

there was only one into my conduct. The other was with regard to conduct of attorneys in my office and I was interviewed as part of that process. That dealt with an issue as to whether a settlement reached in some administrative litigation was legal or not.

Senator Durbin. The Frank Robbins--

Mr. Myers. That is correct, yes, sir. I was not involved in the negotiations or discussions of that settlement, other than to tell a subordinate attorney that he had authority to try to settle that case.

Senator Durbin. Did you approve the settlement?

Mr. Myers. No, I did not.

Senator Durbin. Were you aware of the terms of the settlement?

Mr. Myers. No.

Senator Durbin. So it went from your subordinate's decision to what level before it was policy of the Department?

Mr. Myers. Well, the subordinate attorney worked with the Bureau of Land Management, which was the party on behalf of the Department of the Interior to the settlement. Some six months after the settlement was signed, press reports came out with statements that it was perhaps illegal. Obviously, I saw those press reports. I asked for a copy of the agreement.

I then dispatched different attorneys in my office to look into the allegations, together with employees from the assistant secretary's office who has authority over BLM. So I initiated in my own right an inquiry into the statements to determine whether or not they were correct.

Senator Durbin. Excuse me, but in the initial settlement negotiations you played no role?

Mr. Myers. That is correct.

Senator Durbin. And did not review them once they were agreed to?

Mr. Myers. Right.

Senator Durbin. And you are saying that is standard procedure?

Mr. Myers. Well, it was in that case for me, Senator, because I only knew it as an administrative piece of litigation, which is to say it was wholly contained within the Department of the Interior as a dispute between the BLM and the rancher. That is how it was presented to me, so it did not seem particularly remarkable and if this attorney wanted to try to settle that, then fine.

Senator Durbin. On the first instance, the Inspector General's investigation of your relationship with your previous and now current law firm--

Mr. Myers. Yes, right.

Senator Durbin. --would you speak to that?

Let me turn to my colleague from Georgia for any further questions he might have of nominee Myers.

Senator Chambliss. Mr. Chairman, just very quickly-- Mr. Myers, I want to go back to this Robbins settlement issue just to make sure that we are very clear as to the status of that.

Do you recall the first time you actually reviewed the settlement that was executed in December of 2002 and January of 2003 between the BLM office in Wyoming and Frank Robbins, who was a Wyoming rancher?

Mr. Myers. It was approximately a half year after it was entered into.

Senator Chambliss. And what evidence did the various environmental activist groups cite in support of their contention that you, quote, "specifically authorized the settlement," close quote?

Mr. Myers. I think there is some confusion there. What I specifically authorized was a subordinate attorney's attempt to try to reach a settlement between two parties.

Senator Chambliss. We understand the Department of the Interior IG report that has already been referred to is currently investigating one field solicitor and perhaps others who were directly involved in negotiating this Robbins settlement.

Didn't you have a role in appointing the investigative

team which was chosen specifically because they had no connection with the Robbins matter?

Mr. Myers. That is correct. I asked the Associate Solicitor for Lands and Minerals Management to work with an appointee chosen by the assistant secretary with authority over that area and for the two of them to see if they could get to the bottom of it.

Senator Chambliss. Is there any conceivable reason why you would be a target of the Robbins investigation?

Mr. Myers. Well, no, and as far as I understand, I am not.

Senator Chambliss. In fact, I would like to state for the record that I have received information that the IG in charge of the Robbins settlement, Mr. Chairman, will provide written confirmation to the Committee that, in fact, Mr. Myers was not a target of this investigation. Such a letter will simply clarify the obvious that there is complete absence of evidence that the Robbins settlement, assuming there is something improper about it, reflects poorly on Mr. Myers' conduct while he served as Solicitor.

Thank you, Mr. Chairman.

Senator Craig. I thank you, Senator, and when that is available, we will make that a part of the record.

Let me close so that we can move to our other nominees, and I appreciate everyone's patience. I think you can see