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## **NOW IS THE TIME TO REGISTER FOR PMAA'S WASHINGTON CONFERENCE AND DAY ON THE HILL**

PMAA's 2017 annual Washington Conference and Day on the Hill will be held in Washington, DC from May 17-19. With the new Congress and Administration in place, our industry continues to have dozens of important legislative and regulatory issues to discuss and the Day on the Hill continues to be the primary focus of this conference.

The meeting will begin with an Opening Session / Issues Briefing and Region meetings in the afternoon of May 17. In addition, PMAA will hear from Rep. Bill Flores (R-TX) on the May 17 during the Opening Session. The welcome reception, including the popular PAC silent auction fundraiser, concludes the day! On the morning of May 18, marketers will head to Capitol Hill for visits with their Congressional delegations after a buffet breakfast and issues briefing for those who were not able to attend the opening session. **Please be sure to make these appointments immediately.** There will be a hospitality suite and luncheon on the Hill. On the evening of May 18, we will honor our 2017 PMAA Chair Mark Whitehead. The conference will conclude after the PMAA Board of Directors meet on May 19 following a buffet breakfast and committee meetings.

Please click [here](http://www.cvent.com/d/svqfns) (<http://www.cvent.com/d/svqfns>) for the **event website** showing all the details including registration with secure event payment processing through Cvent. If you plan on attending PMAA's annual Washington Conference and Day on the Hill, **please also take the time now to make your room reservation through A Room with A View** (the overflow hotel company serving as the waitlist) at 800.780.4343 and they will accommodate you at various hotels as close as possible to the Washington Marriott at Metro Center. As rooms become available soon, they will transfer your reservation to Marriott at Metro Center as they were received by them. May is a very busy peak month in Washington, DC where hotels book quickly and there are many citywide events also going on during the conference. Hotel and Travel information is posted on the event website. We are expecting a record turnout! **If you have not yet registered or reserved your hotel room, now is the time to do so!**

Please make your plans to attend this important and productive forum to meet with your members of Congress and network with other marketers from across the country! We look forward to welcoming you to DC in May!

## **REPS. FLORES (R-TX) AND COLLINS (R-NY) TO SPEAK AT PMAA'S DAY ON THE HILL CONFERENCE**

PMAA is pleased to announce that House Energy and Commerce Committee Members Bill Flores (R-TX) and Chris Collins (R-NY) will be speaking at the Day on the Hill event this year. Rep. Flores will be discussing the Renewable Fuels Standard (RFS), and a bill introduced last year known as the Food and Fuel Consumer and Protection Act, which would place a cap on the maximum amount of ethanol blended into gasoline at 9.7 percent. He will be addressing the group from 2:00-2:30 pm on Wednesday, May 17. Rep. Collins will be discussing the Trump administration and the state of American energy, as well heating oil issues. Rep. Collins was the first House lawmaker to endorse Trump during the GOP primaries. He will be addressing the group from 10:00-10:30 am on Friday, May 19. We look forward to their speeches and appreciate their participation in PMAA's 2017 Day on the Hill.

## **GOP HEALTHCARE BILL WILL NOT SEE A VOTE THIS WEEK**

A last-minute push to give President Trump a major victory on healthcare broke down late last night as House Republican leaders failed to round up enough votes for their bill to repeal Obamacare.

White House officials had hoped for a vote today on a measure that would repeal and replace Obamacare, known as the American Health Care Act. However, there were reservations from numerous lawmakers Thursday that Republican leaders faced in trying to push through a repeal bill. While revisions to their bill won over the Freedom Caucus this week, many of those same changes threatened to drive away other members, even some who supported the first version.

It is unclear when the healthcare bill will come up again for a vote in the House. At least 18 House Republicans oppose the latest version of the bill and leaders can lose no more than 22 to win passage if all members vote.

## **TRUMP RELEASES ONE PAGE TAX OUTLINE**

On Tuesday, President Trump released his tax reform outline which would include the biggest cuts and changes in 30 years, but also does not outline how the cuts will be paid for. The President says that "growth" will cover the costs of the tax cuts.

His plan would reduce the number of total individual rates from seven to three (10%, 25% and 35%) and the top rate would drop from 39.6 percent to 35 percent, and the top tax rate for all businesses would drop to 15 percent. Because Trump has

not specified how much income would apply to each of the rates it's impossible to say what the change would really mean, however we do know that the proposal calls for doubling the standard deduction.

A 15 percent rate would be a huge drop from the 39.6 percent top rate paid by owners and shareholders of pass-through businesses. In a pass-through business, the owners and shareholders report profits on their personal tax returns. PMAA Gold Partner Patriot Capital has done their own analysis on possible tax changes. Click [here](#) to review it. ([http://www.pmaa.org/weeklyreview/attachments/Equipment\\_Cost\\_under\\_Trump\\_Tax\\_Plan0417.pdf](http://www.pmaa.org/weeklyreview/attachments/Equipment_Cost_under_Trump_Tax_Plan0417.pdf))

The President is also calling for a territorial system for businesses, meaning U.S. companies would only owe U.S. tax on what they earn in the United States. There would be a one-time 10 percent levy on U.S. overseas profits. He did not propose a border adjustment tax which is sought by House Republicans and is highly controversial. Trump concurs with House Republicans in his proposal to eliminate all deductions except those for mortgage interest and charitable contributions. Trump's proposal would also repeal the Alternative Minimum Tax and the 3.8 percent Affordable Care Act tax on investment income. Finally, a huge gain for many petroleum marketers would be Trump's proposed repeal of the estate tax.

### **HOUSE FINANCIAL SERVICES COMMITTEE HOLDS HEARING ON FINANCIAL CHOICE ACT**

This week, House Financial Services Committee Chairman Jeb Hensarling (R-TX) held a hearing to discuss the updated version of the Financial Choice Act at the hearing, dubbed the Financial Choice Act 2.0, which includes a provision that would repeal the Durbin amendment.

The hearing revealed some disagreement among Republicans over the bill's proposal to repeal the Durbin amendment. Rep. Dennis Ross (R-FL), who voted in favor of the first version of the CHOICE Act introduced by Rep. Hensarling last year, said he has concerns about the proposed repeal. During the hearing, Rep. Ross stated, "I've heard directly from a broad spectrum of the retail community in my district, and even from my manager at Publix Supermarkets in my hometown where I shop, about the need to maintain debit reform."

Democrats on the Financial Services Committee said Republicans are rushing the process by holding only one hearing on the measure. Ranking Member Rep. Maxine Waters (D-CA) announced during the hearing that Democrats plan to hold their own hearing before the legislative markup that will likely occur next week. However, it is unlikely the Democrats will get their hearing before the committee markup. Following the hearing, Chairman Hensarling said that he had spoken with GOP House leadership about floor time consideration for the legislation. It currently looks as if the House may be taking up the legislation in mid-May.

Repealing the Durbin amendment would be extremely harmful to retailers because it ultimately lowered debit card interchange fees which are the second highest expense to a retailer only behind labor. PMAA has been working with the Merchants Payments Coalition (MPC) and meeting with House Financial Services Committee members for the past year to educate members of Congress about the benefits of the Durbin amendment. Now that we know the legislation includes the provision to strip the Durbin amendment, we are going to make this a top issue during PMAA's Day on the Hill in May. Please click [here](#) to send a letter to your representatives. (<http://www.pmaa.org/advocacy/advocacy/#/10>)

### **GRASSLEY AND CANTWELL INTRODUCE \$1 BIODIESEL PRODUCERS TAX CREDIT BILL**

Senators Chuck Grassley (R-IA) and Maria Cantwell (D-WA), along with 12 other co-sponsors, introduced a bill on Wednesday that would modify the \$1.00 per gallon biodiesel blenders' tax credit to a producers' credit and extend it for three years.

PMAA is concerned with limited access to supply, blending logistics in the tax and dyed system and concerns that the credit would be passed on to marketers if moved to a production credit. PMAA will fight this, particularly on behalf of heating oil dealers and their consumers who almost certainly will experience an increase in the price of heating oil if the bill passes.

In December 2015, Congress passed a tax extenders package that extended over 50 expired tax incentives through 2016 which includes the \$1 per-gallon biodiesel blender's tax credit and a 30 percent investment tax credit for alternative fuel pumps. However, Congress failed to address around three dozen expiring tax breaks, including the \$1 per gallon biodiesel blenders' tax credit that expired on December 31, 2016.

### **SENATE LAYS GROUNDWORK FOR REPEAL OF WOTUS**

On Wednesday, the Senate Environment and Public Works Committee held a hearing aimed at laying the groundwork for the repeal and rewriting of the Waters of the U.S. (WOTUS) rule. Under the rule, special permitting and Clean Water Act requirements must be met if a business is near or touching a protected water.

Primary testimony and focus of the hearing centered around the Obama administration's marginalization of the Army Corps of Engineers during consideration of the proposed rule. The Corps makes the vast majority of calls about which streams and wetlands are subject to Clean Water Act regulation. Specifically, according to retired Maj. Gen. John Peabody, the

Corps expertise which was “founded on serious and significant concerns with the viability of the rule from a factual, scientific, technical and legal basis” was completely disregarded.

Early this month, the Supreme Court denied the Trump Administration's motion to pause the Waters of the U.S. (WOTUS) litigation in spite of Trump's executive order compelling EPA and the Army Corps of Engineers to review and revise or rescind the rule. Justices did not release details of why they decided to go ahead with the case.

The Supreme Court is expected to hear oral arguments in its fall term and could issue a decision by the end of the year. The rule is important to petroleum marketers because it defines how far federal clean water regulations extend into local land use and permitting decisions including the construction of new gasoline stations and surface water runoff from parking and fueling areas. Many petroleum marketers with bulk storage could also be adversely affected by the revised definition.

In 2015, PMAA joined with a coalition representing a range of businesses, industries, and commercial interests to voice strong opposition to the revised definition of the WOTUS proposed by the EPA.

### **HOUSE SUBCOMMITTEE HOLDS HEARING ON UNFUNDED MANDATES**

The House Subcommittee on Intergovernmental Affairs held a hearing on Wednesday entitled “Unfunded Mandates: Examining Federally Imposed Burdens on State and Local Government.” The purpose of the hearing was to examine the burdens of unfunded mandates on state and local governments and to hear from several state and local officials about how unfunded mandates affect their communities.

Unfunded mandates are legislative or regulatory requirements that impose implementation and compliance costs on state, local, or tribal governments, or the private sector. To address the rapid expansion of unfunded mandates, Congress enacted the Unfunded Mandates Reform Act (UMRA) of 1995. However, federal agencies have found ways around UMRA and continue to impose burdensome requirements on state and local governments.

In his opening statement, Subcommittee Chairman Gary Palmer (R-AL) stated that “in certain cases, such as implementation of new National Ambient Air Quality Standards, unfunded mandates reportedly resulted in the direct loss of jobs. The corresponding costs of these mandates are directly borne by the taxpayer. Merely looking at cost, however, is not sufficient. The time and resources that states and local governments take to comply with these mandates demonstrate that the current law does not adequately capture the extent of the burden of unfunded mandates.”

Kansas City Councilman Jermaine Reed stated in his testimony that “our city and region are planning for the possibility of a non-attainment designation when the national ground-level ozone 70 parts-per-billion standard goes into effect. If Kansas City falls out of attainment for air quality standards, it could be costly to implement changes to our Clean Air Action Plan and could discourage companies from locating or building in Kansas City because of the more stringent regulations.”

### **FDA DELAYS MAY 5 ENFORCEMENT OF MENU LABELING REGULATIONS**

FDA enforcement of the menu labeling rule was expected to begin on May 5, 2017, but now it is likely that another FDA menu labeling enforcement delay will be granted. On Thursday, the FDA submitted an interim final rule to the White House Office of Management and Budget (OMB) seeking another delay. This is good news for convenience store owners as it allows for more time for Congress or the Administration to correct the onerous requirements. Information on the new enforcement date will be released soon and PMAA will notify you of the new date once it is announced.

PMAA also continues to urge Congress to act on the “Common Sense Nutrition Act” as quickly as possible. In February, the “Common Sense Nutrition Disclosure Act” (H.R. 772) was reintroduced by Reps. Cathy McMorris Rodgers (R-WA) and Tony Cardenas (D-CA) and Senators Roy Blunt (R-MO) and Angus King (I-ME) reintroduced companion legislation in the Senate, (S. 261). The legislation would give retailers the flexibility they need to comply with the requirements.

The legislation would modify the menu-labeling regulation by permitting retailers to identify a single primary menu while not having to include nutrition labeling in other areas of the store. Furthermore, the bill clarifies that advertisements and posters do not need to be labeled and provides flexibility in disclosing the caloric content for variable menu items that come in different flavors or varieties, and for combination meals. Lastly, the bill ensures that retailers acting in good faith are not penalized for inadvertent errors in complying with the rule and stipulates that individual store locations are not required to have an employee “certify” that the establishment has taken reasonable steps to comply with the requirements.

### **SENATE CONFIRMS TRUMP'S LABOR NOMINEE**

This week, President Trump's Secretary of Labor nominee Alexander Acosta was confirmed in the Senate by a vote of 60-38. During the Senate HELP Committee confirmation hearing, Senate Democrats grilled Acosta on numerous Department of Labor (DOL) regulations including the final overtime rule which was blocked by a Texas federal judge just days before it was to go into effect on December 1, 2016. The Obama Administration did appeal Judge Mazzant's order, but it is unlikely that the Trump Administration will continue the appeal.

Acosta noted that the overtime rule has not been updated since 2004, and many in the room seemed to believe that the DOL would rescind the final Labor Department rule and issue a new rule that would gradually increase the salary threshold. Acosta stated that the DOL overtime final rule, which would have raised the salary threshold for receiving mandatory overtime from \$23,660 to \$47,476 a year, went well beyond a cost of living adjustment. Acosta later suggested an inflation adjusted threshold of \$33,000. PMAA will continue to monitor the latest with the overtime rule.

### ANNOUNCING NEW WPMA MEMBER SERVICE

WPMA has partnered with American Fidelity Assurance Company to provide its Marketer members with supplemental employee benefits, employee benefits education and enrollment, online enrollment tools and communication, and Patient Protection and Affordable Care Act (ACA) compliance. For more information, visit [www.americanfidelity.com](http://www.americanfidelity.com).

### IPM&CSA TO CO-HOST NACS INDUSTRY UPDATE LUNCHEON

IPM&CSA is proud to announce they will be co-hosting the NACS Industry Update Luncheon being held in Boise ID on Tuesday May 9, 2017, presented by Hank Armour, NACS President & CEO. The event begins at 11:30am and runs until 2:30pm.

This is an excellent opportunity to network with your peers, enjoy a complimentary lunch and learn about what's going on in the convenience and retail fuels industry as well as important Federal legislative and regulatory issues facing our industry.

There is no cost to attend and registration is required by May 2, 2017.

To register, [click here](http://www.nacsonline.com/Events/IndustryUpdateLuncheons/Pages/RSVP.aspx?evt=BID) (<http://www.nacsonline.com/Events/IndustryUpdateLuncheons/Pages/RSVP.aspx?evt=BID>) or contact [Ashley Short](mailto:ashort@nacsonline.com) ([ashort@nacsonline.com](mailto:ashort@nacsonline.com)).

Venue details will be provided in your registration confirmation prior to the event.

We hope you can make it...don't miss out on this unique opportunity!

## PLAN TO ATTEND THE 2018 WPMAEXPO

# WPMA EXPO

Mark your calendars for February 20-22, 2018. Make plans now to attend the 2018 WPMAEXPO. It will be held once again at the Mirage in Las Vegas, Nevada.

### MARK YOUR CALENDARS FOR UPCOMING EVENTS

**May 4-5, 2017** – Nevada (NPM&CSA) Big Dogs Shootout – Las Vegas, Nevada  
**June 6-8, 2017** – Montana (MPMCSA) Convention – Northern Hotel – Billings, Montana  
**June 19-22, 2017** – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington  
**June 22, 2017** – Utah (UPMRA) Summer Classic PAC Golf Outing – Stonebridge GC, WVC, Utah  
**August 2-4, 2017** – Idaho (IPM&CSA) Convention – Sun Valley Resort – Sun Valley, Idaho  
**August 21-23, 2017** – New Mexico (NMPMA) Convention – Sandia Resort – Albuquerque, New Mexico  
**September 13-15, 2017** – Utah (UPMRA) Convention – Zermatt Resort – Midway, Utah

**February 20-22, 2018** – WPMA Convention & Expo – Mirage Hotel– Las Vegas, Nevada  
**June 18-21, 2018** – Washington (WOMA) Convention – Suncadia Resort – Cle Elum, Washington  
**August 8-10, 2018** – Idaho (IPM&CSA) Convention – Coeur d'Alene Resort – Coeur d'Alene, Idaho

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**Petro Pete: “When an employment application asks who is to be notified in case of emergency, I always write, “A very good doctor”.”**

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