

ADOPTED BY THE COMMITTEE ON ETHICS ON JUNE 18, 2014

**113TH CONGRESS, 2ND SESSION
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON ETHICS**

**IN THE MATTER OF ALLEGATIONS RELATING TO
REPRESENTATIVE DON YOUNG**

JUNE 20, 2014

 Mr. CONAWAY from the Committee on Ethics submitted the following

REPORT

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ONE HUNDRED THIRTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

June 20, 2014

Thomas A. Rust
Staff Director and Chief Counsel

Joanne White
Administrative Staff Director

Jackie M. Barber
Counsel to the Chairman

Daniel J. Taylor
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

The Honorable Karen L. Haas
Clerk, U.S. House of Representatives
Washington, DC 20515

Dear Ms. Haas:

Pursuant to clauses 3(a)(2) and 3(b) of Rule XI of the Rules of the House of Representatives, we herewith transmit the attached Report, "In the Matter of Allegations Related to Representative Don Young."

Sincerely,


K. Michael Conaway
Chairman


Linda T. Sánchez
Ranking Member

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ETHICS

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**IN THE MATTER OF ALLEGATIONS RELATING TO
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June 20, 2014

Mr. CONAWAY from the Committee on Ethics submitted the following

REPORT

In accordance with House Rule XI, clauses 3(a)(2) and 3(b), the Committee on Ethics (Committee) hereby submits the following Report to the House of Representatives:

I. INTRODUCTION

On June 18, 2014, the Committee considered the Report of the Investigative Subcommittee (ISC) in this matter, which the ISC adopted on Tuesday, April 29, 2014. This Report memorializes the Committee's conclusions based on the ISC Report.

The Committee agrees with the findings and conclusions the ISC reached following its thorough fourteen-month investigation. Specifically, the Committee finds that, with respect to fifteen of the twenty-five trips reviewed by the ISC and certain non-trip related gifts, Representative Young violated House Rules and other laws, rules, and standards of conduct by improperly using campaign funds for personal purposes and by improperly accepting impermissible gifts. Representative Young also violated House Rules and other laws, rules, and standards of conduct by failing to report certain gifts on his Financial Disclosure Statements. The Committee finds that Representative Young should repay the value of those improper trips and gifts - \$59,063.74 - to his campaign and to the donors of the gifts, respectively, and that Representative Young should amend his Financial Disclosure Statements to properly report the gifts he failed to disclose.¹ The Committee also finds that Representative Young should be reprimanded for his conduct with respect to his improper personal use of campaign funds, his acceptance of improper gifts, and his failure to report certain gifts on his Financial Disclosure Statements.

¹ The Committee notes that, prior to the issuance of this Report, Representative Young provided the Committee copies of executed checks he issued to reimburse his campaign and to reimburse the donors of the impermissible gifts. A chart of the impermissible gifts and amounts Representative Young was directed to repay is included with this Report as Appendix A.

As to the ten remaining trips reviewed by the ISC, the Committee finds that based on the evidence, Representative Young's acceptance of all of the expenses related to those trips was permissible. The Committee also finds that Representative Young's acceptance of the remaining non-trip related gifts was permissible. Finally, the Committee finds that there was no basis for finding that Representative Young provided false statements to federal officials.

Accordingly, the Committee hereby adopts the ISC's Report and has issued a letter of reapproval to Representative Young, both of which we have transmitted as appendices hereto.

II. PROCEDURAL BACKGROUND

On April 23, 2010, Representative Young requested the Committee review certain gifts he had received that the United States of Department of Justice (DOJ) was reviewing. Subsequently, on August 17, 2010, DOJ submitted a letter to the Committee indicating that it had conducted an investigation regarding the gifts that were the subject of Representative Young's request, as well as other gifts, and was referring the matter to the Committee. After approximately two years of delays caused in part by this Committee, as well as by disputes with both Representative Young and DOJ regarding discovery of information in their possession, the Committee chose to move forward with its own investigation pursuant to Committee Rule 18(a).

Based on the results of the Committee's 18(a) investigation, it voted unanimously on February 26, 2013, to impanel an ISC. The ISC's jurisdiction included the authority to review the matters referred to the Committee by both Representative Young and DOJ that included 22 trips that Representative Young, his family, and his staff took to hunting lodges between 2003 and 2007, as well as several non-trip gifts. During the course of its investigation, the ISC discovered three additional similar trips, including trips taken as early as 2001 as late as 2013.

The ISC met on nine occasions and interviewed 16 witnesses, including Representative Young's former chief of staff, former campaign manager, and other relevant staffers, as well as third parties present during the trips. The ISC issued 20 subpoenas and reviewed over 220,000 pages of documents which included the over 150,000 pages provided to the Committee by Representative Young and DOJ.

On April 29, 2014, the ISC voted to issue its Report, finding that Representative Young had violated House Rules and other laws, rules, and standards of conduct with respect to his use of campaign funds for personal purposes, his acceptance of improper gifts, and his failure to report certain gifts on his Financial Disclosure Statements. The ISC did not believe that a sanction requiring the action of the House of Representatives was warranted in this case. However, the ISC did recommend that the Committee issue a letter of reapproval to Representative Young, and that Representative Young be required to repay the cost of certain trips and gifts that the ISC found were impermissible under House Rules.² The ISC also recommended that Representative Young be directed to amend his Financial Disclosure Statements to include any gifts that should have been reported at the time he accepted them, including the improper gifts.

² The provision of the House Rules that pertains to the acceptance of gifts is House Rule XXV, clause 5 (hereinafter "the House Gift Rule"). This rule was previously codified as House Rule XXVI, clause 5, until the 110th Congress.

Pursuant to House Rule XI, clause 3(a)(2), which provides that the Committee may report to the House its findings and conclusions for final disposition of investigative matters after “notice and hearing,” the Committee provided Representative Young with a copy of the ISC Report on May 8, 2014, and offered him the opportunity to be heard. On June 2, 2014, Representative Young exercised his right to be heard by providing a written statement to the Committee accepting the ISC’s findings and submitting copies of checks he executed as repayment to his campaign and to the donors of the improper gifts.

III. FINDINGS AND CONCLUSIONS

On June 18, 2014, the Committee voted unanimously to release this public Report finding that Representative Young violated House Rules and other laws, rules and standards of conduct governing the use of campaign funds for personal purposes, the acceptance of gifts, and Financial Disclosure reporting requirements. Specifically, between 2001 and 2013, Representative Young accepted gifts and expenses related to fifteen of the twenty-five hunting trips reviewed by the ISC that were not permissible under the applicable House Gift Rule at the time, as well as non-trip gifts. For seven of these fifteen trips, only some of the expenses (such as air travel provided by personal friends but not previously approved by the Committee as required by House Rule XXV, or meal expenses paid for by a trade association) were improper, with the remaining expenses for those trips covered by one exception to the House Gift Rule or another. For the remaining eight trips, all expenses associated with the travel were either improper gifts or improper personal use of campaign funds. Additionally, Representative Young had not reported any of the proper or improper gifts or trips that should have been reported on his Financial Disclosure Statements for the relevant periods.

With respect to the conduct described above, Representative Young violated House Rule XXIII, clause 6(b), which prohibits a Member from converting campaign funds to personal use and 2 U.S.C. § 439a(b), which prohibits any person from converting a campaign contribution or donation to personal use.³ Representative Young also violated the House Gift Rule, which prohibits Members from accepting any gift that does not fall within an exception to the rule. Finally, Representative Young’s conduct violated the Ethics in Government Act, 5 U.S.C. app. 4 §§ 101-111, and House Rule XXVI, clause 2, which require that Members file an annual Financial Disclosure Statement that includes the value, source, and a brief description of all gifts received that are greater than a threshold amount.⁴

The ISC noted that given the lengthy chronology of this matter, and the corrosion of evidence over time, it could not recommend a finding that Representative Young purposefully or corruptly accepted any of the gifts in this matter. The ISC, however, recognized that Representative Young’s state of mind at the time he obtained the gifts did not impact whether he

³ “Personal use” is defined in 11 C.F.R. § 113.1(g) as “any use of funds in a campaign account . . . to fulfill a commitment, obligation or expense of any person that would exist irrespective of the candidate’s campaign or duties as a Federal officeholder.”

⁴ The aggregate minimal value used to determine whether gifts must be reported on a Financial Disclosure Statement is established by 5 U.S.C. § 7342(a)(5).

must repay the improper gifts and misused campaign funds. He must. The ISC recommended that Representative Young repay the full amount of the improper gifts and the improperly used campaign funds. This amount totaled \$59,063.74. This figure includes repayment of \$30,936.33 to your principal campaign committee, Alaskans for Don Young, and repayment of \$28,127.41 to ten private individuals or companies. The ISC also noted that while it did not recommend that Representative Young receive a House sanction for his actions, it recommended that the Committee issue a letter of reproof to Representative Young for his conduct.

The Committee accepts the recommendations of the ISC and adopts its Report. In a June 2, 2014, letter to the ISC, Representative Young accepted the ISC's, which includes a recommendation that he be issued a letter of reproof, and he expressed regret. The Committee appreciates that Representative Young has accepted responsibility for his conduct and promptly repaid the costs of the impermissible trips and gifts after notification of the ISC's conclusions. Representative Young's swift action to bring himself into compliance with the Rules is an example of how a respondent should demonstrate his or her recognition of the Committee's authority, acceptance of responsibility, and desire to comply with the Rules of the House and other applicable laws, rules, or regulations. The Committee also recognizes the steps Representative Young has taken in his office since 2007 to ensure that his, and his staff's actions, comply with House Rules.

The Committee finds, however, that Representative Young's more recent efforts at compliance, while commendable, do not overcome the need for a letter of reproof regarding his conduct with respect to the trips and gifts that were not permissible and, more troubling, his misuse of campaign funds for personal purposes. This is especially true given that Representative Young used campaign funds for personal purposes and accepted several of the improper gifts *after* the 2007 House Gift Rule changes and that Representative Young only brought these matters to the attention of the Committee after DOJ had begun its investigation. The Committee agrees with the ISC that Representative Young should be reproofed because his actions "demonstrated a lack of appropriate safeguards and an inattention to the relevant standards of conduct."⁵ Therefore, the Committee has issued a letter of reproof to Representative Young for his conduct in this matter. Following these actions, once Representative Young files properly completed amendments to his Financial Disclosure Statements the Committee will consider this matter closed.

IV. STATEMENT UNDER RULE XIII, CLAUSE 3(c) OF THE RULES OF THE HOUSE OF REPRESENTATIVES

The Committee made no special oversight findings in this report. No budget statement is submitted. No funding is authorized by any measure in this report.

⁵ ISC Report at 55.