

PMAA WEEKLY REVIEW

February 8, 2019

WR-19-06

Lawmakers Reintroduce Bills to End EV Tax Credits

This week, Sen. John Barrasso (R-WY), chairman of the Senate Environment and Public Works (EPW) Committee and Rep. Jason Smith (R-MO), reintroduced the “Fairness for Every Driver Act.” The legislation would save billions in taxpayer funds by ending the federal electric vehicle (EV) tax credits and strengthen the Highway Trust Fund (HTF) by ensuring that alternative fuel vehicle drivers pay into it.

Specifically, the legislation would:

- Terminate and repeal the federal electric vehicle tax credit up to \$7,500 per new electric vehicle purchased for use in the U.S.;
- Impose a federal highway user fee on alternative fuel vehicles;
- Require that all user fees be collected with the user’s tax return; and
- Ensure the transfer of federal highway user fees into the HTF.

In a statement, Chairman Barrasso said, “The Fairness for Every Driver Act will save taxpayers billions of dollars and help keep our roads safe. The legislation levels the playing field for all cars across America. Gas, electric, and alternative fuel vehicles all use the same roads and put the same amount of wear and tear on those roads. Every driver should contribute to maintain America’s highways.” In his statement, Rep. Smith said, “Rural America’s taxpayers shouldn’t be footing the bill for others to drive high-end electric vehicles. The Electric Vehicle Tax Credit has benefited the wealthy at the expense of everyday Americans just trying to get by. It’s time to end this wasteful subsidy and help rebuild our nation’s infrastructure by ensuring every driver contributes to improving the roads we all use.”

The Manhattan Institute, a conservative think tank, estimates that ending the electric vehicle tax credit would save roughly twenty billion dollars in taxpayer funds over the next 10 years. The Fairness for Every Driver Act will require a federal highway user fee on alternative fuel vehicles that will generate billions for the HTF over the next decade.

PMAA Sends Joint Letter Supporting a Renewal of the Biodiesel Blender’s Tax Credit

This week, PMAA, NEFI and several other groups sent a letter to House and Senate leadership in support of a 2018 retroactive renewal of the \$1 per gallon biodiesel blender’s tax credit, which expired on December 31, 2017. Further, the letter urges Congress to include a multi-year extension of the credit. Click [here](#) to view the letter and to urge your representatives to support the biodiesel blender’s tax credit, click [here](#).

There has been some discussion on Capitol Hill about potentially attaching a tax extenders package to upcoming legislation needed to avert a government shutdown. The extenders package would likely include a renewal of the biodiesel blender's tax credit that is important to marketers. Other credits that could be included in the tax extenders package are the credits for the installation of qualified alternative fuel vehicle refueling property in a home or business; the Alternative Fuels Excise Tax Credit for the use of propane as a transportation fuel, known as the "propane autogas tax credit;" and the Section 25C tax credit for the installation of qualified high-efficiency residential HVAC systems and certain energy-saving home retrofits.

Additionally, the tax extenders bill could renew the Oil Spill Liability Tax (OSLT). Recently, PMAA and other groups sent a letter to Congressional tax writing committees to oppose the retroactive renewal of the tax and renew only on a prospective basis after the date of enactment. Applying an excise tax to 2019 transactions that have already been processed and the associated products sold multiple times would create significant transactional concerns and potential legal implications within the entire fuel supply chain. Click [here](#) to read the letter.

Democrats Release the Green New Deal

On Thursday, Rep. Alexandria Ocasio-Cortez (D-NY) and Sen. Ed Markey (D-MA) released the Green New Deal which calls for a "10-year plan to mobilize every aspect of American society at a scale not seen since World War 2 to achieve 100 percent net-zero greenhouse gas emissions and create economic prosperity for all." The Green New Deal backers offer hardly any details on how to achieve these goals other than investment of public money. Click [here](#) to view the text of the Green New Deal.

Senate Environment and Public Works (EPW) Committee Chairman John Barrasso (R-WY) called the Green New Deal "a socialist manifesto that lays out a laundry list of government giveaways, including guaranteed food, housing, college, and economic security even for those who refuse to work." He added, "As Democrats take a hard-left turn, this radical proposal would take our growing economy off the cliff and our nation into bankruptcy. It's the first step down a dark path to socialism."

Republicans are not the only lawmakers on Capitol Hill who have issues with the Green New Deal. Yesterday, Senate EPW Ranking Member Tom Carper (D-DE) didn't endorse the resolution, instead saying, "I encourage members of our committee to examine the Green New Deal resolution and consider the ways in which we may be able to incorporate its ideas within our work this Congress." Speaker Nancy Pelosi (D-CA) also dodged questions on whether she supported the rollout of the Green New Deal.

Rep. Ocasio-Cortez and Sen. Markey describe it as a "plan to create a greenhouse gas neutral society that creates unprecedented levels of prosperity and wealth for all while ensuring economic and environmental justice and security." The resolution calls for investments in zero-emission vehicles, public transit and high-speed rail. Furthermore, the Green New Deal calls for

"an upgrade to the basic economic securities enjoyed by all people in the US to ensure everybody benefits from the newly created wealth."

Democratic presidential hopefuls are also cosponsoring the resolution including Senators Cory Booker (D-NJ), Kirsten Gillibrand (D-NY) and Kamala Harris (D-CA). Senators Bernie Sanders (I-VT) and Jeff Merkley (D-OR)) are also cosponsors and they are likely to run for their party's nomination as well.

Meanwhile, Speaker Pelosi announced the Democratic roster for her special select panel on climate change, which specifically left off Rep. Alexandria Ocasio-Cortez (D-N.Y.). The new House Select Committee on the Climate Crisis will be chaired by Rep. Kathy Castor (FL). The democratic members of the panel are Reps. Ben Ray Luján (N.M.), Suzanne Bonamici (OR.), Julia Brownley (CA), Sean Casten (IL), Jared Huffman (CA), Mike Levin (CA), Donald McEachin (VA) and Joe Neguse (CO). Rep. Kathy Castor (D-FL), chairwoman of the House Climate Committee, said yesterday that she will consider the Green New Deal as she works to develop policies for addressing climate change, but stopped short of endorsing the resolution.

Finally, the House Energy and Commerce Subcommittee on Environment and Climate Change held a hearing entitled "Time for Action: Addressing the Environmental and Economic Effects of Climate Change." At the hearing, many Republicans expressed frustration with the Green New Deal. Subcommittee Ranking Member John Shimkus (R-IL) said, "We should be open to the fact that wealth transfer schemes suggested in the radical policies like the Green New Deal may not be the best path to community prosperity and preparedness." Rep. David McKinley (R-WV) called the Green New Deal "delusional" and Rep. Bill Flores (R-TX) called it a "chaotic headlong rush into decarbonization." Rep. Billy Long (R-MO) said that "When the leader of your own party is throwing shade at your "green dream" you know you have problems," said Rep. Billy Long (R-MO), referring to comments from House Speaker Nancy Pelosi.

House Transportation Committee Holds Hearing on Infrastructure

Yesterday, the House Transportation and Infrastructure Committee held a hearing entitled, "The Cost of Doing Nothing: Why Investing in Our Nation's Infrastructure Cannot Wait," to examine the current state of American roads, bridges, transit systems and other infrastructure needs.

At the hearing, both Committee Chairman Peter DeFazio (D-OR) and Ranking Member Sam Graves (R-MO) expressed the desire of Democrats and Republicans to work on a bipartisan infrastructure package; however, they acknowledged that the one thing holding them back is disagreements over how to pay for it.

Witnesses at the hearing gave advice on how to approach funding for a giant infrastructure package. Minnesota Governor Tim Walz, a former Democratic lawmaker in the U.S. House, called on the federal government to give states flexibility, saying, "No single stream of revenue or approach to financing will address all the gaps. States need a comprehensive approach that

allows for leveraging a variety of funding sources and flexibility to match the right tool with each project." Governor Walz campaigned on hiking state gasoline taxes in Minnesota to fix roads.

Former Republican Secretary of Transportation under the Obama Administration, Ray LaHood, recommended that the federal gas tax be raised, saying that "state and local officials have stepped up and made the hard choices by proposing legislation to increase the fuel tax. However, LaHood said, "when it comes to the gas tax, it is clear that as a long-term solution, it is not a sustainable source of revenue and other options must be further explored and tested. A number of states - most notably Oregon, California, Colorado and Washington - have moved forward with pilot programs to test the feasibility of replacing the gas tax with a charge based on the mileage," otherwise known as a Vehicle Miles Traveled (VMT). Ranking Member Graves is a proponent of a VMT because it would raise new revenue by ensuring that electric vehicles also pay for highway repairs, since they don't pay gasoline taxes.

Los Angeles Mayor Eric Garcetti recommended that the federal government look strongly at public-private partnerships, saying they "are a particularly good way to deliver ongoing performance, and they also allow the public sector to leverage private funding to help deliver projects sooner and more efficiently with performance guarantees." While rest area commercialization was not widely mentioned as a fix to pay for an infrastructure bill, Rep. Anthony Brown (D-MD) touted his state's commercialized rest areas on Interstate 95. 14 states allow rest areas to sell food, fuel and other services because they predated the federal ban on commercialization of rest areas.

The hearing occurred two days after President Trump spoke about the need for Congress to work on an infrastructure package but did not offer specifics during his State of the Union address. Chairman DeFazio said he was pleased that the President spoke about the need for an infrastructure package and urged the President to address the solvency crisis of the Highway Trust Fund (HTF), which currently finances most federal government spending for highways and mass transit through the collection of funds generated by federal gasoline and diesel fuel taxes. DeFazio added that a successful infrastructure package "will require massive effort from the White House, stakeholders, and supporters in Congress to get something real across the finish line."

House Democrats Propose Returning to Obama's Auto Emissions Standards

On Tuesday Rep. Doris Matsui (D-CA) and 19 other House Energy and Commerce Committee Democrats introduced "The Clean and Efficient Cars Act." The bill would rollback greenhouse gas (GHG) emissions and codify the EPA vehicles emissions rules issued by the Obama administration in 2012. The Act would preserve the 2012 EPA and DOT rules, as well as prohibit the agencies from creating loopholes in the standards. Last year the Trump administration proposed freezing DOT efficiency standards after 2020 and dialing back EPA's emissions standards to match. Click [here](#) to see who has cosponsored so far.

In October, PMAA submitted comments in support of the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the EPA's Proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks that would freeze CAFE standards and corresponding greenhouse gas standards at 2020 levels and revoke the rights of individual states to adopt more stringent emissions standards. The Democrats' bill will be included amid broader climate change legislation but is highly unlikely to advance in the Republican controlled Senate.

PMAA highlighted numerous reasons why current CAFE standards could impact petroleum marketers and how important the Trump Administration's proposed rule is needed:

- The proposed rule properly reflects the statutory factors that the Agencies must consider, including consumer acceptance, safety, technical feasibility, national security, and economic practicability.
- Current CAFE standards may lead to an increase in electric vehicle (EV) production which does not necessarily guarantee a CO₂ footprint reduction given that EV power is likely to derive from traditional energy sources such as coal and natural gas.
- Aggressive CAFE standards set forth by the Obama Administration while maintaining requirements for ethanol volumes under the Renewable Fuel Standard (RFS) could potentially force higher ethanol blends into retail gasoline station underground storage tank systems that are not compatible with E10 plus blends.
- CAFE standards must be reduced to ensure that parties mandated to blend ethanol into gasoline under the Renewable Fuel Standard (RFS) can meet their blending obligations in a way that does not lead to gasoline price spikes at the pump.
- Petroleum marketers are placed at a competitive disadvantage when the utilities can use their rate base to pay for EV infrastructure expansion compared to small businesses petroleum marketers who must economically justify at risk investments in new equipment like EV charging stations.
- EV infrastructure expansion puts a financial burden on poor and middle-class consumers who must subsidize these EV charging stations operated by utilities but cannot afford EVs.

Committee Approves Bill that Would Authorize Government to Sue OPEC for Price Fixing

The House Judiciary Committee unanimously approved a bill (H.R. 948) Thursday that would allow the Justice Department to sue the OPEC oil cartel under antitrust laws. Versions of the "No Oil Producing and Exporting Cartels Act" (NOPEC) have been proposed for decades. The committee approved a version in 2018 but the bill never received a vote in the full House. Democrats and Republicans want to move the bill this year as they believe President Trump may support the Act.

NOPEC was introduced by Rep. Steve Chabot (R-OH) and co-sponsored by Judiciary Committee Chairman Jerry Nadler (D-NY). A similar bill was introduced in the Senate on Thursday by Republican Senator Chuck Grassley.

The NOPEC bill would explicitly authorize the Justice Department to bring lawsuits against oil cartel members for antitrust violations. It would clarify that neither sovereign immunity nor the "Act of State" doctrine prevents a court from ruling on antitrust charges brought against foreign governments for engaging in illegal pricing, production and distribution of petroleum products.

First Hearing on Raising the Minimum Wage

Speaker Nancy Pelosi (D-CA) and Education and the Workforce Committee Chairman Bobby Scott (D-VA) list raising the minimum wage as a top House priority for Democrats in this congress.

In January, Senator Bernie Sanders (I-VT) and Rep. Bobby Scott (D-VA) announced the Senate and House versions of the "Raise the Wage Act," which would raise the federal hourly wage to \$15 per hour by 2024. The current minimum wage of \$7.25 was set by Congress a decade ago, and the last increase (from \$5.15 to \$7.25 per hour in July 2009) was a tough win for Democrats. It was part of an Iraq supplemental spending bill signed by President George W. Bush. President Trump endorsed a \$10 hourly wage minimum near the end of his presidential campaign, but he has not shown interest since then, and it's doubtful that an increase would be approved by the Republican Senate.

PMAA along with many Republicans and business advocates have concerns that a high wage hike could cause hardships for some employers and that market should set wages, not the federal government.

Federated Insurance Risk Management Academy Webinar *Family Succession Planning; Tuesday, February 19, 2019, 1:00 pm CT*

When most people hear "estate planning," they think of planning to avoid estate taxes. However, for all but the very wealthiest individuals, the federal estate tax is no longer a concern (although state level estate taxes may still be an issue for some). There is a lot more to "estate planning" than taxes. That's why "family succession planning" better describes this process, which includes decisions about who will receive which assets, when they will receive them, and who will have authority to make financial, medical and end of life decisions for you if you can't.

What you will learn:

- Which taxes may impact you and your family at your death
- Impact of property ownership and beneficiary designations on your plan
- Importance of planning for incapacity and end of life decisions

Advance registration is required.

For additional information or to discuss this in further detail, please contact your Federated regional representative or PMAA's National Account Executive Jerry Leemkuil at 800.533.0472. **Federated is a PMAA Corporate Platinum Partner.**

PMAA Corporate Platinum Partner Spotlight Featuring: Renewable Energy Group, Inc. How Your Members Can Benefit from Distilled Biodiesel

Winter was off to an early start across much of North America this year. That should get fuel marketers and their customers thinking about cold weather fuel options. Now is a great time for you and your members to learn more about distilled biodiesel.

The benefits of distilled biodiesel are significant:

- Superior cold weather performance
- Improved purity and easier blending
- Greater feedstock flexibility, which can ease supply and price issues and allow for lower carbon intensity

Want to learn more? Watch this short animated video we created explaining what distilled biodiesel is and how you could benefit from it.

For additional information about Renewable Energy Group, Inc., please visit or contact Troy Shoen. **Renewable Energy Group is a PMAA Corporate Platinum Partner.**

Visa 12 Best Practices from Worldpay

Here are some insights into counterfeit fraud prevention best practices and procedures. It is intended to help merchants reduce their exposure to counterfeit transactions and minimize fraud losses.

Please take the time to review these Visa 12 Best Practices Tips.

Should you have any questions, please reach out to your designated Worldpay Account Manager or PMAA's Worldpay Enterprise Relationship Manager, Glenda Preen at 972.325.1801. Worldpay is a PMAA Corporate Silver Partner and Vendor.

Federated Insurance Employment Practices Network HR Question of the Month

Federated Insurance's HR Question of the Month focuses on employment-related practices liability issues. Last month's question was: **Copies of Employee IDs with I-9 Forms** Do we need to keep copies of employees' identification along with their I-9 form? Or can we just physically verify it and fill the information in on the form? Please click here to read the response.

For additional information or to discuss this in further detail, please contact your Federated regional representative or PMAA's National Account Executive Jerry Leemkuil at 800.533.0472. **Federated is a PMAA Corporate Platinum Partner.**

PMAA Member Services Spotlight Featuring: Laborchex Background Check Temporary Workers?

Temporary, contingent, and contract workers (referred to as temp workers in this article) currently make up more than one-quarter of the entire workforce population—up nearly 20 percent since 2018.

Temp workers are often brought in to fill in for someone who is on leave or provide an extra hand during a busy season. Temp workers are not considered permanent employees that stay long-term which often leads hiring managers exempting them from background checks and drug screening in an effort to save money.

Please read more about background checks for temp staff [here](#). ***Please note that the general information provided is not a substitute for legal advice. Please consult with your legal counsel regarding these topics and other general employment questions.***

Laborchex, a PMAA Vendor and [a PMAA Corporate Bronze Partner](#) who has been serving clients nationwide since 1991, provides a program of background checks for PMAA members. For more information and to discuss your needs, please email PMAA's Account Consultant [Ricky Rayborn](#) or call him directly at 601.832.2174 or [visit](#).