



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

March 26, 2012  
(House Rules)

**STATEMENT OF ADMINISTRATION POLICY**  
**H.R. 3309 – Federal Communications Commission Process Reform Act of 2012**  
(Rep. Walden, R-Oregon, and 9 cosponsors)

The Administration opposes House passage of H.R. 3309, because it would limit the ability of the Federal Communications Commission (FCC) to exercise its statutory duty to protect the public interest in its review of transactions affecting the vital communications industry.

H.R. 3309 would, in effect, create a separate Administrative Procedure Act (APA) for the FCC. For more than 60 years, the APA has provided a uniform framework to guide decision making by all Federal administrative agencies. That Act, supplemented by a rich body of court precedent, creates the framework for public, reasoned agency actions and provides certainty for regulators and the public. It is generally recognized that, in recent years, the FCC has improved its practices and procedures to make it more effective.

H.R. 3309 would also limit the FCC's ability to impose conditions, or to accept commitments from transacting parties, as part of its review of transfers of licenses and other assets. These restrictions would harm the Federal Government's ability to promote the most effective competitive outcome in any given transaction involving communications firms. H.R. 3309 would limit the ability of the FCC and the Justice Department to work together on telecommunications matters to protect consumers, promote competition, and increase innovation to ensure access to more choices, lower rates and prices, and better products.

As evidenced by Executive Orders 13563 and 13579, the Administration is committed to ensuring that the decisions of all Federal agencies are open, transparent, well-founded, and protective of the public interest. H.R. 3309 does not further those goals.

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