



Notes
PCC Member Strategy Call
Wednesday July 19, 2023
12:00 pm ET

1. Welcome

- a. Thank you, as always, for your participation and investment in the PCC.
- b. Invoices for the next fiscal year are being compiled and will be sent out shortly.
- c. Our annual year-in-review document will also be sent out shortly, including a prospectus for our work during the new fiscal year.

2. Updates on Federal Legislative Activity

a. *Freedom to Invest in Tomorrow's Workforce Act (H.R. 1477/S. 722)*

- i. As of this morning, we are up to 44 co-sponsors for the House version of the bill: 27 republicans and 17 democrats.
- ii. Over the coming weeks, we will continue efforts to grow the list of co-sponsors, with a specific focus on co-sponsors from the House Ways and Means Committee, the committee of jurisdiction.
- iii. **If any PCC members have relationships with Ways and Means Committee members, we are hoping to add more committee members to our list of sponsors.**
- iv. We have been in frequent contact with our Senate lead, Senator Amy Klobuchar (D-MN), and her office.
- v. We now have a “score” of our bill from the Joint Committee on Taxation (JCT).
 1. The JCT concluded that the legislation would have a budgetary impact of \$85 million over 10 years. This is a relatively low score—and is great news for us. Generally, the higher the score, the more difficult it is to find a suitable budget offset for a bill.
 2. The JCT score addresses the question we get most frequently from legislators: “how much does this cost?”

3. The score incorporates “fresh dollars.” What is *not* included in the score is the money that is already in 529s across the country—almost \$400 billion. With this expansion, people would immediately be able to use that money on certifications.
- vi. Potential Democratic sponsors in the House Ways and Means Committee:
1. Congressman Jimmy Panetta (CA) was an original cosponsor on another 529 bill; we are hopeful that he is attainable.
 2. Congressman Dan Kildee (MI)
 3. Congresswoman Terri Sewell (AL)
 4. Congressman Brad Schneider (IL)
 5. Congresswoman Suzan DelBene (WA)
 6. Congressman Don Beyer (VA)
- vii. We do not currently have any Senate Finance Committee members from either party, but we are actively working towards it.

b. Tomorrow’s Workforce Coalition

1. The PCC and ASAE are leading the Tomorrow’s Workforce Coalition, created with the singular goal of passing the Freedom to Invest legislation. The more voices that are involved, the better the prospects of the bill’s passage.
 2. As of this date, more than 300 member organizations have joined. Friday, July 21st is the deadline for members to join and be included in ASAE’s press release.
 3. It is free to join, and members can engage as much or as little as they’d like. If a member organization wants to add its name and not participate or be otherwise involved, that’s fine—the amount of engagement is up to the member.
 4. *Link to Join:* <https://asaecenter.formstack.com/forms/tomorrowsworkforce>
- ii. Materials to be distributed:
1. Tomorrow’s Workforce Coalition one-pager
 2. List of examples of credentials with notable sectors—used to answer the question, “what kind of industries will benefit from this?”
 - a. **Note: for members who want their professions/industries to be included on this list, please share your information; we**

want to share this if you are interested/willing to grant us permission to do so.

- b. Another goal of this document is to demonstrate the variety of certifications and the larger credentialing universe; many require a four-year degree, but many don't; we want to highlight this variety and create as comprehensive of a list as we can.
- c. Please send this information to info@profcertcoalition.org.

3. Membership promotion document

iii. **FAA Reauthorization Act and 529 expansion**

- 1. We were initially concerned that the FAA reauthorization legislation might serve as a vehicle to include expansion of 529 plan to cover aviation workforce expenses. Passage of such legislation could foreclose future 529 expansion legislation for the foreseeable future. However, this proposed 529 expansion was excluded from the House-passed FAA reauthorization bill.
- 2. We asked House Ways and Means staff for their impressions on this. They reiterated that, as the committee of jurisdiction, Ways and Means will not allow a 529 bill to be considered as part of the FAA reauthorization. This illustrates how tax bills are a different beast in Congress.
- 3. With the failure of this bill, we feel good about our trajectory.

iv. **Article in Richmond News about 529 Plans**

- 1. The Richmond Times-Dispatch published an article about 529 plans and how the Freedom to Invest legislation will expand opportunities: https://richmond.com/news/state-regional/government-politics/529-accounts-education-training-college/article_fa8d6506-1b51-11ee-b83f-ab86076c0542.html
- 2. The article includes an interview with a training program provider who has prospective students who can't afford their fees and don't use 529 plans. If members have similar stories, please reach out—we'd like to hear your ideas and are interested in placing stories, particularly about the path to your credential, as an example of how our bill can help.

c. ***Rebuild Skills Act***

- i. Efforts continue, but at a slower pace than Freedom to Invest.

- ii. We've reworked the bill in light of the COVID-19 Emergency officially ending.
- iii. We are continuing conversations. In our meeting with House Ways and Means this week, committee staff asked if there were any efforts to develop a database of credible credentials—demonstrating that this is still very relevant, so we're finding opportunities to talk about and promote the REBUILD Skills Act, too.
- iv. We hope to have more tangible updates to provide soon.

3. Retrospective & Looking Forward

- a. As we assess the 5 years of the PCC's existence, we've come a long way and have evolved with respect to the issues we address. The PCC started with a focus on title-restriction legislation (recall the Louisiana legislation), but as the political landscape has changed, so has the scope of our involvement.
- b. Some new issues we have addressed this year are:
 - 1. First Amendment Interference
 - 2. Copyright Internal Rules
- c. PCC members have engaged and participated at a very high level—this makes everything we do more robust and vibrant.
- d. Reflections from the Members
 - i. Tom Granatir, ABMS
 - 1. The PCC has identified issues that weren't on our radar and allowed us to go on the offense and promote our interests proactively. It has been very valuable to have the opportunity to promote our work at the federal level.
 - 2. We appreciate the ability to share information with the team and the support when thinking through the issues.
 - ii. Dawn Bauman, CAI
 - 1. CAI's credentialing program has been part of this from the beginning. We find it extraordinarily valuable to augment our advocacy efforts at the state and federal level to protect our members' investments, as well as engaging our members in these advocacy opportunities that are not

so narrowly focused on what we typically engage on. Our participation and our investment in this coalition has been really valuable, and our return on investment has been huge.

- e. We welcome any additional feedback as we plan for the future. Our inbox is always open: if you have thoughts you want to share with us offline, we would love to hear from you at info@profcertcoalition.com.

4. State Legislative Activity

- a. High-Priority Bills

- i. *Wisconsin A.B. 202*

- 1. WI AB 202 has passed the first chamber and is now in the Senate.
 - 2. As a reminder, under Wisconsin’s current structure, there is a department that is charged with conducting initial screening and background checks on applicants for licensure. This bill would not require, but would permit, that department to abdicate that role to any employer of an applicant for licensure, both to make an attestation to the question of whether the applicant does/does not have a criminal history and as to whether such a history is relevant to the occupation.
 - 3. In response to this proposed legislation, the PCC has written to the House and to the committees of jurisdiction and—now that it has passed over, to the Senate—to raise our concern that this may lead to inconsistent outcomes and advocate that an applicant’s employer is not in the best position to make a determination as to whether a criminal history is relevant to the application for which licensure is being sought.
 - 4. Members can engage on this, too. For those who issue certifications required for licensure, you might consider whether this is a bill on which you want to personally get involved and contact the bill sponsor to raise concerns. As a reference, our letters to legislators are all posted in the members-only portion of the website.

- ii. *New Hampshire H.B. 507 (Consumer Choice)* has stalled.

- iii. *Nebraska L.B. 16 (Reciprocity)*, which creates loopholes that allow circumvention of licensure requirements, has stalled.

- iv. *Massachusetts S.D. 2536 (Ex-Offender Reentry)* has stalled.

- v. *NC S.B. 641/H.B. 819 - First Amendment Interference*

1. These present as bills to protect the decisions healthcare professionals make based on social conscience, but in practice, would make it a discriminatory practice for a healthcare certification organization to revoke or deny the certification of an individual based on conduct that the individual claims they engaged in on the grounds of social conscience, even if that conduct violates the code of conduct for the organization.
2. That bill is sitting in the first chamber. We have sent letters expressing our opposition.

5. Copyright Office Interim Rule

- a. We shared with you all via email that the PCC posted a public comment in response to the Copyright Office's interim rule. As a reminder, the interim rule updated the definition of "secured tests" to allow tests that are administered remotely to qualify, but only if they were administered in a physical test center facility prior to May 2020.
- b. The PCC submitted a comment arguing that this grandfathering rule is not tenable or consistent. If a certification or other exam meets the criteria for being "securely administered remotely," it shouldn't matter what the historical treatment of that exam has been.
- c. Thank you to members who also submitted comments. There have been less than a dozen comments posted so far, so each comment will likely receive highly individualized attention.

6. Stakeholder Outreach

- a. As our state legislative activity slows down, our outreach to groups that influence state legislative activity ramps up in preparation for the next legislative session.
- b. Our general strategy is to try to narrow differences wherever possible—but of course there are often areas where we're unlikely to reach agreement.
- c. Immediate outreach planned in Florida:
 - i. Natalie Kato, who joined us on our last member call, is going to lead engagement outside of session with stakeholders who were pushing several bills that the PCC was active on in that state.
 - ii. These groups include the American Legislative Exchange Council, which is a group we've engaged with before here in D.C.
 - iii. We will be talking to some other national groups as well, as we've done consistently every year.

d. Member Question re: Viewpoint Restriction in Florida Legislation

- i. The Stop W.O.K.E Act is on appeal in the 11th Circuit and we are monitoring this.
- ii. Florida SB 266 has been enacted and is aimed at Florida universities that receive public funding:
 1. There has not yet been a lawsuit filed against this bill, but it is our prediction is that there will be.
 2. The way the PCC engages in bills is often to try to improve them or provide reasoned explanations of why we oppose revisions—but these bills were uniquely impenetrable. The better way to challenge these bills, it seems, is through the courts.
 3. The Steering Committee will discuss whether and how the PCC will engage on these issues. We welcome your feedback on whether this is the kind of issue on which the PCC should expend resources.