

July 10, 2020

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IPM&CSA 2020 CONVENTION CANCELLED!

Due to the ongoing complications arising from the COVID-19 pandemic IPM&CSA has chosen to cancel its annual 2020 Convention scheduled for August 5-7 in Coeur d'Alene, ID. The health and safety of our participants, sponsors, speakers, staff and volunteers led all parties to conclude that cancelling our 2020 Convention was the safe and responsible decision.

All room reservations made within the IPM&CSA room block at the Coeur d'Alene Resort will automatically be cancelled by the hotel. However, if you still wish to proceed with your stay at the resort, they will honor the IPM&CSA room rate for the dates the convention was scheduled, August 5-7. Please call them directly at 888-965-6542

We will be reaching out to those participants that had already registered for the event. We appreciate your patience and support during this unprecedented time.

PMAA COMPLIANCE BULLETIN: FMCSA ANNOUNCES CONDITIONAL ENFORCEMENT DISCRETION FOR RANDOM DRUG AND ALCOHOL TESTING REQUIREMENTS

The Federal Motor Carrier Safety Administration (FMCSA) announced it will exercise conditional enforcement discretion for employers unable to comply with certain FMCSA random drug and alcohol testing requirements due to the COVID-19 emergency.

Click [here](#) to read the full PMAA Compliance Bulletin.

U.S. SUPREME COURT DECISION DEFINING "INDIAN LANDS" IN OKLAHOMA

This week, the U.S. Supreme Court issued its decision in *McGirt v. Oklahoma*, a case that could have a major impact on Indian tax issues in Oklahoma, and possibly in other States with large Indian reservations. The case involved the conviction in an Oklahoma state court of Jimcy McGirt, who was accused of serious sex crimes. McGirt argued that the State lacked jurisdiction to prosecute him because he is a member of the Seminole Nation and his crimes were committed on the Creek Reservation. The Major Crimes Act provides that any Indian who commits a crime in "Indian country" is subject to prosecution in the federal courts and may not be tried by a State.

The Supreme Court defined Indian country in this case to mean the area comprising the original Creek Reservation, which was ceded to the Creek Nation by Congress in 1852. In a surprise to many, the U.S. Supreme Court defined the area as comprising one-half of the State of Oklahoma, including eastern Oklahoma and the city of Tulsa. The court based its decision on the language of the original treaties and acts of Congress creating the Creek reservation, and it rejected the State's arguments that encroachments by non-Native Americans over generations have altered the rights of the Creek. Many of the State's arguments were based on the widespread ramifications of a decision that one-half of the State of Oklahoma is on the Creek reservation. The Supreme Court, however, was not persuaded by the State's parade of horrors, holding that only the original interpretation of the treaties and laws creating the reservation are relevant to the issue.

The decision could impact the State of Oklahoma's ability to tax Indian businesses in parts of the State that were, up until now, considered outside of Indian territory. It could, in fact, extend to the imposition of excise taxes on motor fuels sold in urban areas like Tulsa. It could also impact other States where Indian lands are viewed by the State as being considerably smaller now than they were when the original grants were made over a century ago. According to the Supreme Court, these original grants are not affected by non-Native American encroachment over generations, and arguments that large swaths of the reservation were abandoned by tribes as non-Native Americans people moved in and laid claim to the land.

LAWMAKERS INTRODUCE BIPARTISAN COVID-19 LIABILITY PROTECTION LEGISLATION

Reps. Cuellar (D-TX) and Graves (R-LA) introduced important bipartisan legislation known as the "Get America Back to Work Act" (H.R. 7528) which provides reasonable liability protection to businesses from COVID-19 claims provided they made good faith efforts to comply with federal, state and local guidance or appropriate industry standards. The bill does not provide liability protection in cases where there is willful or criminal misconduct or gross negligence to the safety of an individual. In these cases, damages cannot be sought unless there is serious bodily injury. The covered period under the bill runs from January 1, 2020 to 18 months after the end of the emergency period and would apply to claims made before enactment. Additionally, the legislation provides preemption from state laws unless state laws provide greater liability protection. PMAA fully supports the bill and click [here](#) to write Congress.

Meanwhile, Vice President Pence's chief of staff, Marc Short, said recently that President Trump will not sign the next COVID-19 relief package unless liability protections for businesses are included.

FEDERAL RESERVE'S \$600 BILLION MAIN STREET LENDING PROGRAM FULLY OPERATIONAL

The U.S. Federal Reserve said on Monday that the Main Street Lending Program (MSLP) is fully operational. The Federal Reserve Bank of Boston also announced its intention to publish in the coming days a state-by-state listing of lenders accepting new business customers under the Main Street program and electing to be listed. As required by the program, lenders will assess a borrower for a Main Street loan based on meeting the terms of the program and the lenders' own underwriting standards, as part of evaluating financial condition and creditworthiness. Lenders' loan approvals are contingent on those factors.

Business borrowers must apply for MSLP loans through participating local banks. The Federal Reserve will purchase back 95% of loans from eligible lenders. Loans are available until September 30, 2020. Eligible borrowers include businesses with 15,000 employees or fewer: or businesses with 2019 revenues of \$5 billion or less. Eligible lenders include participating federally insured depository institutions including, banks, credit unions and savings and loans institutions. Borrowers have 5 years to repay a loan made under the MSLP program. Principal and interest payments on the loans will be deferred for up to two years, with 33% payments due in each of the years following that for new loans. Borrowing limits on secured or unsecured loans start at a minimum of \$250,000 up to a maximum of \$50 million. The interest rate on the loan is LIBOR plus 3%.

Unlike the federal PPP and EIDL Advance emergency loans, MSLP loans must be paid back in full. Lenders and borrowers can visit www.bostonfed.org/mslp to find program information, including frequently asked questions, and can subscribe for e-mail updates. Inquiries about the program can be emailed to MSLP@bos.frb.org.

SENATE APPROVES BILL TO CURTAIL ONLINE SALES OF E-CIGARETTES

Last Friday, the Senate passed by unanimous consent the "Preventing Online Sales of E-Cigarettes to Children Act (S. 1253)," which prohibits online sales of e-cigarettes to minors by applying the same safeguards already in place for regular cigarettes and smokeless tobacco products. The bipartisan bill was introduced by Sens. Dianne Feinstein (D-CA), John Cornyn (R-TX), and Chris Van Hollen (D-MD). The House has passed similar legislation which means that the bill will likely reach the finish line this year once the House takes up the Senate passed version.

PMAA SIGNS LETTER SUPPORTING PPP SMALL BUSINESS FORGIVENESS ACT

This week, PMAA joined other members of the Small Business Legislative Council (SBLC) in sending a letter of support for the Paycheck Protection Program (PPP) Small Business Forgiveness Act, which would provide automatic forgiveness for PPP loans of under \$150,000. PMAA supports proposals like this that simplify forgiveness for smaller PPP loans. Click [here](#) to read the letter.

BIDEN AND SANDERS FORM PROGRESSIVE CLIMATE TASK FORCE

A climate task force for presumptive Democratic presidential nominee Joe Biden was recently formed to lay out broad policy recommendations related to climate change. The task force was created by Biden and Sen. Bernie Sanders (I-VT) to try and bring together moderate democrats with the more progressive democrats of the party, and is co-chaired Rep. Alexandria Ocasio-Cortez (D-NY) and former Secretary of State John Kerry.

The task force lays out many climate policy goals for a potential Biden administration, including:

- Net zero emissions from U.S. power plants by 2035
- Net zero emissions for new buildings by 2030, and for all buildings by 2050
- Stricter regulations related to vehicle emissions
- Creating new technologies for the transition to renewable fuels
- Stricter regulations to make households more energy efficient
- Rejoining the Paris Climate Agreement

Many Republicans have already criticized the plan as having the many of the same "liberal wish-list" policies as the Green New Deal that progressive democrats have been pushing for the past year.

Click [here](#) to read an article about the climate task force from The Hill.

PMAA URGES CONGRESS TO FULLY FUND LIHEAP AS APPROPRIATIONS PROCESS GETS UNDERWAY

As the House appropriations subcommittees began advancing twelve Fiscal Year (FY) 2021 bills this week, PMAA sent a letter urging Congress to fully fund the Low Income Home Energy Assistance Program (LIHEAP) at \$5.1 billion. Click [here](#) to read the letter.

Senate GOP leadership have also expressed interest in adding appropriations bills to the next COVID-19 relief package which could include additional money for LIHEAP.

Meanwhile, the House FY 2021 Agriculture appropriations bill includes provisions that would block the Trump Administration from implementing new restrictions on eligibility and benefits under the Supplemental Nutrition Assistance Program (SNAP).

WPMA COVID-19 - CRITICAL REFERENCES FOR MEMBERS

Please visit our web site for up-to-date information related to your business and the COVID-19 pandemic. You will find the link on our home page at www.wpma.com.

MEMBERS AND ASSOCIATES - YOU CAN CONTRIBUTE!

WPMA welcomes industry-related articles for publication in the WPMA News magazine. All members and associate members of WPMA are eligible to submit items for publication. Articles will be included as space allows, and no self-promoting articles or editorials will be accepted. WPMA reserves the right to edit and make adaption of such contributions to accommodate the magazine's space and style. Please submit articles or content to Jan Roothoff, WPMA Administration/IT Director at janr@wpma.com, or mail to Jan Roothoff, Western Petroleum Marketers Association, PO Box 571500, Murray, UT 84157-1500. Submissions for the Summer edition of WPMA News magazine are due before April 30th. Later submissions will be considered for the Fall issue.

WPMA EXPO

February 16-18, 2021. The Mirage Las Vegas, Nevada.

MARK YOUR CALENDARS FOR UPCOMING EVENTS

CANCELED July 19-21, 2020 - Oregon (OFA) Conference - Sunriver Resort - Sunriver, OR

POSTPONED TBD - Utah (UPMRA) Summer Golf Classic - Bountiful Ridge GC - Bountiful, UT

CANCELED August 5-7, 2020 - Idaho (IPM&CSA) Convention - Coeur d' Alene Resort - Coeur d' Alene, ID

CANCELED August 17-19, 2020 - New Mexico (NMPMA) Convention - Sandia Resort & Casino - Albuquerque, NM

NEW DATE August 24-26, 2020 - Washington (WOMA) Convention - Suncadia Resort - Cle Elum, WA

NEW DATE September 2-3, 2020 - Montana (MPMCSA) - Convention - Fairmont Hot Springs Resort - Fairmont, MT

CANCELED September 9-10, 2020 - Utah (UPMRA) - Convention - Sheraton Park City Hotel - Park City, UT

NEW DATE October 1-2, 2020 - Nevada NPM&CSA - Big Dogs- Red Rock Hotel & Casino - Las Vegas, NV

November 2, 2020 - Hawaii (HPMA) Golf Tournament - Oahu Country Club - Honolulu, HI

February 16-18, 2021 - WPMA Convention & Expo - Mirage Hotel- Las Vegas, NV

WPMA MEMBER SERVICES



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Petro Pete: "What's the difference between ignorance and apathy? I don't know and I don't care."

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