

THE LEGISLATIVE MANDATE AS RUBBER-STAMP

CAFE Standards as Evidence of the Thin Significance of a Legislative Mandate as the 'Origin' of Regulatory Rule Making

BY

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Abstract: The United States Government tells companies who produce passenger vehicles for sale in the United States how much fuel, on average, the fleet of vehicles they sell are allowed to consume. These Corporate Average Fuel Economy (CAFE) standards were created by the Energy Policy and Conservation Act (EPCA) of 1975. The EPCA is generally constructed as a response to the Arab Oil Embargo of 1973, suggesting that CAFE standards created by the act are one of the solutions to the problems created by the Oil Embargo.

But why empower the government to regulate the fleetwide average fuel economy of passenger cars? Were passenger vehicles the largest or least efficient consumers of petroleum fuel? Why not emphasize a transition to alternative fuels or propulsion technologies? Why not enact a private or 'market' approach to fuel economy rather than the 'command and control' regulatory approach?

To understand why the United States Government took on the authority to tell worldwide passenger vehicle manufacturers how many gallons of petroleum fuel their vehicles could consume, I intend to look at the legislative discussion surrounding the EPCA. To tease out who was talking and what they were talking about, I will construct a bipartite network which connects the dozens of congressional hearings concerning the EPCA through the witnesses called to testify at each. As a piece of major legislation concerning a complex topic, the EPCA incited a large number of hearings by many committees in both houses of Congress with multiple repeat witnesses. These repeat witnesses provide an inroad into the legislative narrative running through the dozens of hearings and hundreds of witnesses and will help to illuminate who was talking about what. Knowing whose testimony was repeatedly sought and the contents of that testimony will illustrate what policy choices were crafted and selected which led to the implementation of CAFE standards.

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