

111TH CONGRESS
2D SESSION

H. CON. RES. 311

To express the sense of Congress that it is the responsibility of Congress to determine the regulatory authority of the Federal Communications Commission with respect to broadband Internet services.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Mr. GENE GREEN of Texas (for himself, Mr. UPTON, Mr. BACA, Mr. BARROW, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BONO MACK, Mr. BOSWELL, Mr. BOREN, Mr. BRIGHT, Mr. BURGESS, Mr. BUTTERFIELD, Mr. BUYER, Mr. CHILDERS, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. GINGREY of Georgia, Mr. GRIFFITH, Mr. HALL of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATTA, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. ORTIZ, Mr. PASTOR of Arizona, Mr. PITTS, Mr. RADANOVICH, Mr. RAHALL, Mr. ROGERS of Michigan, Ms. LORETTA SANCHEZ of California, Mr. SCALISE, Mr. SHADEGG, Mr. SHIMKUS, Mr. SIRES, Mr. STEARNS, Mr. SULLIVAN, Mr. TERRY, Mr. WALDEN, Mr. WHITFIELD, Mr. BARTON of Texas, Mr. SPACE, Mr. HASTINGS of Florida, Mr. CLAY, Mr. WILSON of Ohio, Mr. NYE, Mr. SCOTT of Georgia, and Mr. HINOJOSA) submitted the following concurrent resolution; which was referred to the Committee on Energy and Commerce

CONCURRENT RESOLUTION

To express the sense of Congress that it is the responsibility of Congress to determine the regulatory authority of the Federal Communications Commission with respect to broadband Internet services.

Whereas the Constitution of the United States reserves to the legislative branch of government the authority to regulate interstate and foreign commerce;

Whereas Congress enacted The Communications Act of 1934, an Act to provide for the regulation of interstate and foreign communication by wire or radio;

Whereas the Federal Communications Commission was created by Congress to exercise its delegated authority to regulate interstate and foreign communication;

Whereas the Congress has provided the Federal Communications Commission in the Communications Act with the authority to issue such rules, regulations and orders, consistent with this Act, as may be necessary in the public interest to carry out its provisions; the Congress has not authorized the Federal Communications Commission to create law beyond what Congress has enacted and courts have held that the Federal Communications Commission's authority to issue any rules, regulations and orders is limited to the authority delegated by Congress;

Whereas the Federal Communications Commission has commenced a proceeding to consider extending its traditional communications regulation under the Communications Act to include broadband Internet services;

Whereas Congress has not delegated such regulatory authority under the Communications Act to the Federal Communications Commission; and

Whereas the bipartisan leadership of the relevant House and Senate committees has begun a process to consider whether to enact a statute giving the Federal Communications Commission appropriate authority over broadband Internet services: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That—*

3 (1) it is the responsibility of Congress to deter-
4 mine the regulatory authority of the Federal Com-
5 munications Commission with respect to broadband
6 Internet services; and

7 (2) the Federal Communications Commission
8 should suspend any further action on its proceeding
9 to extend its traditional communications regulatory
10 authority to include broadband Internet services
11 until such time as Congress delegates such authority
12 to the Commission.

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