

Understanding the Call for an AM Radio Mandate

By: Dylan Desjardins | August 23, 2023

In brief...

Automakers have been removing AM radio capability from electric vehicles in growing numbers, prompting a variety of responses from commercial and Congressional actors. But would regulatory action mandating AM radio in vehicles serve the public interest?

AM radio is the oldest commercial radio technology in the United States. Despite having lower fidelity than the FM band, AM radio continues to broadcast programming, particularly talk radio, throughout the United States. However, recent automaker actions have raised doubts about AM radio's future. Tesla, BMW and Volvo have already eliminated AM radio from new models of electric vehicles, with Volkswagen and Mazda signaling they will follow suit. Elimination of AM radio capability from vehicles is particularly significant since about [three quarters](#) of AM radio listening occurs in cars.

Automakers say that electromagnetic interference from electric vehicle motors disrupts the same frequencies AM station signals rely on, rendering their broadcast [largely unintelligible](#). Their decision to eliminate the band, however, has elicited a range of responses from stakeholders, which may eventually lead to regulatory action.

AM Radio Proponents and Skeptics

Proponents of AM radio for all vehicles offer a variety of reasons the band is essential. Some think the hyper-local content cannot be found elsewhere; others argue it is an important and reliable channel for emergency communications. AM stations also remain a part of the Emergency Alert System, which the federal government uses to provide information during a crisis or disaster.

Conservative radio and media personalities are some of the loudest critics of automakers' decision to remove AM radio. Figures from [Charlie Kirk to Sean Hannity](#) argue that the decision will disrupt their shows, with some framing it as a liberal attack on conservative communication channels. But liberal actors have also argued against the decision. Some AM radio stations are owned by ethnic minorities, and produce programming aimed at underrepresented communities. Established coalitions, such as the [National Association of Broadcasters](#), have also spoken out against automakers' move.

Representatives of automakers say that new digital audio systems feature safety alert systems, a good substitute for AM radio. The automakers have also suggested that AM radio has declining listenership

anyway, and that any sort of AM radio mandate would be a blunt instrument that restricts businesses' capabilities.

Congressional Response

On July 28, the Senate Committee on Commerce, Science and Transportation approved the [AM For Every Vehicle Act](#) with bipartisan support, moving it forward to the Senate floor. The bill directs the National Highway Traffic Safety Administration (NHTSA) to create a regulation that requires automakers to include AM broadcast radio in their automobiles without charging a separate or additional payment, fee, or penalty. It also charges the Government Accountability Office with investigating whether alternative communication channels could fully replicate AM broadcast radio's reach and efficacy in alerting the public to emergencies.

A similar version of the bill is pending in the House, with signs of strong bipartisan support.

Would an AM Radio Mandate Pass BCA?

While Congress can compel an agency to issue regulations, it's worth considering whether this Act would meet the [standards of regulatory analysis and review](#), which attempt to evaluate whether an action will improve social welfare.

Longstanding executive guidance directs agencies to first establish a [compelling public need](#) for regulation. What would that be in the case of an AM radio mandate? The clearest candidate, nodded at in both stakeholder [comments](#) and Congressional legislation, is its use for emergency broadcasts. Normally, an agency would be required to consider alternatives to mandating the use of a certain technology; [government guidance is clear](#) that performance standards are generally superior. While the pending legislation asks GAO to investigate AM radio alternatives, the purpose of such research is somewhat unclear when the same legislation mandates AM radio. Perhaps a requirement for AM radio could be repealed at a later date if Congress is convinced there are viable alternatives.

It's unclear whether any other rationale for an AM radio mandate could be considered a compelling public need. Requiring technology that may facilitate programming for underrepresented communities might be beneficial for some, but does an agency have a responsibility to provide it in every car on the road? If that programming is important to people, could they instead purchase non-electric vehicles?

After identifying several alternative approaches to addressing the identified need, agencies must examine the relative benefits and costs of each. Whether the benefits of mandating AM radio in electric vehicles outweigh the costs depends on a variety of factors: the number of people who would purchase this new vehicle, the availability and cost of alternative communication channels (such as emergency phone applications), the feasibility of re-broadcasting essential AM radio content onto FM channels, the cost to automakers of building in AM radio capability, etc. For example, if the cost of installing AM radio in electric vehicles is high, an unintended consequence could be that automakers turn away from electric vehicle production, even if just marginally.

Public Interest or Special Interest

[Rent seeking](#) is a frequent danger in agency rulemaking, when regulation may be proposed not because it contributes to the common good but because it preserves an economic advantage for a vested interest. Decisionmakers involved in the draft legislation should make sure that it truly serves the public rather than supporting those with an economic interest in AM radio technology.