



U.S. Department of Justice

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

October 25, 2016

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letters to the Attorney General, dated September 8, 2016, and September 21, 2016, regarding the Department of Commerce's National Telecommunications and Information Administration's (NTIA) transition of stewardship of the Internet Assigned Numbers Authority (IANA) functions to the multistakeholder community. The Department of Justice (the Department) appreciates having the benefit of your perspective. We are sending an identical response to Chairman Goodlatte, who joined in your letters, and a copy of this response to Chairman Upton and Chairman Thune, who joined in your September 8, 2016 letter. We understand that the Department of Commerce is responding by separate letter to your September 8, 2016 letter.

We agree that openness, security and stability of the Internet are important to all Internet users. As you are aware, NTIA has been the primary governmental agency responsible for effecting the IANA transition, and we refer you to their statements and responses to questions about the transition.<sup>1</sup> The Department has worked cooperatively with NTIA, and other interagency partners, for many years both directly and as part of the DNS Interagency Working Group addressing DNS-related issues, including the IANA transition. Specifically, with respect to antitrust issues, the Department's Antitrust Division has considered and consulted with NTIA on various competition issues related to the ongoing operations of the DNS, including the final IANA Stewardship Transition Proposal. The Antitrust Division reviewed the proposal and found no significant competition issues.

While the Department on occasion provides legal views and guidance to specific agencies at the request of these agencies, it does not provide legal advice on all aspects of all agency actions throughout the government. Agency offices of general counsel have the primary responsibility for providing legal advice to their own agencies. Further, by statute, the Department litigates cases where the United States is a party. As you may be aware, the Department successfully opposed an emergency motion to enjoin the IANA transition, and that

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<sup>1</sup> NTIA has published many responses to questions about the transition on their website. See <http://www.ntia.doc.gov/category/iana-functions>.

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opposition reflects the position of the government on the various legal challenges raised in that suit. We have enclosed a copy of that pleading, which may address your remaining questions. The suit has since been dismissed voluntarily by plaintiffs. Please be assured that if actions violate U.S. law or the rights of the U.S. government, the Department will not hesitate to investigate and take action as appropriate and consistent with our law enforcement responsibilities.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik  
Assistant Attorney General

Enclosure

cc: The Honorable Patrick J. Leahy  
Ranking Member

Lawrence E. Strickling  
Assistant Secretary for Communications and Information  
Department of Commerce