/>.

²⁸ Title I of the EIGA of 1978, as amended (the "Act," 5 U.S.C. app., 5 U.S.C. appx. § 101(c)); section 103(h)(1)(A) of title I of the EIGA of 1978.

²⁹ U.S. House of Representatives Committee on Ethics, *INSTRUCTION GUIDE FINANCIAL: DISCLOSURE STATEMENTS and PERIODIC TRANSACTION REPORTS*. CALENDAR YEAR 2017, Washington, DC., at 3. A-19.20, https://ethics.house.gov/sites/ethics.house.gov/files/CY%202017%20Instruction%20Guide%20for%20Financial%20Disclosure%20Statements%20and%20PTRs_0.pdf; FEC website, <https://www.fec.gov/help-candidates-and-committees/filing-reports/>.

³⁰ World Bank, *supra* note 4, at 210.211.

³¹ See U.S. Senate website, <https://www.ethics.senate.gov/public/index.cfm/financialdisclosure?p=overview>.

新進人員與離職人員。

(1) 在職人員

依政府倫理法第 101 (d) 條及聯邦法律彙編第 5 編第 2634.202 條規定 (下列人員) 內之申報人, 應於每年 5 月 15 日之前申報前一個年度之個人、配偶和受撫養子女財產資料。凡續任滿一年度者, 並繼續服務滿 60 日以上者, 應於次年之 5 月 15 日前申報前一之年度財產狀況。

A. 總統。

B. 副總統。

C. 任職於行政部門之文官或僱員, 包含特殊行政人員³²、依據美國法典第 5 編第 5332 條規定俸給表 (General Schedule, GS) 高於 GS-15 職等以上者、敘薪高於一般俸表 GS-15 職等最低俸級薪俸 120% 以上之非一般俸表職位人員、敘薪超過 0-7 俸等以上之軍職人員, 以及由 OGE 局長認定之其他職位人員。

D. 依據美國法典第 5 編第 3105 條規定, 所任命之行政法官³³。

E. 不在前述 (c) 之列, 任職行政部門不具競爭性之職務, 但屬於機要性或政策決定性質職位之人員, 惟 OGE 局長認為不會影響政府廉潔, 或民眾對政府廉潔之施政信任, 得免為申報 (詳見本法第 2634.203 條)。

F. 郵政總署署長和副署長、郵政機構代表人、郵政服務管理委員會成員、郵政總署或郵資委員會所屬敘薪高於一般俸表 GS-15 職等之最低俸級薪俸 120% 以上者。

G. OGE 局長及各 DAEO 機關擔任行政倫理官之人。

H. 不在前述 (c) 之列, 受僱於總統辦公室並經總統任命之委員。

原則上申報人皆得電子申報之; 如欲書面申報之, 則依據聯邦法律彙編第 5 編第 2634.602 條規定, 應將其財務揭露聲明提交予所任職之 DAEO; 但總統、副總統及獨立委員會之委員, 其財產揭露聲明提交予 OGE, OGE 亦為高級文官之

³² 所謂特殊政府官員, 依據 USC 第 18 節第 202 (a) 條規定, 像是美國行政部門、立法部門或獨立機關之文官或僱員、兼職美國專員、兼職地方法院法官或獨立性顧問、政府特別僱員、美國軍官等等。

³³ 依據 EIGA 第 101 (f) (11)、101 (f) (12) 條之規定, 亦包含行政法官、最高法院大法官、各級聯邦法院法官、各級法院內非法官但敘薪高於一般俸表 GS-15 職等最低俸級薪俸 120% 以上之人員。

二級審查機關。

(2) 新進人員

依據政府倫理法第 101(a)、(b)條規定，初任聯邦法律彙編第 5 編第 2634.202 (b) 條所規定之職務者，一般而言須於任職後 30 天內申報本人、配偶以及受撫養子女的財產資料。但不超過 30 日前曾擔任類似職務、從另一依法須提出財務揭露之職務轉調者，或被提名人或候選人時已提出者，則無需提交該聲明；但新任職機關應向前一個服務機關，申請該公職人員先前財產申報之影本。另外，工作期間少於 60 日，亦無需申報之。除此之外，由總統提名且須經參議院同意者，應於提名後 5 天之內申報其財產，且白宮辦公室顧問、所任職之機關代表及 OGE 須於聽證會前，審查其提供之財務揭露報告，並將該審核之最終報告送交於參議院³⁴；但被提名者之職務為軍警人員或外交人員者，不適用之³⁵。

(3) 離職人員

依據政府倫理法第 101 (e) 條規定及聯邦法律彙編第 5 編第 2634.201 (d) 條規定，依法 (5 CFR 2634.202 之人) 應申報者於離職或僱傭關係終止後 30 日內申報；但若於此期間內，任職依法須提供財務揭露聲明之職務，則不在此限。該 30 日之起算日，以申報人實際退休日或離職日起算。

2. 申報內容

美國財產揭露制度之申報項目，類型繁多且複雜，本文無法一一敘明，單以政府倫理法第 102 條及聯邦法律彙編第 5 編 2634 條規定，作為主要說明申報內容之項目。此外，原則上公職候選人與一般須申報之公職人員雷同，皆須填寫 OGE 278e 關於財務揭露聲明之表格；然而，關於國會 (參議院及眾議院) 與司法部門，有其個別之申報書面與獨立之倫理審核體系，故本文不另贅述，詳見本報告之附件 (附件三及附件四)。以下僅就 OGE 278e (詳見附件一) 說明之。

³⁴ 補充說明「總統提名且經參議院同意之任命文官」，OGE 作為任命人員之倫理審查機構，其將於聽證會開始之前仔細分析此財務揭露報告，判斷該認明人員的財務中是否存在潛在的利益衝突。如存在實際的利益衝突，其將與被任命者訂定一份正式的倫理協議 (ethics agreement)，以協商擬定適當避免利益衝突之措施，而 DAEO 倫理官及 OGE 會監視該被任命者，是否確實遵守所擬定之倫理協議，以確認該倫理協議於其任職後 90 天內得到履行。See World Bank, *supra* note 4, at 24。

³⁵ 5 C.F.R. §2634.201 (c)

1) 申報原則

IAD 申報體系面對美國文官體系的龐大申報人員，以及其繁雜多元的申報項目，為了達到「發現與預防潛在利益衝突」之目的，OGE 本身的表格盡量朝向「簡化、檢查與透明」之格式。意即該聲明著重於申報者所揭露之所得與資產「來源與類型」，其並不要求申報者提供該資產之「確切」金額或價值，只需要填具表單上財產價值之價值間距，並就財產來源提出充分完整之說明，能夠 DAEO 或 OGE 可得審查及確認該財務揭露，是否與其所擔任之職務是否產生潛在的利益衝突，並針對該利益衝突提供申報者適切之協助即可³⁶。且下列申報項目原則上申報主體除申報人本人外，還包含其配偶及未成年之子女，例外情形則免除之。

2) 申報項目

(1) 財產利益 (Interests in property)

依據政府倫理法第 102 (a) (3) 條³⁷及聯邦法律彙編第 5 編第 2634.301 條規定，原則上凡於前一年度對於下列財產進行交易、商業交易，或基於財產投資所得價值總額超過 1,000 美元以上之市場金額，包含：A. 不動產。B. 股票、債券、證券和期貨契約。C. 基於商業目的所擁有之牲畜。D. 所有或持有之商業作物。E. 轉售或投資之古董或藝術品。F. 信託和財產之利益。G. 銀行或其他金融機構之存款。H. 退休金及年金。I. 共同基金。L. 可收帳之帳戶或基金。J. 所擁有公司之資金帳戶或資產。申報人應於財務揭露中說明之。

(2) 收入 (Income)

依據政府倫理法第 102 (a) (1) (A) 條及聯邦法律彙編第 5 編第 2634.302 條規定，原則上申報人、配偶及其受扶養之子女，於前一年度任何非投資性收入，而超過美金 200 元以上之非現職薪俸以外個人薪資、費用、佣金、工資和其他補償；退休年金；酬金和服務；及其他非投資性之收入（例如獎金、獎品和債務清償等）。申報人應對於該收入之來源、類別、實際金額或價值申報之。

³⁶ World Bank, *supra* note 4, at 210.211.

³⁷ EIGA §102(a)(3)還規範包含個人儲蓄存款在5,000美元以上之金額類別，包括：存單及在銀行、信用卡聯合中心或類似金融機構之存款。

(3) 購買、銷售和交易 (Purchases, sales, and exchanges)

依據政府倫理法第 102(a)(5) 條及聯邦法律彙編第 5 編第 2634.303 條規定，原則上申報者、配偶及其受扶養之子女於前一年度購買、銷售或交易價值總額超過 1,000 美元的非本人或配偶之不動產、股票、債券、期貨等各型式證券。申報人應敘明交易日期、金額及類別。

(4) 禮物和補償 (Gifts and reimbursements)

依據政府倫理法第 102 (a) (2) (B) 條規定，前一年度收受非親戚所贈與，所有禮物價值總額超過 250 美元以上(以待客方式招待之飲食、寄宿、款待除外)，或法定最低額度 250 元美金以上之禮物或補償，申報人須說明該禮物或補償之來源及其價值，並提供該行程之規劃、日期及花費；另外，聯邦法律彙編第 5 編第 2634.304 條則規範，以所有禮物價值總額超過 390 美元以上(以待客方式招待之飲食、寄宿、款待除外)，或法定最低額度 390 元美金以上之禮物或補償，申報人須說明該禮物或補償之來源及其價值，並提供該行程之規劃、日期及花費。

(5) 債務 (Liabilities)

依據政府倫理法第 102 (a) (4) 條及聯邦法律彙編第 5 編第 2634.305 條規定³⁸，申報人於前一年度任何總額超過 10,000 美元之債務，應申報該債務之金額及債權人之姓名。但個人對於父母及兄弟姊妹之債務、配偶及子女之債務，以及現行居住居所之不動產抵押貸款、汽車及家俱設備之貸款，不列入於本債務範圍內。

(6) 協議與安排 (Agreements and arrangements)

依據政府倫理法第 102(a)(7) 條及聯邦法律彙編第 5 編第 2634.306 條規定，申報人應針對：未來就業、個人於政府部門任職期間之留職停薪、非美國政府以外之前僱主之繼續性給付，以及繼續參與前僱主之員工福利或利益計畫，應對該就業情形作安排與說明之。

(7) 外部職務 (Outside positions)

依據政府倫理法第 102(a)(7) 條及聯邦法律彙編第 5 編第 2634.307 條規定，申報人於前一年度或當年度，任何曾於營利、非營利機構、勞工組織、教育機構或其他非美國政府之機構，擔任監察人、董事、受託人、普通合夥人、代表人、

³⁸ 5 C.F.R. §2634.305

執行長、僱員或顧問者，應申報其所擔任之職務與任職期間。但下列情形無需申報之，例如於美國政府擔任之公職、於宗教、社會、兄弟會或政治實體之職位、榮譽性之職位、僅為組織中之成員等。

(8) 其他

根據 OGE 278e 表單之內容，例如依據政府倫理法第 102 (a) (6) (B) 條規定，經總統提名且須經國會同意之任命者，以及新進之公務人員，應於前二年度或當年度報告，自美國政府以外曾收受任何人所給予超過 5,000 美元的來源，必須簡要說明金錢來源之雇主或服務之客戶。即使金錢來源之雇主並非直接向申報人提供，亦須報告其來源；例外若涉及服務客戶之機密事項，得無需報告之。

3) 應申報之時間

一般而言，公職候選人之申報項目與一般公職人員大抵相同，但仍有部分不同之處，本文就上述法條所列應申報之項目，依據聯邦法律彙編第 5 編第 2634.308 條規定，在職人員與新進人員、被任命者及候選人，對於上述之申報項目依據申報者之身份，其申報期間有不同之規範，整理為以下表格，亦顯示現任公職人員與公職候選人申報項目之不同：

	在職人員	新進人員、被任命者、候選人
財產利益	上一年度	申報日前 31 日內之財產
收入		上一年度及當年度 (5 CFR §2634.606 對被任命者另有規定)
交易	上一年度 (但並不包含任職於聯邦時之前一年度)	N/A
禮物		
債務	上一年度	上一年度及當年度至申報日前 31 日內
協議	上一年度及當年度前 (及其他額外應申報之期間)	截至申報日前實際存在之協議
外部職務		前兩年度及當年度
其他	前二年度	當年度 (僅限新進人員)

3. 申報之限制

依法有申報義務之人，須於申報期間內提出其個人財務揭露報告；例外依據聯邦法律彙編第 5 編第 2634.201 (f) 條規定，具有「正當事由」有延長之必要者，得經由其受雇機關之許可，最多延長 45 日；而候選人之延長許可以聯邦選舉委員會為主管機關。然而，如果申報人未於申報期間提交報告，依據政府倫理法第 104 (b) 條及聯邦法律彙編第 5 編第 2634.704 規定，申報人須支付 200 元美金之延遲申請費用。如審查該報告之主管機關，認為其延遲具有特殊事由所引起者，則得免除該延遲費用，否則得逕向美國財政部請求，從申報人之存款收取該延遲費。

此外，關於申報人所提供之財務揭露報告，DAEO 或 OGE 並不會對申報人所提供之財務揭露進行「真偽」判斷，因為不論 DAEO 或 OGE 機關，皆無權要求檢查或調閱申報人之銀行帳戶、稅務紀錄和經紀契約，此為司法機關之職務權限。但 IAD 體系仍有其重要性地位，仍透過以下四項配套措施，有效監督有申報義務者提供正確之申報內容，而有效發現並防止利益衝突，藉以加強政府與公職人員之公開透明之獨立性職務。

如申報者提供虛偽不實之申報內容，則依據政府倫理法第 104 及聯邦法律彙編第 5 編第 2634.701 規定：1. OGE 或 DAEO 機關得將申報人所提交之虛偽財務揭露，OGE 或 DAEO 倫理官會將案件，轉介予聯邦調查局調查，以及申報人所任職之監察機關調查申報人之貪腐情形。2. 針對申報人故意提供虛假資訊之情形，司法部門公共廉政科得依據刑事訴訟法相關虛偽不實罪起訴，最高可處 5,000 至 10,000 美元的罰金。3. 亦得轉移予司法部長，由司法部長向美國聯邦法院和各地方法院，提起民事訴訟，最高可要求法院判處 50,000 美元以下申報不實之罰金。4. 對於申報內容虛偽不實者，得由總統、副總統、OGE 或 DAEO 機關、各機關首長、人事管理局等相關行政機關，得將該違反規定之公職人員，作適當之免職、停職或處以相關之人事處分。藉由上述四種附帶措施，賦予申報人有義務「誠實」揭露其財務資訊。

4. 申報之資料公開

財務揭露報告屬於「強制公開」之文件，即依法應向社會大眾公開之，並得由人民任意瀏覽之。原則上受理財務揭露報告之機關，應於收受該報告之 30 日內將資料公開，並供一般民眾隨時索取、閱覽及查詢，但人民必須提出「書面」申請，並提供請求人之姓名、職業、地址、規費及郵寄費用；此外，其須簽名表示瞭解資料禁止使用之範圍，不得將所查詢資料用於不法用途、商業用途而任意

散播給民眾知悉，或是為了取信於他人而任意公開，以及直接或間接用於尋求任何政治性、慈善性或其他目的之募捐。如果民眾違反該規定，則依據政府倫理法第 105 (c) (2) 條及聯邦法律彙編第 5 編第 2634.603 條規定，司法部長得向普通法院提起民事訴訟，最高可處 11,000 美元罰金。

由於依據美國 IAD 體系之財務揭露制度，其申報之方式可分為公開申報（填寫 OGE 278 表單）及秘密申報（填寫 OGE 450 表單，詳見附件二）。原則上一般文官應填寫 OGE 278 申報表；如該申報者擔任不具有重要決策權、指揮權、高級科技文官及諮詢顧問等職務，而屬於低階之文官但其職務可能存有利益衝突之可能；雖其具有申報之義務，但由於此類申報者不具有影響非政府利益之權力，是否公開亦不影響民眾對於政府清廉之形象。故此類文官應填寫 OGE 450 申報表，並由各單位內部自行保管該申報文件³⁹。除此之外，依據政府倫理法第 107 (a) (1) 條規定，若機關屬性而不適當提供民眾閱覽之，例如中央情報局、國防情報局、國家安全局或任何美國情報機關所屬應申報財產之公職人員；或總統認為對大眾公開其等人員的申報資料，恐有顯露其身分或其他敏感資訊，甚至危害國家安全或利益時，亦得不公開之。而關於總統、副總統及國會候選人之財務揭露報告，民眾亦得向 FEC 提出書面申請，亦得隨時於 FEC 網頁上瀏覽該簡式之揭露報告⁴⁰。

四、公職候選人申報財產義務之檢討

（一）概說

國家以法律強制公職候選人申報財產，自然可能干預其基本權。國家干預公職候選人之基本權，究竟構成對其基本權之合憲限制或違憲侵害，乃是以下所擬討論之問題。關於人民基本權之限制，憲法第 23 條已明定其要件，亦即國家干預人民之基本權，必須基於實現憲法第 23 條所列舉之公益目的，且必須以法律限制（法律保留原則），並不得逾越必要限度（比例原則），始屬合憲。

關於國家干預人民基本權是否合乎憲法第 23 條所規定要件，學說上認為應依據所干預基本權之種類、強度而為不同嚴格程度之審查。⁴¹ 司法院解釋憲法之實務運作，亦採取此一立場，例如司法院釋字第 649 號解釋即稱：「對職業自由

³⁹ World Bank, *supra* note 4, at 205.206.

⁴⁰ See FEC website, <https://www.fec.gov/data/advanced/?tab=candidates>.

⁴¹ 參閱：許宗力，比例原則與法規違憲審查，氏著，法與國家權力(二)，2007 年 1 月，頁 91 以下。

之限制，因其內容之差異，在憲法上有寬嚴不同之容許標準。關於從事工作之方法、時間、地點等執行職業自由，立法者為追求一般公共利益，非不得予以適當之限制。至人民選擇職業之自由，如屬應具備之主觀條件，乃指從事特定職業之個人本身所應具備之專業能力或資格，且該等能力或資格可經由訓練培養而獲得者，例如知識、學位、體能等，立法者欲對此加以限制，須有重要公共利益存在。而人民選擇職業應具備之客觀條件，係指對從事特定職業之條件限制，非個人努力所可達成，例如行業獨占制度，則應以保護特別重要之公共利益始得為之。」

因此，以下檢討公職候選人申報財產義務之規定是否合乎憲法第 23 條之要件，應先說明此等規定構成對於公職候選人何種基本權之干預，繼而檢討此等干預在憲法上是否得以正當化。

（二）財產申報義務作為對於公職候選人資訊隱私權之干預

國家強制公職候選人申報財產，涉及公職候選人財產資訊之蒐集與揭露，構成對於公職候選人資訊隱私權之干預。

按隱私權雖非國憲法上明文列舉之基本權，然而對於隱私權之憲法保障，司法院所作成之憲法解釋一向持肯定立場。早於 1992 年 3 月作成之司法院釋字第 293 號解釋，即已肯定銀行法第 48 條第 2 項規定（：「銀行對於顧客之存款、放款或匯款等有關資料，除其他法律或中央主管機關另有規定者外，應保守秘密」）之意旨乃在保障銀行客戶之隱私權。僅管本號解釋並未明言，但本文認為，此一解釋應解讀為，司法院肯定銀行法第 48 條第 2 項規定係國家為履行其基本權（隱私權）保護義務而為規定，亦即隱含著肯定隱私權為基本權之意旨。

對於隱私權之憲法保障具有里程碑意義的是司法院釋字第 603 號解釋。司法院釋字第 603 號解釋宣示：「維護人性尊嚴與尊重人格自由發展，乃自由民主憲政秩序之核心價值。隱私權雖非憲法明文列舉之權利，惟基於人性尊嚴與個人主體性之維護及人格發展之完整，並為保障個人生活私密領域免於他人侵擾及個人資料之自主控制，隱私權乃為不可或缺之基本權利，而受憲法第二十二條所保障。」此一解釋不僅對於隱私權之憲法基礎，也對於憲法第 22 條所規定「其他自由權利」得以受憲法保障之實質要件有所闡明。亦即凡與人性尊嚴、個人主體性以及人格自由發展有關之自由權利，即應受憲法（第 22 條）保障。

司法院釋字第 603 號解釋指出，隱私權之保障領域不僅指「個人生活私密領域免於他人侵擾」，還包括「個人資料之自主控制」，並將後者之保障稱為「資訊隱私權」。司法院釋字第 603 號解釋明白宣示，資訊隱私權「保障人民決定是否揭露其個人資料、及在何種範圍內、於何時、以何種方式、向何人揭露之決定權，並保障人民對其個人資料之使用有知悉與控制權及資料記載錯誤之更正權。」受

資訊隱私權保障之個人資料，應作儘量廣泛之解釋，不限於釋字第 603 號解釋所涉及之指紋這種「具備高度人別辨識功能之...個人資料」，應包括釋字第 293 號解釋所涉及之「財產上之秘密及...客戶與銀行往來資料」。

國家規定公職候選人申報財產，乃是賦予公職候選人給出其財產資料之義務，自係對於公職候選人資訊隱私權之法律上干預，須符合憲法第 23 條所規定之要件，始得以被正當化而為合憲。

（三）公職候選人財產權申報義務之憲法上正當性

關於基本權干預之正當化，如前所述，該干預須基於維護憲法第 23 條所列舉之公益目的，且須不違反法律保留原則與比例原則。另依司法院解釋憲法實務，是干預基本權種類與強度之不同，在正當化上也有不同嚴格程度之要求。關於資訊隱私權之干預，司法院釋字第 603 號解釋明白揭示其審查基準：「國家基於特定重大公益之目的而有大規模蒐集、錄存人民指紋、並有建立資料庫儲存之必要者，則應以法律明定其蒐集之目的，其蒐集應與重大公益目的之達成，具有密切之必要性與關聯性，並應明文禁止法定目的外之使用。」

申報財產所涉及對於人民資訊隱私權之干預，不遜於指紋錄存，甚至有所過之。按資訊隱私權之保障在電腦處理資訊發達之今日，尤其具有時代意義。蓋各種零碎、片段、看似無意義之個人資料，可能因電腦資訊處理而快速地彼此串連、比對歸檔與系統化，從而建構部分或完全之人格圖像，當事人卻對於其正確性以及其運用無加以管控的可能性。⁴²再者，當大量關乎個人但看似無害之資料累積在一起，個人長期之行動軌跡即呼之欲出。⁴³在指紋錄存，國家雖基於一定之公益目的而擬取得人民之指紋，但並無意藉此建構人民之生活狀況並加以揭露。與此不同，國家要求公職人員與公職候選人申報財產，卻是有意藉由財產之申報與公開，揭露其經濟生活，從而更為嚴重地干預其資訊隱私權。⁴⁴

因此，國家賦予人民申報財產之義務，其正當化至少應與取得人民指紋適用相同之基準，亦即應以法律明定其蒐集之目的，其蒐集應與重大公益目的之達成，具有密切之必要性與關聯性，並應明文禁止法定目的外之使用。在此，國家取得人民資訊之目的予以確定，對於取得資訊之正當化，具有重大意義。

各國關於公職人員財產申報制度之建制目的，大致上可分為減少不法致富以

⁴² BverfGE 65, 1, 80.

⁴³ 參閱：林子儀，司法院釋字第 603 號解釋協同意見書。

⁴⁴ 參閱：陳英鈞(主持)，公職人員財產申報法施行成效檢討之研究，法務部 98 年委託研究計畫，頁 243。

及預防利益衝突。如學說上所指出，強調申報財產之目的在於避免不法致富者，「在制度設計上必須引進措施查核申報的正確性，執行機關也必須要有足夠的調查能力發現不法致富的潛在訊號，或者財產申報本身的不尋常以及不實申報。」⁴⁵至於強調申報財產之目的在於預防利益衝突者，「在制度設計上，必須藉由規範釐清何謂利益衝突，並且透過全面性的說明與教育清楚地傳達給申報義務人。利益衝突模型在制度設計上強調公職人員與財產申報受理機關之間的合作。其基本原則並非假定公職人員的不法行為，而是要幫助公職人員避免可能的利益衝突情況發生，或者進一步受到貪污的懷疑或調查。」⁴⁶

世界上大多數國家所採取之財產申報制度，乃是避免不法致富以及預防利益衝突之混合模型。⁴⁷我國申報法立法之初亦然。申報法第1條原規定：「為端正政風，確立公職人員清廉之作為，建立公職人員利害關係之規範，特制定本法。」顯示我國引進公職人員財產申報制度，兼有避免不法致富與完備預防利益衝突法制之意旨。惟96年3月2日全文修正公布時將「建立公職人員利害關係之規範」刪除，並調整多項規定，顯示出往避免不法致富模型傾斜之趨勢。⁴⁸

不論避免公職人員不法致富或預防其陷入利益衝突的情況，皆屬於特別重要之公益，而足以正當化一定範圍內公職人員財產透明性之要求。⁴⁹然而，是否得以正當化公職候選人之財產申報義務，則有疑問。蓋公職候選人未必當選，作為候選人，其並無行使公權力之可能，從而無不法致富或利益衝突之問題；若考量其當選後可能有不法致富之可能，則透過就職後之申報財產義務（申報法第3條第1項）即可規範；甚且，非選舉產生之公職人員並無於就職前應申報財產之義務，選舉產生之縣（市）級以上公職人員則應於候選人登記時申報財產，此一差別待遇須有足以正當化之合理理由，避免未來可能之不法致富風險，並不足以正當化此一差別待遇。

關於公職候選人申報財產義務之正當化理由，本文認為可以從以選舉傳遞民主正當性之代議民主體制著手，並進一步連結到預防利益衝突之風險。

在民主法治的政治體制中，距離原則乃是一項即其重要之建構性原則。距離原則要求，作成國家決定者應與個別利益保持距離，從而議員被理解為全民的代表，而非選區人民或政黨的代表。制定法律者與執行法律者應加區隔，

⁴⁵ 前揭註，頁46。

⁴⁶ 陳英鈐，前註44，頁46。

⁴⁷ 陳英鈐，前註44，頁46。。

⁴⁸ 陳英鈐，前註44，頁78-79。

⁴⁹ 陳英鈐，前註44，頁243。

以及在行政與訴訟程序中之迴避制度，皆屬距離原則之實踐。⁵⁰在此架構下，人民之代表作成國家決定，應基於公益的考量，而非私人之個別利益。參考前揭美國法之說明，禁止個人財務不受公眾監督者進入公部門，以及使公眾得依據公職人員的外部財務利益判斷其表現，乃是其財務揭露制度之主要作用，從而得以預防未來可能之利益衝突。

就選民而言，候選人是否有私下之利益糾結以及對於特定私人（企業）之經濟上依賴性，自屬其決定投票行為之重要資訊。在民主體制中，不僅應保障選民得以不受非法之強制或壓迫，而自由地投票，也應保障選民能接觸與選舉有關之重要資訊。在代議民主制中，人民的信賴乃是其得以運作之重大前提，而在不透明的情況下，信賴難以實現，或者只是虛假的信賴，欠缺結實的基礎。⁵¹基於以上理由，有必要要求公職候選人於參選登記時即申報財產，而非於其當選就職以後才要求其申報。

總而言之，為確保人民對於公職人員之信賴，並預防未來可能之利益衝突，國家得立法規定公職候選人申報財產義務。從此等正當化理由出發，國家對於公職候選人，不僅得賦予其申報財產義務，更重要的是，應公開揭露其財產狀況。為確實要求其申報財產，似可參考美國法之規定，於公職參選人申報財產後，始准其登記為候選人。至於由各級選舉委員會查核資料之正確性，從預防利益衝突之風險來看，應無必要。況且，公職候選人財產之揭露既係基於透明性之要求，以作為選民投票行為之參考，則其揭露應於競選期間始有意義，如須查核，亦應於投票日前完成查核，惟申報資料龐大，且從選舉登記到投票日，僅約三個月，以各選舉委員會之人力，在尚須辦理選舉事務的情形下，恐難以負荷。

五、公職候選人申報財產義務規範形式之檢討

以上說明肯定國家有合理正當之理由要求公職候選人申報財產，以下檢討公職候選人申報義務之規範形式。以下首先檢討現行法所採用之準用規定模式。對此，本文將說明準用規定不妥當之處，從而公職候選人之財產申報義務有另外規定之必要。因此，本文將檢討可能之規範形式選項，亦即檢討是否維持於申報法規定或另行立法，以及若另行立法，是否於相關之選舉罷免法規定。

⁵⁰ 張桐銳，合作國家，當代公法新論(中) — 翁岳生教授七秩誕辰祝壽論文集，2002年7月，頁572-573。

⁵¹ Vgl. BverfG, Urteil des Zweiten Senats vom 04. 07. 2007 – 2 BvE 1/06 – Rn. 270 ff..

（一）準用規定之檢討

準用規定所涉及之問題乃是規範密度之問題，而從司法院釋字第 443 號解釋理由書所揭示之層級化法律保留來看，也即涉及法律保留問題。這一點在前揭總統候選人申報財產案，已可看出。在該案中，台北高等行政法院 90 年度判字第 2846 號判決之所以撤銷中選會之罰鍰處分，主要係以申報法施行細則僅係概括性之授權，從而認為於施行細則中規定準用申報法上之裁罰規定，乃超越申報法之授權範圍。換言之，台北高等行政法院認為，對於申報義務人之裁罰應於申報法明定或有明確之授權。對於此一見解，廢棄台北高等行政法院 90 年度判字第 2846 號判決之最高行政法院 92 年度判字第 210 號判決並未予以否定，只是以申報法明定對於公職候選人之裁罰處理機關，而推論申報法對於公職候選人之裁罰，有準用申報法規定之意旨。

關於規範密度，亦即何種事項應以法律直接規範或得委由命令予以規定，依司法院釋字第 443 號解釋所揭示之層級化法律保留，「應視規範對象、內容或法益本身及其所受限制之輕重」而定。此一立場深合重要性理論之意旨，亦即對於基本權之干預愈重大，法律保留之要求就愈高。此一意旨不僅涉及是否應於法律明定之問題，亦涉及法律規定之明確程度問題。按立法機關使用不確定法律概念，意味著立法機關對於所規範事務不作最後之決定，而是將最後決定權授予法律適用機關。判斷餘地成立與否，即涉及立法機關是否將最後決定權授予行政機關。因此，對於基本權之干預愈重大，不僅應於法律明定，亦應作明確之規定。

如前所述，財產申報義務係對人民資訊隱私權之重大干預，不僅須與重大公益目的之達成，具有密切之必要性與關聯性，且須以法律明定並盡量於法律中作明確之規定。關於公職人員之財產申報義務之規定，大致上已符合此一要求；對於公職候選人之財產申報義務，則由於採準用之規範形式，其規範密度是否合乎層級化法律保留之要求，則有疑問。尤其申報法於 2007 年 3 月 21 日全文修正時刪除對於公職候選人之裁罰處理機關之規定，更使準用範圍產生疑問。如前所述，法務部 2007 年 5 月 7 日法政決字第 0960013091 號函似乎認為公職候選人逾期未申報財產，仍應科處罰鍰，然此一見解是否合乎法律保留原則，恐有疑問。

（二）規範形式選項之檢討

1. 維持於申報法規定？

申報法為我國首部陽光法案，當時將公職候選人之財產申報義務規定於申報法，實屬理所當然。從比較法觀察，美國法上亦將公職人員與公職候選人之申報

義務一併規定於政府倫理法。然而，美國政府倫理法在法律名稱並未指明規範對象，而我國申報法規定則於名稱上已指明規範對象為公職人員，因此對於公職候選人之財產申報義務規定為準用，實亦為我國法制作業上之理所當然。

在法學方法論的討論上固然區分準用與適用，前者固應考慮擬處理案型與準用規定所規範案型之差異與否，而考慮是否準用。然而，公務人員法制上使用準用，更常見於相關案型雖非同一，但法律上重要之點並無不同，只是基於立法上之簡潔而使用準用之規範形式，需要考慮相關案型之差異而作不同處理者，反屬罕見。例如公務人員保障法對於公務人員於第 3 條作狹義之定義，另於該法第 102 條規定準用對象而擴大保障法之保障對象，然而在實務上罕見著眼於準用對象與適用對象之性質差異，而限縮準用對象之準用規定範圍。

與此相較，申報法上關於公職候選人之準用規定，其問題在於公職人員與公職候選人之性質差異太大，且公職人員申報財產義務與公職候選人申報財產義務之管制目的設定也有所不同——前者偏向避免不法致富，後者則係預防利益衝突——，致使公職候選人之準用申報法上規定，其範圍不應與公職人員完全相同，顯得理所當然。此所以原申報法施行細則必須明定其準用範圍。換言之，若維持於申報法規定公職候選人之財產申報義務，則明白規定準用範圍有其必要。但於施行細則規定準用範圍，是否符合司法院釋字第 443 號解釋理由書所揭示之層級化之法律保留（重要性理論）之意旨，恐有疑問。本文認為，若維持於申報法規定公職候選人之財產申報義務，宜於申報法明白規定準用條文之範圍，而不應授權委由法律**主管**機關決定。

2. 於相關選舉罷免法規定？

另一個規範形式選項為，在相關選舉罷免法中規定。此一選項的優點在於，首先，如前所述，公職候選人與公職人員終究有所不同，而選舉罷免法不僅規定投票過程，對於候選人之資格條件亦有規定，在選舉罷免法規定公職候選人申報財產義務，在體例上遠較規定於申報法合適。其次，如在相關選舉罷免法規定，勢必就申報義務、申報範圍、公開形式、對於無正當理由不為申報或申報不實者是否科處罰鍰以及罰鍰額度等等重要問題，都必須另為規定而得以有周詳考慮之機會。

此一選項之缺點在於，我國之選舉罷免法分為兩部法典：總統副總統選舉罷免法以及公職人員選舉罷免法。若於選舉罷免法規定候選人之申報義務，勢必須於兩部法典分別而又重覆規定，立法上似較無效率。當然，如果對於總統、副總統候選人之規範上要求與對於其他公職候選人之要求不同，則另當別論。不過依至目前為止之法制經驗來看，申報法上對於公職候選人之要求，並未就總統、副

總統候選人與其他公職候選人作差別處理，從而如於選舉罷免法規定，在兩部選舉罷免法作重覆規定之可能性較高。

最後要考慮的是路徑依賴問題。申報法制定施行以來已超過 20 年，關於財產申報制度之內容，難免受現有制度之影響。在選舉罷免法中規定公職候選人之財產申報制度，如在內容上與現有制度無太大差異，則另外規定之意義不大。換言之，除非有意突破現有路徑，就公職候選人之財產申報制度作與現行公職人員申報制度不同之規範，否則是否有必要另外立法，即有深思之必要。如果目的僅在消除現行法採用準用模式之疑慮，則只要修改申報法，明定準用之範圍，即可合憲地達成目的。

3. 小結

綜上所述，關於公職候選人財產申報義務之規範形式選項，在規範體例上固然以規範於相關選舉罷免法為妥，但考慮規範之簡潔、有效率以及路徑依賴，除非有意突破現有路徑，就公職候選人之財產申報制度作與現行公職人員申報制度不同之規範，否則似乎修改申報法，明定準用範圍即可。

六、結論與建議

就委託機關所關注之問題，亦即一、是否應明定公職候選人財產申報制度，如欲明定財產申報規定，應於「總統副總統選罷法」、「公職人員選罷法」，或「公職人員財產申報法」予以規範？二、適用或準用的法律概念，如直接用於現行公職人員財產申報法規定有無窒礙難？等問題，綜合以上所述，本文之結論與建議條列如下：

- 1) 在代議民主體制下，基於「距離」原則，應保障選民有一定之資訊來源了解候選人可能之利益糾結與經濟上之依賴性，從而有規定公職候選人於參選時即申報財產之必要。
- 2) 為確實要求公職候選人申報財產，似可參考美國法之規定，於相關選舉罷免法中規定，公職參選人於申報財產後，始准其登記為候選人。
- 3) 考量公職候選人財產申報義務之管制目的，應係預防未來可能之利益衝突，且各級選舉委員會之人力難以負荷查核資料正確性之任務，從而公職候選人申報之財產資料應無須查核，僅予公開揭露即可。
- 4) 現行規定採行之準用模式，在規範密度上是否符合層級化法律保留（重要性理論）之要求，有所疑問，從而現有之規定形式有修正之必要。

- 5) 在規範形式選項上，可考慮修改申報法，明定準用範圍，或於相關選舉罷免法中規定。除非立法政策上有對於公職候選人財產申報制度作全面檢討之打算，否則以修改申報法，明定準用範圍為宜。

參考書目

中文文獻

專書著作

- 黃茂榮（1993）。《法學方法與現代民法》。增訂 3 版。國立台灣大學法律學系法學叢書編輯委員會。
- 許宗力（2007）。比例原則與法規違憲審查。氏著。《法與國家權力（二）》。元照。
- 張桐銳（2002）。合作國家。收錄於：當代公法新論(中) — 翁岳生教授七秩誕辰祝壽論文集。頁 549-580。元照。

期刊雜誌

- 陳英鈴主持（2009）。公職人員財產申報法施行成效檢討之研究。法務部委託研究計畫。
- 徐瑞麟，吳育芬（2014）。美國政治獻金制度運作及查核業務專題考察報告。監察院公職人員財產申報處。

行政函釋與司法判決

- 行政院/考試院中華民國 81 年 12 月 8 日台 81 法字第 41596 號/(81)考台秘議字第 3791 號函。

外文文獻

- World Bank. 2014. Income and Asset Disclosure: Case Study Illustrations. Washington, DC: World Bank.
- U.S. House of Representatives Committee on Ethics. 2017. INSTRUCTION GUIDE FINANCIAL DISCLOSURE STATEMENTS and PERIODIC TRANSACTION REPORTS. Washington, DC.
- The U.S. Office of Government Ethics website, <https://www.oge.gov/>.
- The Federal Election Commission, website, <https://www.fec.gov/>.
- The United States Senate website, <https://www.senate.gov/>.
- John F. Kennedy. May 5, 1961. Executive Order 10939—To Provide a Guide on Ethical Standards to Government Officials. Online by Gerhard Peters and John

T. Woolley, The American Presidency Project.

<http://www.presidency.ucsb.edu/ws/?pid=58877>.

United States Court of Appeals, Fifth Cir., Aug 31, 1978, 575 F.2d 1119 (5th Cir. 1978).

BverfGE 65, 1.

BverfG, Urteil des Zweiten Senats vom 04. 07. 2007 – 2 BvE 1/06 –

Report Type:	
Year (Annual Report only):	
Date of Appointment/Termination:	

Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

Filer's Information

Last Name	First Name	MI	Position	Agency

Other Federal Government Positions Held During the Preceding 12 Months:

--

Name of Congressional Committee Considering Nomination (Nominees only):

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Filer's Certification - I certify that the statements I have made in this report are true, complete and correct to the best of my knowledge:

Signature:	Date:

Agency Ethics Official's Opinion – On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below)

Signature:	Date:

Other Review Conducted By:

Signature:	Date:

U.S. Office of Government Ethics Certification (if required):

Signature:	Date:

Comments of Reviewing Officials:

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[Instructions for Part 1](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number
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Part 1: Filer's Positions Held Outside United States Government

#	Organization Name	City/State	Organization Type	Position Held	From	To
1.						
2.						
3.						
4.						
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[Instructions for Part 2](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number
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Part 2: Filer's Employment Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
1.					
2.					
3.					
4.					
5.					
6.					
7.					
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Instructions for Part 3

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name			Page Number
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Part 3: Filer's Employment Agreements and Arrangements

#	Employer or Party	City/State	Status and Terms	Date
1.				
2.				
3.				
4.				
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12.				

Instructions for Part 4

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number
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Part 4: Filer's Sources of Compensation Exceeding \$5,000 in a Year

#	Source Name	City/State	Brief Description of Duties
1.			
2.			
3.			
4.			
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10.			
11.			
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[Instructions for Part 5](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name					Page Number

Part 5: Spouse's Employment Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
1.					
2.					
3.					
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[Instructions for Part 6](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number
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Part 6: Other Assets and Income

#	Description	EIF	Value	Income Type	Income Amount
1.					
2.					
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Instructions for Part 7

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number
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Part 7: Transactions

#	Description	Type	Date	Amount
1.				
2.				
3.				
4.				
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7.				
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20.				

Instructions for Part 8

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name	Page Number
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Part 8: Liabilities

#	Creditor Name	Type	Amount	Year Incurred	Rate	Term
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						
20.						

[Instructions for Part 9](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name			Page Number
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Part 9: Gifts and Travel Reimbursements

#	Source Name	City/State	Brief Description	Value
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

附件二

CONFIDENTIAL FINANCIAL DISCLOSURE REPORT

Executive Branch

- Why Must I File?** The duties and responsibilities of your position require you to file the Confidential Financial Disclosure Report to avoid involvement in a real or apparent conflict of interest. The purpose of this report is to assist employees and their agencies in avoiding conflicts between official duties and private financial interests or affiliations. The information you provide will only be used for legitimate purposes, and will not be disclosed to any requesting person unless authorized by law. (See the Privacy Act Statement at the bottom of this page.) Please ensure that the information you provide is complete and accurate.
- When Must I File?** **New Entrants:** The report is due within 30 days of your assuming a position designated for filing, unless your agency requests the report earlier or your agency grants you a filing extension. **Annual Filers:** The report is due no later than February 15, unless your agency grants you a filing extension.
- What is the Reporting Period?** **New Entrants:** Report the required information for the 12 months preceding your filing of this form. **Annual Filers:** Report the required information for the preceding calendar year (January 1 – December 31).
- What if I Have Questions?** If you have any questions about how to complete this form, please contact your ethics official or go to the Office of Government Ethics web site at www.oge.gov and select **OGE Form 450: Confidential Financial Disclosure Report** under **Forms Library**.

PENALTIES

Falsification of information or failure to file or report information required to be reported may subject you to disciplinary action by your employing agency or other authority. Knowing and willful falsification of information required to be reported may also subject you to criminal prosecution.

Privacy Act Statement

Title I of the Ethics in Government Act of 1978 (5 U.S.C. app. 101), Executive Order 12674 (as modified by Executive Order 12731), and 5 CFR Part 2634, Subpart I, of the Office of Government Ethics (OGE) regulations require the reporting of this information. Failure to provide the requested information may result in separation or disciplinary action. The primary use of the information on this form is for review by Government officials of your agency, to determine compliance with applicable Federal conflict of interest laws and regulations. Additional disclosures may be made pursuant to the routine uses set forth in OGE/GOVT-2: (1) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of a violation or potential violation of law or regulation; (2) to a court or party in a court or Federal administrative proceeding when the Government is a party or in order to comply with a judge-issued subpoena; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or decision; (4) to the National Archives and Records Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) to the Department of Justice or in certain legal proceedings when OGE, an employee of OGE, or the United States is a party to litigation or has an interest in the litigation and the use of such records is deemed relevant and necessary to the litigation; (7) to reviewing officials in a new office, department or agency when an employee transfers from one covered position to another; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of an individual who is the subject of the record; and (9) to contractors and other non-Government employees working for the Federal Government to accomplish a function related to this OGE Government-wide system of records. **Note:** When an agency is requested to furnish such records to OGE, such a disclosure is to be considered as made to those officers and employees of the agency which co-maintains the records who have a need for the records in the performance of their official duties in accordance with the Ethics in Government Act and other pertinent authority conferred on OGE, pursuant to the provisions of the Privacy Act at 5 U.S.C. 552a(b)(1). This confidential report will not be disclosed to any requesting person unless authorized by law. See also the OGE/GOVT-2 Executive Branch Confidential Financial Disclosure Reports Privacy Act system of records.

Public Burden Information

It is estimated that completing this form, including reviewing the instructions and gathering the data needed, takes an average of one hour. No private citizen is required to respond to a collection of information unless it displays a currently valid OMB control number as printed in the top right-hand corner of the first page of this form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Program Counsel, U.S. Office of Government Ethics, Suite 500, 1201 New York Avenue, NW, Washington, DC 20005-3917. Do not send your completed OGE Form 450 to this address.

Date Received by Agency

Page Number

CONFIDENTIAL FINANCIAL DISCLOSURE REPORT

Executive Branch

Employee's Name (Print last, first, middle initial)		E-mail Address	
Position/Title			Grade
Agency		Branch/Unit and Address	
Work Phone	Reporting Status New Entrant <input type="checkbox"/> Annual <input type="checkbox"/>	If New Entrant, Date of Appointment to Position (mm/dd/yy)	
Check box if Special Government Employee (SGE) <input type="checkbox"/>	An SGE is an executive branch officer or employee who is retained, designated, appointed, or employed to perform temporary duties either on a full-time or intermittent basis, with or without compensation, for a period not to exceed 130 days during any consecutive 365-day period.		
If an SGE, Mailing Address (Number, Street, City, State, ZIP Code)			

Step 1: Read the instructions for Parts I through V on the following pages.

Step 2: For each statement below, check Yes or No to describe your situation.

I. I have reportable assets or sources of income for myself, my spouse, or my dependent children.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
II. I have reportable liabilities (debts) for myself, my spouse, or my dependent children.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
III. I have reportable outside positions for myself.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
IV. I have reportable agreements or arrangements for myself.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
NOTE: Statement V is for <u>annual</u> filers only. It does not apply to new entrants and SGEs.		
V. I have reportable gifts or travel reimbursements for myself, my spouse, or my dependent children.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Step 3: If you selected Yes for any statement, you must describe the reportable interests that you have in the corresponding Part (I, II, III, IV, or V) of the form.

Step 4: Sign and date the form.

Step 5: Submit the completed form to your ethics office.

I certify that the statements I have made on this form and all attached statements are true, complete, and correct to the best of my knowledge.

Signature of Employee	Date (mm/dd/yy)
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FOR REVIEWERS' USE ONLY:

On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations, except as noted in the "comments" box below.	
Signature and Title of Supervisor/Other Intermediate Reviewer (if required by the agency)	Date (mm/dd/yy)
E-mail Address	Phone Number
Signature and Title of Agency's Final Reviewing Official	Date (mm/dd/yy)
Comments of Reviewing Officials	
(Check box if continued on additional page <input type="checkbox"/>)	

Employee's Name (Print last, first, middle initial)	Page Number
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Part I: Assets and Income

<p>Report for Yourself, Spouse, and Dependent Child:</p> <ul style="list-style-type: none"> • Assets held for investment with a value greater than \$1,000 at the end of the reporting period OR assets held for investment which produced more than \$200 in income during the reporting period, including but not limited to: <ul style="list-style-type: none"> - Assets such as stocks, bonds, annuities, trust holdings, partnership interests, life insurance, investment real estate, or a privately-held trade or business - Sector mutual funds: those funds invested in a particular industry, business, or location such as ABC Electronics Fund or XYZ Canada Fund (report the <u>full</u> name of the fund, not just the general family fund name) - Holdings of retirement plans, such as 401(k)s or IRAs, investment life insurance, or variable annuities (list each holding except diversified mutual funds) - Defined benefit pension plans provided by a former employer (include the name of the employer) 	<p>Do Not Report:</p> <ul style="list-style-type: none"> • Federal Government retirement benefits • Thrift Savings Plan • Certificates of deposit, savings or checking accounts • Term life insurance • Money market mutual funds and money market accounts • Your personal residence, unless you rent it out • Diversified mutual funds, such as ABC Equity Value Fund or XYZ Large Capital Fund • U.S. Government Treasury bonds, bills, notes, and savings bonds • Money owed to you, your spouse, or dependent child by a spouse, parent, sibling, or child
<p>Also Report:</p> <ul style="list-style-type: none"> • <u>For yourself:</u> (1) all sources of salary, fees, commissions, and other earned income greater than \$200, (2) honoraria greater than \$200, and (3) other non-investment income such as scholarships, prizes, and gambling income greater than \$200 • <u>For your spouse:</u> (1) all sources of salary, fees, commissions, and other earned income greater than \$1,000, and (2) honoraria greater than \$200 	<p>Do Not Report:</p> <ul style="list-style-type: none"> • Dependent child's earned income • Veterans' benefits • Federal Government salary • Social Security benefits

Important Definitions

Diversified Mutual Fund – A mutual fund that does not have a stated policy of concentrating its investments in one industry, business, or single country other than the United States.
Sector Mutual Fund – A mutual fund that concentrates its investments in an industry, business, single country other than the United States, or bonds of a single state within the United States.
Dependent Child – A son, daughter, stepson or stepdaughter who is either unmarried and under age 21 and living in the filer's house, or considered dependent under the U.S. tax code.

Reportable Information – Go to the last page to see examples of how to report assets and income.

Specific stock, bond, sector mutual fund, type/location of real estate, etc. (Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.) Name of Employer or Business; Source of Fees, Commissions, or Honoraria (Include brief description.) You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.	No longer held
1	<input type="checkbox"/>
2	<input type="checkbox"/>
3	<input type="checkbox"/>
4	<input type="checkbox"/>
5	<input type="checkbox"/>

Employee's Name (<i>Print last, first, middle initial</i>)	Page Number
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Part I: Assets and Income
Continuation Page

<p>Specific stock, bond, sector mutual fund, type/location of real estate, etc. (<i>Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.</i>) Name of Employer or Business; Source of Fees, Commissions, or Honoraria (<i>Include brief description.</i>) You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.</p>	<p>No longer held</p>
1	<input type="checkbox"/>
2	<input type="checkbox"/>
3	<input type="checkbox"/>
4	<input type="checkbox"/>
5	<input type="checkbox"/>
6	<input type="checkbox"/>
7	<input type="checkbox"/>
8	<input type="checkbox"/>
9	<input type="checkbox"/>
10	<input type="checkbox"/>
11	<input type="checkbox"/>
12	<input type="checkbox"/>
13	<input type="checkbox"/>
14	<input type="checkbox"/>
15	<input type="checkbox"/>
16	<input type="checkbox"/>
17	<input type="checkbox"/>
18	<input type="checkbox"/>
19	<input type="checkbox"/>
20	<input type="checkbox"/>

Employee's Name (<i>Print last, first, middle initial</i>)	Page Number
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Part II: Liabilities

Report for Yourself, Spouse, and Dependent Child:	Do Not Report:
<ul style="list-style-type: none"> A liability over \$10,000 owed at any time during the reporting period, other than a loan from a financial institution or business entity granted on terms made available to the general public A loan over \$10,000 from an individual, such as a friend or a business associate 	<ul style="list-style-type: none"> Any liability, such as a mortgage, a student loan, or a credit card account, from a financial institution or business entity granted on terms made available to the general public Loans secured by automobiles, household furniture, or appliances, unless the loan exceeds the purchase price of the item it secures Liabilities that you owe to your spouse or to the parent, sibling, or child of you, your spouse, or your dependent child

Reportable Information – Go to the last page to see examples of how to report liabilities.

Name of creditor (<i>include city and state where creditor is located</i>)	Type of liability (<i>personal loan, margin account, etc.</i>)
1	
2	

Part III: Outside Positions

Report for Yourself:	Do Not Report:
<ul style="list-style-type: none"> All positions outside the U.S. Government held at any time during the reporting period, whether or not you were compensated and whether or not you currently hold that position. Positions include an officer, director, employee, trustee, general partner, proprietor, representative, executor, or consultant of any of the following: <ul style="list-style-type: none"> Corporation, partnership, trust, or other business entity Non-profit or volunteer organization Educational institution State or Local Government 	<ul style="list-style-type: none"> Any position with a <ul style="list-style-type: none"> Religious entity Social entity Fraternal entity Political entity Any position held by your spouse or dependent child Any position that you hold as part of your official duties

Reportable Information – Go to the last page to see examples of how to report outside positions.

Organization (<i>include city and state where organization is located</i>)	Type of organization	Position	No longer held
1			<input type="checkbox"/>
2			<input type="checkbox"/>
3			<input type="checkbox"/>
4			<input type="checkbox"/>
5			<input type="checkbox"/>
6			<input type="checkbox"/>

Employee's Name (Print last, first, middle initial)	Page Number
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Part IV: Agreements or Arrangements

Report Your Agreements or Arrangements for:	Do Not Report:
<ul style="list-style-type: none"> Continuing participation in an employee pension or benefit plan maintained by a former employer A leave of absence Future employment, including date you accepted employment offer Continuation of payment by a former employer (including severance payments) 	<ul style="list-style-type: none"> Any agreement or arrangement related to your employment by the Federal Government Spouse's and dependent child's agreements or arrangements

Reportable Information – Go to the last page to see examples of how to report agreements and arrangements.

Entity with which you have an agreement or arrangement (include city and state where entity is located)	Terms of Agreement or Arrangement
1	
2	
3	
4	

Part V: Gifts and Travel Reimbursements

Fill out this part only if you are filing an Annual Report. If you are a new entrant or an SGE, skip this part.

Report for Yourself, Spouse, and Dependent Child:	Do Not Report:
<ul style="list-style-type: none"> Travel-related reimbursements (items such as lodging, transportation, and food) totaling more than \$390* from any one source during the reporting period; include where you traveled, the purpose, and date(s) of the trip Any other gifts totaling more than \$390* from any one source during the reporting period <p>*If you received more than one gift from one source:</p> <ol style="list-style-type: none"> Determine the value of each item you received from that source Ignore each item valued at \$156 or less Add the value of those items valued at more than \$156; if the total is more than \$390, then you must list those items on this form 	<ul style="list-style-type: none"> Anything received from relatives, the U.S. Government, D.C., state, or local governments Bequests and other forms of inheritance Gifts and travel reimbursements given to your agency in connection with your official travel Gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises Anything received by your spouse or dependent child totally independent of their relationship to you

Reportable Information – Go to the last page to see examples of how to report gifts and travel reimbursements.

Source	Description
1	
2	
3	

EXAMPLES

Part I: Assets and Income

Specific stock, bond, sector mutual fund, type/location of real estate, etc. (Indicate the full name of each specific asset or investment. You may add the ticker symbol to the full name.) Name of Employer or Business; Source of Fees, Commissions, or Honoraria (Include brief description.) You may distinguish any entry for a family member by preceding it with S for spouse, DC for dependent child, or J for jointly held.	No longer held
XYZ Japan Fund (Example of sector mutual fund)	<input type="checkbox"/>
OGE Energy (Example of stock that produced more than \$200 in capital gains)	<input checked="" type="checkbox"/>
(S) OGC Communications (Example of stock held in a 401(k) plan)	<input type="checkbox"/>
ABC Healthcare Fund (Example of sector fund held in a variable annuity)	<input type="checkbox"/>
Rental Condo, Anchorage, AK (Example of investment real estate)	<input type="checkbox"/>
Bryggadune University – former employer	<input checked="" type="checkbox"/>
(S) Express Medical Clinic – employer	<input type="checkbox"/>
Association of Accountants – honoraria	<input type="checkbox"/>

Part II: Liabilities

Name of creditor (city and state)	Type of liability (personal loan, margin account, etc.)
John Jones (Denver, CO)	Personal loan from a friend
ANW Investment Company (San Francisco, CA)	Margin account

Part III: Outside Positions

Organization (city and state)	Type of organization	Position	No longer held
Bryggadune University (Memphis, TN)	Educational institution	Professor	<input checked="" type="checkbox"/>
ISK Family Trust (Boynton Beach, FL)	Family Trust	Trustee	<input type="checkbox"/>
Scenic Rivers Association (Nashville, TN)	Non-profit environmental organization	Member, Board of Directors	<input checked="" type="checkbox"/>

Part IV: Agreements or Arrangements

Entity with which you have an agreement or arrangement (include city and state where entity is located)	Terms of Agreement or Arrangement
Dee, Jones & Smith (San Diego, CA)	Will receive pension benefits (defined benefit plan) (Example of continuing participation in an employee pension or benefit plan by a former employer)
Hartford & Brown (San Diego, CA)	Employment agreement with Hartford & Brown. Starting work as attorney in July 2012. Entered into agreement in October 2011. (Example of agreement for future employment)

Part V: Gifts and Travel Reimbursements

Source	Description
Dee, Jones & Smith	Leather briefcase (Example of a gift totaling more than \$390 from one source)
CGH Culinary Institute	Airline ticket, hotel room, and meals incident to culinary seminar in Tokyo, Japan from May 1-5, 2011 (Example of travel reimbursement)



United States House of Representatives

ETHICS IN GOVERNMENT ACT FINANCIAL DISCLOSURE STATEMENT

For Use by New Members, Candidates, and New Employees

WHO MUST FILE AND WHEN: **New Member Filers:** New Members (*i.e.*, those sworn in between November 7, 2017, and April 15, 2018) must file a statement on or before May 15, 2018. **New Employee Filers:** A new employee must file a statement within 30 days of beginning their House employment. **Candidate Filers:** A candidate for the House generally must file a Financial Disclosure Report for each calendar year they are a candidate-*not only the year of the election*. The first report is due within 30 days of raising or spending \$5,000 or on May 15, whichever is later, but not less than 30 days before the primary or general election. Candidate filers also owe a report each subsequent May 15 for as long as they remain a candidate. For all filers, a clear postmark is accepted as the filing date.

LATE REPORTS AND PENALTIES FOR FALSE REPORTS: A \$200 late filing fee shall be assessed against any individual who files more than 30 days after the due date of a report or amendment (or the due date of any extension). Any individual who knowingly and willfully falsifies or who knowingly or willingly fails to file the required report may be subject to civil penalties and criminal sanctions. See section 104 of the Ethics in Government Act (5 U.S.C. app. §§ 101-111) and 18 U.S.C. § 1001.

REPORTING PERIOD: **New Member Filers:** The period covered is the preceding calendar year, unless otherwise indicated on the Schedule. When completing Schedules A and C, fill out the "Preceding Year" information and indicate the "Current Year" information is "Not Applicable." **New Employee Filers:** The period covered is the preceding calendar year and the current year through the date of hiring, unless otherwise indicated on the Schedule. **Candidate Filers:** The period covered is the preceding calendar year and the current year through the date of filing, unless otherwise indicated on the Schedule.

EXTENSIONS: Requests for extension must be made using the extension request form either in the electronic filing system, available at <https://fd.house.gov>, or in hard copy form on the Committee's website, <https://ethics.house.gov>. If you are not using the electronic filing system, the extension request must be e-mailed or mailed to the Committee and **received** by the due date of the report.

WHERE TO OBTAIN ASSISTANCE: Counsel from the Committee on Ethics are available to answer questions and offer assistance at (202) 225-7103. Additional forms and instructions are available on the Committee's website, <https://ethics.house.gov>, under the "Financial Disclosure" tab.

BEFORE FILING: Answer each question on the "Preliminary Information" page, and attach the appropriate schedule for each "Yes" response. Please type or print using blue or black ink. Do not use pencil. Attach additional sheets if necessary, indicating the section that is being continued. If you complete the form on paper, type or print your name at the top of each page filed. Redact any confidential information from any attachments.

RETURN COMPLETED STATEMENT TO:
The Clerk, U.S. House of Representatives
Legislative Resource Center
135 Cannon House Office Building
Washington, DC 20515-6612

Filing Instructions for Members and Candidates: File a signed original and two photocopies of your report, including all attachments. Filers who use the online system only need to submit once.

Filing Instructions for Officers and Employees: File a signed original and one photocopy of your report, including all attachments. Filers who use the online system only need to submit once.

UNITED STATES HOUSE OF REPRESENTATIVES
ETHICS IN GOVERNMENT ACT
FINANCIAL DISCLOSURE STATEMENT – FORM B

Please provide the following information. Your address and signature WILL NOT be made available to the public.

(Print Full Name)	(Daytime Telephone)
(Complete Address – Office or Home)	

Filer Status: **New Member** **Candidate** **New Officer or Employee**

CERTIFICATION – THIS DOCUMENT MUST BE SIGNED BY THE REPORTING INDIVIDUAL AND DATED

The attached Financial Disclosure Statement is required by the Ethics in Government Act of 1978, as amended. The Statement will be available to any requesting person upon written application and will be reviewed by the Committee on Ethics or its designee. Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file, the attached report may be subject to civil penalties and criminal sanctions. See section 104 of the Ethics in Government Act (5 U.S.C. app. §§ 101-111) and 18 U.S.C. § 1001.

Certification	Signature of Reporting Individual	Date
I CERTIFY that the statements I have made on the attached financial disclosure statement and all attached schedules are true, complete, and correct to the best of my knowledge and belief.		

New Members and Candidates must file a signed original and two photocopies thereof.
 New Officers and Employees must file a signed original and one photocopy thereof.

*****FOR OFFICIAL USE ONLY – DO NOT WRITE BELOW*****

Certification	Signature of Certifying Official	Date
It is my opinion, based on the information contained in this Financial Disclosure Statement, that the reporting individual is in compliance with title I of the Ethics in Government Act (5 U.S.C. app. §§ 101-111).		

**UNITED STATES HOUSE OF REPRESENTATIVES
FINANCIAL DISCLOSURE STATEMENT**

FORM B
For New Members, Candidates, and New Employees

Name: _____ Daytime Telephone: _____

FILER STATUS	<input type="checkbox"/> New Member of or Candidate for U.S. House of Representatives State: _____ District: _____ Candidates – Date of Election: _____	<input type="checkbox"/> Check if Amendment
	<input type="checkbox"/> New Officer or Employee Employing Office: _____	Staff Filer Type (If Applicable): Shared <input type="checkbox"/> Principal Assistant <input type="checkbox"/>

(Office Use Only)

A \$200 penalty shall be assessed against any individual who files more than 30 days late.

PRELIMINARY INFORMATION – ANSWER EACH OF THESE QUESTIONS

<p>A. Did you, your spouse, or your dependent child:</p> <p>a. Own any reportable asset that was worth more than \$1,000 at the end of the reporting period? <u>or</u></p> <p>b. Receive more than \$200 in unearned income from any reportable asset during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>E. Did you hold any reportable positions during the reporting period or in the current calendar year up through the date of filing?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>C. Did you or your spouse have “earned” income (e.g., salaries, honoraria, or pension/IRA distributions) of \$200 or more during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>F. Did you have any reportable agreement or arrangement with an outside entity during the reporting period or in the current calendar year up through the date of filing?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>D. Did you, your spouse, or your dependent child have any reportable liability (more than \$10,000) at any point during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>J. Did you receive compensation of more than \$5,000 from a single source in the current year and <u>two</u> prior years?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>

**ATTACH THE CORRESPONDING SCHEDULE IF YOU ANSWER “YES”
THIS FORM INCLUDES ONLY THE SCHEDULES THAT YOU ARE REQUIRED TO COMPLETE**

EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION - ANSWER BOTH OF THESE QUESTIONS

<p>TRUSTS – Details regarding “Qualified Blind Trusts” approved by the Committee on Ethics and certain other “excepted trusts” need not be disclosed. Have you excluded from this report details of such a trust that benefits you, your spouse, or dependent child?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>EXEMPTION – Have you excluded from this report any other assets, “unearned” income, or liabilities of a spouse or dependent child because they meet all three tests for exemption? Do not answer “yes” unless you have first consulted with the Committee on Ethics.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

SCHEDULE A – ASSETS & “UNEARNED INCOME”

Name: _____	Page _____ of _____
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	BLOCK A	BLOCK B														BLOCK C								BLOCK D																																												
	Assets and/or Income Sources	Value of Asset														Type of Income								Amount of Income																																												
																								Current Year												Preceding Year																																
		A	B	C	D	E	F	G	H	I	J	K	L	M	None	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	TAX-DEFERRED	Other Type of Income (Specify: e.g., Partnership Income or Farm Income)	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII																						
SP, DC, JT	ASSET NAME	EIF																							None \$1-\$200 \$201-\$1,000 \$1,001-\$2,500 \$2,501-\$5,000 \$5,001-\$15,000 \$15,001-\$50,000 \$50,001-\$100,000 \$100,001-\$250,000 \$250,001-\$500,000 \$500,001-\$1,000,000 \$1,000,001-\$5,000,000 \$5,000,001-\$25,000,000 \$25,000,001-\$50,000,000 Over \$50,000,000 Spouse/DC Asset over \$1,000,000*												None DIVIDENDS RENT INTEREST CAPITAL GAINS EXCEPTED/BLIND TRUST TAX-DEFERRED Other Type of Income (Specify: e.g., Partnership Income or Farm Income)								None \$1-\$200 \$201-\$1,000 \$1,001-\$2,500 \$2,501-\$5,000 \$5,001-\$15,000 \$15,001-\$50,000 \$50,001-\$100,000 \$100,001-\$1,000,000 \$1,000,001-\$5,000,000 Over \$5,000,000 Spouse/DC Income over \$1,000,000*												None \$1-\$200 \$201-\$1,000 \$1,001-\$2,500 \$2,501-\$5,000 \$5,001-\$15,000 \$15,001-\$50,000 \$50,001-\$100,000 \$100,001-\$1,000,000 \$1,000,001-\$5,000,000 Over \$5,000,000 Spouse/DC Income over \$1,000,000*											

Use additional sheets if more space is required.

SCHEDULE C – EARNED INCOME

Name: _____	Page _____ of _____
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List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. government) totaling \$200 or more during the reporting period. For both the filer and filer's spouse, list the source and amount of any honoraria. List only the source for other spouse earned income exceeding \$1,000. See examples below.

EXCLUDE: Military pay (such as National Guard or Reserve pay), federal retirement programs, and benefits received under the Social Security Act.

INCOME LIMITS and PROHIBITED INCOME: Be advised that the income limit and prohibited income may apply to you after you are on House payroll. The 2017 limit on outside earned income for Members and employees compensated at or above the "senior staff" rate was \$27,765. The 2018 limit is \$28,050. In addition, certain types of income (notably honoraria, director's fees, and payments for professional services involving a fiduciary relationship) are totally prohibited for Members and senior staff.

Source (include date of receipt for honoraria)		Type	Amount	
			Current Year to Filing	Preceding Year
Examples:	ABC Trade Association, Baltimore, MD (July 15)	Honorarium	\$0	\$500
	State of Maryland	Salary	\$20,000	\$76,000
	Civil War Roundtable (Oct. 2)	Spouse Speech	\$0	\$1,000
	Ontario County Board of Education	Spouse Salary	N/A	N/A

Use additional sheets if more space is required.

SCHEDULE D – LIABILITIES

Name: _____	Page _____ of _____
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Report liabilities of over \$10,000 owed to any one creditor **at any time** during the reporting period by you, your spouse, or your dependent child. **Mark the highest amount owed during the reporting period.** **New Members:** Members are required to report all liabilities secured by real property including mortgages on their personal residence. **Exclude:** Any mortgage on your personal residence (unless you rent it out or are a Member); loans secured by automobiles, household furniture, or appliances; liabilities of a business in which you own an interest (unless you are personally liable); and liabilities owed to you by a spouse or the child, parent, or sibling of you or your spouse. Report a **revolving charge account** (i.e., credit card) only if the balance at the close of the reporting period exceeded \$10,000. *Column K is for liabilities held solely by your spouse or dependent child.

SP, DC, JT	Creditor	Date Liability Incurred MO/YR	Type of Liability	Amount of Liability											
				A	B	C	D	E	F	G	H	I	J	K	
				\$10,001- \$15,000	\$15,001- \$50,000	\$50,001- \$100,000	\$100,001- \$250,000	\$250,001- \$500,000	\$500,001- \$1,000,000	\$1,000,001- \$5,000,000	\$5,000,001- \$25,000,000	\$25,000,001- \$50,000,000	Over \$50,000,000	Over \$1,000,000* (Spouse/DC Liability)	
Example	First Bank of Wilmington, DE	5/98	Mortgage on Rental Property, Dover, DE				X								

SCHEDULE E – POSITIONS

Report all positions, compensated or uncompensated, as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, nonprofit organization, labor organization, or educational or other institution other than the United States. **Exclude:** Positions held in any religious, social, fraternal, or political entities (such as political parties and campaign organizations); and positions solely of an honorary nature. **New Members and second-year candidates** report positions held in the reporting period and the current calendar year. **First-year candidates and new employees** report positions held in the current calendar year and **two** previous years.

Position	Name of Organization

Use additional sheets if more space is required.

SCHEDULE F – AGREEMENTS

Name: _____	Page _____ of _____
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Identify the date, parties to, and general terms of any agreement or arrangement that you have with respect to: future employment; a leave of absence during the period of government service; continuation or deferral of payments by a former or current employer other than the U.S. government; or continuing participation in an employee welfare or benefit plan maintained by a former employer.

Date	Parties to Agreement	Terms of Agreement

SCHEDULE J – COMPENSATION IN EXCESS OF \$5,000 PAID BY ONE SOURCE

Report sources of compensation received by you or your business affiliation for services provided directly by you during the current year and **two** prior years. This includes the names of clients and customers of any corporation, firm, partnership, or other business enterprise if you directly provided the services generating a fee or payment of more than \$5,000. **Exclude:** Payments by the U.S. government and any information considered confidential as a result of a privileged relationship recognized by law. **Do not repeat information listed on Schedule C.**

Source (Name and City/State)	Brief Description of Duties
<i>Example:</i>	Doe Jones & Smith, Hometown, Homestate Accounting Services

Use additional sheets if more space is required.

FILER NOTES
(Optional)

Name:	Page ____ of ____
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NOTE NUMBER	NOTES

Use additional sheets if more space is required.

**FILER NOTES
(Optional)**

Name: _____	Page _____ of _____
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NOTE NUMBER	NOTES

Use additional sheets if more space is required.



United States House of Representatives

ETHICS IN GOVERNMENT ACT FINANCIAL DISCLOSURE STATEMENT

For Use by Annual and Termination Filers

WHO MUST FILE AND WHEN: *Annual Filers:* Each Member, officer, and employee of the Legislative Branch compensated at or above the “senior staff” rate (\$124,406) for at least 60 days in calendar year 2017, and any employee designated by a Member as a principal assistant must file a Financial Disclosure Statement on or before May 15, 2018. *Termination Filers:* A termination report must be filed within 30 days of leaving a covered position. For all filers, a clear postmark is accepted as the filing date.

LATE REPORTS AND PENALTIES FOR FALSE REPORTS: A \$200 late filing fee shall be assessed against any individual who files more than 30 days after the due date of a report or amendment (or the due date of any extension). Any individual who knowingly and willfully falsifies or who knowingly or willingly fails to file the required report may be subject to civil penalties and criminal sanctions. See section 104 of the Ethics in Government Act (5 U.S.C. app. §§ 101-111) and 18 U.S.C. § 1001.

REPORTING PERIOD: *Annual Filers:* The period covered by this report is calendar year 2017, unless otherwise indicated on the Schedule. *Termination Filers:* If you leave the House before May 15, 2018, the period covered is January 1, 2017, through the date of your termination. If you leave after May 15, 2018, the period covered is January 1, 2018, through the date of your termination.

EXTENSIONS: Requests for extension must be made using the extension request form either in the electronic filing system, available at <https://fd.house.gov>, or in hard copy form on the Committee’s website, <https://ethics.house.gov>. If you are not using the electronic filing system, the extension request must be e-mailed or mailed to the Committee and **received** by the due date of the report.

WHERE TO OBTAIN ASSISTANCE: Counsel from the Committee on Ethics are available to answer questions and offer assistance at (202) 225-7103. Additional forms and instructions are available on the Committee’s website, <https://ethics.house.gov>, under the “Financial Disclosure” tab.

BEFORE FILING: Answer each question on the “Preliminary Information” page, and attach the appropriate schedule for each “Yes” response. Please type or print using blue or black ink. Do not use pencil. Attach additional sheets if necessary, indicating the section that is being continued. If you complete the form on paper, type or print your name at the top of each page filed. Redact any confidential information from any attachments.

RETURN COMPLETED STATEMENT TO:
The Clerk, U.S. House of Representatives
Legislative Resource Center
135 Cannon House Office Building
Washington, DC 20515-6612

Filing Instructions for Members: File a signed original and two photocopies of your report, including all attachments. Filers who use the online system only need to submit once.

Filing Instructions for Officers and Employees: File a signed original and one photocopy of your report, including all attachments. Filers who use the online system only need to submit once.

UNITED STATES HOUSE OF REPRESENTATIVES
ETHICS IN GOVERNMENT ACT
2017 FINANCIAL DISCLOSURE STATEMENT – FORM A

Please provide the following information. Your address and signature WILL NOT be made available to the public.

(Print Full Name)	(Daytime Telephone)
(Complete Address – Office or Home)	

Filer Status: Member Officer or Employee

CERTIFICATION – THIS DOCUMENT MUST BE SIGNED BY THE REPORTING INDIVIDUAL AND DATED

The attached Financial Disclosure Statement is required by the Ethics in Government Act of 1978, as amended. The Statement will be available to any requesting person upon written application and will be reviewed by the Committee on Ethics or its designee. Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file, the attached report may be subject to civil penalties and criminal sanctions. See section 104 of the Ethics in Government Act (5 U.S.C. app. §§ 101-111) and 18 U.S.C. § 1001.

Certification	Signature of Reporting Individual	Date
I CERTIFY that the statements I have made on the attached financial disclosure statement and all attached schedules are true, complete, and correct to the best of my knowledge and belief.		

Members must file a signed original and two photocopies thereof.
Officers and Employees must file a signed original and one photocopy thereof.

*****FOR OFFICIAL USE ONLY – DO NOT WRITE BELOW*****

Certification	Signature of Certifying Official	Date
It is my opinion, based on the information contained in this Financial Disclosure Statement, that the reporting individual is in compliance with title I of the Ethics in Government Act (5 U.S.C. app. §§ 101-111).		

UNITED STATES HOUSE OF REPRESENTATIVES
2017 FINANCIAL DISCLOSURE STATEMENT

Form A
 For Use by Members, Officers, and Employees

(Office Use Only)

A \$200 penalty shall be assessed against any individual who files more than 30 days late.

Name: _____ Daytime Telephone: _____

FILER STATUS	<input type="checkbox"/> Member of the U.S. House of Representatives State: _____ District: _____	<input type="checkbox"/> Officer or Employee Employing Office: _____	Staff Filer Type: (If Applicable) Shared <input type="checkbox"/> Principal Assistant <input type="checkbox"/>
REPORT TYPE	<input type="checkbox"/> 2017 Annual (Due: May 15, 2018)	<input type="checkbox"/> Amendment	<input type="checkbox"/> Termination Date of Termination: _____

PRELIMINARY INFORMATION – ANSWER EACH OF THESE QUESTIONS

<p>A. Did you, your spouse, or your dependent child:</p> <p>a. Own any reportable asset that was worth more than \$1,000 at the end of the reporting period? or</p> <p>b. Receive more than \$200 in unearned income from any reportable asset during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>F. Did you have any reportable agreement or arrangement with an outside entity during the reporting period or in the current calendar year up through the date of filing?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>B. Did you, your spouse, or your dependent child purchase, sell, or exchange any securities or reportable real estate in a transaction exceeding \$1,000 during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>G. Did you, your spouse, or your dependent child receive any reportable gift(s) totaling more than \$390 in value from a single source during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>C. Did you or your spouse have “earned” income (e.g., salaries, honoraria, or pension/IRA distributions) of \$200 or more during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>H. Did you, your spouse, or your dependent child receive any reportable travel or reimbursements for travel totaling more than \$390 in value from a single source during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>D. Did you, your spouse, or your dependent child have any reportable liability (more than \$10,000) at any point during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>I. Did any individual or organization make a donation to charity in lieu of paying you for a speech, appearance, or article during the reporting period?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>E. Did you hold any reportable positions during the reporting period or in the current calendar year up through the date of filing?</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>ATTACH THE CORRESPONDING SCHEDULE IF YOU ANSWER “YES”</p>

IPO AND EXCLUSION OF SPOUSE, DEPENDENT, OR TRUST INFORMATION - ANSWER EACH OF THESE QUESTIONS

<p>IPO – Did you purchase any shares that were allocated as a part of an Initial Public Offering during the reporting period? If you answered “yes” to this question, please contact the Committee on Ethics for further guidance.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>TRUSTS – Details regarding “Qualified Blind Trusts” approved by the Committee on Ethics and certain other “excepted trusts” need not be disclosed. Have you excluded from this report details of such a trust that benefits you, your spouse, or dependent child?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>EXEMPTION – Have you excluded from this report any other assets, “unearned” income, transactions, or liabilities of a spouse or your dependent child because they meet all three tests for exemption? Do not answer “yes” unless you have first consulted with the Committee on Ethics.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

SCHEDULE A – ASSETS & “UNEARNED INCOME”

Name: _____	Page _____ of _____
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BLOCK A Assets and/or Income Sources	BLOCK B Value of Asset													BLOCK C Type of Income								BLOCK D Amount of Income												BLOCK E Transaction								
<p>Identify (a) each asset held for investment or production of income and with a fair market value exceeding \$1,000 at the end of the reporting period, and (b) any other reportable asset or source of income that generated more than \$200 in “unearned” income during the year.</p> <p>Provide complete names of stocks and mutual funds (do not use only ticker symbols).</p> <p>For all IRAs and other retirement plans (such as 401(k) plans) provide the value for each asset held in the account that exceeds the reporting thresholds.</p> <p>For bank and other cash accounts, total the amount in all interest-bearing accounts. If the total is over \$5,000, list every financial institution where there is more than \$1,000 in interest-bearing accounts.</p> <p>For rental and other real property held for investment, provide a complete address or description, e.g., “rental property,” and a city and state.</p> <p>For an ownership interest in a privately-held business that is not publicly traded, state the name of the business, the nature of its activities, and its geographic location in Block A.</p> <p>Exclude: Your personal residence, including second homes and vacation homes (unless there was rental income during the reporting period); and any financial interest in, or income derived from, a federal retirement program, including the Thrift Savings Plan.</p> <p>If you report a privately-traded fund that is an Excepted Investment Fund, please check the “EIF” box.</p> <p>If you so choose, you may indicate that an asset or income source is that of your spouse (SP) or dependent child (DC), or jointly held with anyone (JT), in the optional column on the far left.</p> <p>For a detailed discussion of Schedule A requirements, please refer to the instruction booklet.</p>	<p>Indicate value of asset at close of the reporting period. If you use a valuation method other than fair market value, please specify the method used.</p> <p>If an asset was sold during the reporting period and is included only because it generated income, the value should be “None.”</p> <p>*Column M is for assets held by your spouse or dependent child in which you have no interest.</p>													<p>Check all columns that apply. For accounts that generate tax-deferred income (such as 401(k), IRA, or 529 accounts), you may check the “Tax-Deferred” column. Dividends, interest, and capital gains, even if reinvested, must be disclosed as income for assets held in taxable accounts. Check “None” if the asset generated no income during the reporting period.</p>								<p>For assets for which you checked “Tax-Deferred” in Block C, you may check the “None” column. For all other assets indicate the category of income by checking the appropriate box below. Dividends, interest, and capital gains, even if reinvested, must be disclosed as income for assets held in taxable accounts. Check “None” if no income was earned or generated.</p> <p>*Column XII is for assets held by your spouse or dependent child in which you have no interest.</p>												<p>Indicate if the asset had purchases (P), sales (S), or exchanges (E) exceeding \$1,000 in the reporting period.</p> <p>If only a portion of an asset was sold, please indicate as follows: (S (part)).</p>								
	A	B	C	D	E	F	G	H	I	J	K	L	M	None	NONE	DIVIDENDS	RENT	INTEREST	CAPITAL GAINS	EXCEPTED/BLIND TRUST	TAX-DEFERRED	Other Type of Income (Specify: e.g., Partnership Income or Farm Income)	None	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII							
	None	\$1-\$1,000	\$1,001-\$15,000	\$15,001-\$50,000	\$50,001-\$100,000	\$100,001-\$250,000	\$250,001-\$500,000	\$500,001-\$1,000,000	\$1,000,001-\$5,000,000	\$5,000,001-\$25,000,000	\$25,000,001-\$50,000,000	Over \$50,000,000	Spouse/DC Asset over \$1,000,000*												\$1-\$200	\$201-\$1,000	\$1,001-\$2,500	\$2,501-\$5,000	\$5,001-\$15,000	\$15,001-\$50,000	\$50,001-\$100,000	\$100,001-\$1,000,000	\$1,000,001-\$5,000,000	Over \$5,000,000	Spouse/DC Asset with Income over \$1,000,000*							
SP, DC, JT Examples:	EIF				X										X																						S(part)					
		SP	Mega Corp. Stock																								X															
			Simon & Schuster		Indefinite																																					
			ABC Hedge Fund	X					X																																	

Use additional sheets if more space is required.

SCHEDULE B – TRANSACTIONS

Name: _____

Page _____ of _____

Report any purchase, sale, or exchange transactions that exceeded \$1,000 in the reporting period of any security or real property held by you, your spouse, or your dependent child for investment or the production of income. Include transactions that resulted in a capital loss. Provide a brief description of an exchange transaction. Exclude transactions between you, your spouse, or dependent children, or the purchase or sale of your personal residence, unless it generated rental income. If only a portion of an asset is sold, please choose "partial sale" as the type of transaction.

Capital Gains: If a sales transaction resulted in a capital gain in excess of \$200, check the "capital gains" box, unless it was an asset in a tax-deferred account, and disclose the capital gain income on Schedule A.

* Column K is for assets solely held by your spouse or dependent child.

SP, DC, JT	Asset		Type of Transaction				Check Box if Capital Gain Exceeded \$200	Date <small>(MO/DA/YR) or Quarterly, Monthly, or Bi-weekly, if applicable</small>	Amount of Transaction										
			Purchase	Sale	Partial Sale	Exchange			A \$1,001-\$15,000	B \$15,001-\$50,000	C \$50,001-\$100,000	D \$100,001-\$250,000	E \$250,001-\$500,000	F \$500,001-\$1,000,000	G \$1,000,001-\$5,000,000	H \$5,000,001-\$25,000,000	I \$25,000,001-\$50,000,000	J Over \$50,000,000	K Over \$1,000,000* (Spouse/DC Asset)
SP	Example	Mega Corp. Stock			X		X	3/9/17		X									

Use additional sheets if more space is required.

SCHEDULE C – EARNED INCOME

Name: _____	Page _____ of _____
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List the source, type, and amount of earned income from any source (other than the filer's current employment by the U.S. government) totaling \$200 or more during the reporting period. For a spouse, list the source and amount of any honoraria; list only the source for other spouse earned income exceeding \$1,000. See examples below.

EXCLUDE: Military pay (such as National Guard or Reserve pay), federal retirement programs, and benefits received under the Social Security Act.

INCOME LIMITS and PROHIBITED INCOME: The 2017 limit on outside earned income for Members and employees compensated at or above the "senior staff" rate was \$27,765. The 2018 limit is \$28,050. In addition, certain types of income (notably honoraria, director's fees, and payments for professional services involving a fiduciary relationship) are totally prohibited.

Source (include date of receipt for honoraria)		Type	Amount
Examples:	Keene State	Approved Teaching Fee	\$6,000
	State of Maryland	Legislative Pension	\$18,000
	Civil War Roundtable (Oct. 2)	Spouse Speech	\$1,000
	Ontario County Board of Education	Spouse Salary	N/A

Use additional sheets if more space is required.

SCHEDULE D – LIABILITIES

Name: _____

Page _____ of _____

Report liabilities of over \$10,000 owed to any one creditor **at any time** during the reporting period by you, your spouse, or your dependent child. **Mark the highest amount owed during the reporting period.** **Members:** Members are required to report all liabilities secured by real property including mortgages on their personal residence. **Exclude:** Any mortgage on your personal residence (unless you rent it out or are a Member); loans secured by automobiles, household furniture, or appliances; liabilities of a business in which you own an interest (unless you are personally liable); and liabilities owed to you by a spouse or the child, parent, or sibling of you or your spouse. Report a **revolving charge account** (i.e., credit card) only if the balance at the close of the reporting period exceeded \$10,000. *Column K is for liabilities held solely by your spouse or dependent child.

SP, DC, JT	Creditor	Date Liability Incurred MO/YR	Type of Liability	Amount of Liability										
				A	B	C	D	E	F	G	H	I	J	K
				\$10,001- \$15,000	\$15,001- \$50,000	\$50,001- \$100,000	\$100,001- \$250,000	\$250,001- \$500,000	\$500,001- \$1,000,000	\$1,000,001- \$5,000,000	\$5,000,001- \$25,000,000	\$25,000,001- \$50,000,000	Over \$50,000,000	Over \$1,000,000* (Spouse/DC Liability)
Example	First Bank of Wilmington, DE	5/15	Mortgage on Rental Property, Dover, DE				X							

SCHEDULE E – POSITIONS

Report all positions, compensated or uncompensated, held during the current or prior calendar year as an officer, director, trustee of an organization, partner, proprietor, representative, employee, or consultant of any corporation, firm, partnership, or other business enterprise, nonprofit organization, labor organization, or educational or other institution other than the United States. **Exclude:** Positions held in any religious, social, fraternal, or political entities (such as political parties and campaign organizations); and positions solely of an honorary nature.

Position	Name of Organization

Use additional sheets if more space is required.

SCHEDULE F – AGREEMENTS

Name: _____

Page _____ of _____

Identify the date, parties to, and general terms of any agreement or arrangement that you have with respect to: future employment; a leave of absence during the period of government service; continuation or deferral of payments by a former or current employer other than the U.S. government; or continuing participation in an employee welfare or benefit plan maintained by a former employer.

Date	Parties to Agreement	Terms of Agreement

SCHEDULE G – GIFTS

Report the source (by name), a brief description, and the value of all gifts totaling more than \$390 received by you, your spouse, or your dependent child from any source during the year. **Exclude:** Gifts from relatives, gifts of personal hospitality from an individual, local meals, and gifts to a spouse or dependent child that are totally independent of his or her relationship to you. Gifts with a value of \$156 or less need not be added towards the \$390 disclosure threshold. **Note:** The gift rule (House Rule 25, clause 5) prohibits acceptance of gifts except as specifically provided in the rule and some gifts require prior approval of the Committee on Ethics.

Source		Description	Value
<i>Example:</i>	Mr. Joseph Smith, Arlington, VA	Silver Platter (prior determination of personal friendship received from the Committee on Ethics)	\$400

Use additional sheets if more space is required.

SCHEDULE H – TRAVEL PAYMENTS and REIMBURSEMENTS

Name: _____

Page _____ of _____

Identify the source and list travel itinerary, dates, and nature of expenses provided for travel and travel-related expenses totaling more than \$390 received by you, your spouse, or your dependent child during the reporting period. Indicate whether a family member accompanied the traveler at the sponsor's expense. Disclosure is required regardless of whether the expenses were paid directly by the sponsor or were paid by you and reimbursed by the sponsor.

EXCLUDE: Travel-related expenses provided by federal, state, and local governments, or by a foreign government required to be separately reported under the Foreign Gifts and Decorations Act (FGDA, 5 U.S.C. § 7342); political travel that is required to be reported under the Federal Election Campaign Act; travel provided to a spouse or dependent child that is totally independent of his or her relationship to the filer.

Source	Date(s)	City of Departure-Destination-City of Return	Lodging? (Y/N)	Food? (Y/N)	Family Member Included? (Y/N)	
<i>Examples:</i>	Government of China (MECEA)	Aug. 6-11	DC-Beijing, China-DC	Y	Y	N
	Habitat for Humanity (charity fundraiser)	Mar. 3-4	DC-Boston-DC	Y	Y	Y

Use additional sheets if more space is required.

SCHEDULE I – PAYMENTS MADE TO CHARITY IN LIEU OF HONORARIA

Name: _____	Page _____ of _____
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List the source, activity (*i.e.*, speech, appearance, or article), date, and amount of any payment made by the sponsor of an event to a charitable organization in lieu of paying an honorarium to you. A separate confidential list of charities receiving such payments must be filed directly with the Committee on Ethics.

	Source	Activity	Date	Amount
Examples:	Association of American Associations, Washington, DC	Speech	Feb. 2, 2017	\$2,000
	XYZ Magazine	Article	Aug. 13, 2017	\$500

Use additional sheets if more space is required.

**FILER NOTES
(Optional)**

Name: _____	Page _____ of _____
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NOTE NUMBER	NOTES

Use additional sheets if more space is required.