



New Executive Order Aims to Bring Independent Agencies, Including the FCC, Under Greater Presidential Control

February 19, 2025

Reading Time : **1 min**

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On February 18, 2025, President Trump issued a new Executive Order (EO) titled “Ensuring Accountability for All Agencies,” which attempts to expand presidential authority over heretofore independent regulatory agencies, including the Federal Communications Commission (FCC). Independent agencies are typically delegated authority over a particular subject matter area by Congress via statute. Independent agencies are often delegated jurisdiction over issues, telecommunications being one of them, that are deemed too technical or complex to be effectively regulated by Congress through specific laws. Unlike executive agencies, which are overseen by a single agency head appointed by the President, independent agencies are typically led by a commission or board of multiple members—often with staggered terms and subject to statutory bipartisan membership requirements—who are nominated by the President and subject to Senate confirmation. In the past, this structure—paired with the President’s limited authority to remove members of the board or the FCC for specific reasons—has insulated independent agencies from executive branch control.

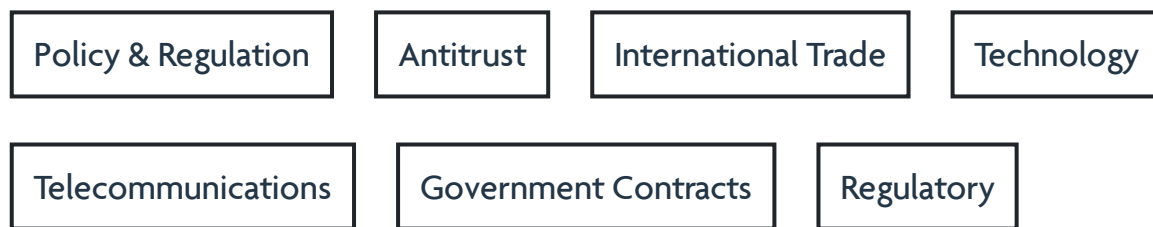
The new EO marks a significant departure from this regime by adopting several new procedures to subject independent agencies to more stringent executive branch oversight, including the following:

- Requirement to consult with executive office of the President.
- Executive branch employees bound to the President’s interpretation of the law.

- Significant regulatory actions subject to Office of Information and Regulatory Affairs (OIRA) review.
- Agency performance standards and management objectives to be established by the Office of Management and Budget (OMB).
- OMB oversight over apportionments for independent agencies.

The EO states that these actions are necessary to “ensure Presidential supervision and control of the entire executive branch,” and to keep the federal government “truly accountable to the American people.” Click [here](#) to read our in-depth analysis of the EO. We will be monitoring for new developments and will publish updates as they become available.

Categories



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