



PROFESSIONAL
CERTIFICATION
COALITION

Notes

PCC Member Strategy Call

Tuesday, October 17, 2023

12:00 pm ET

Steering Committee: ICE (Denise Roosendaal), ASAE (Jeff Evans)

Legal Counsel: Jerry Jacobs, Craig Saperstein, Julia Judish, Nicole Steinberg, Lori Panosyan, Laura Killalea (Pillsbury)

1. Welcome

- a. Thank you for your continued support of the PCC!
- b. We appreciate your continued attention to any outstanding membership dues.

2. Updates on Federal Legislative Activity

- a. *Freedom to Invest in Tomorrow's Workforce Act* (H.R. 1477/S.722)
 - i. On the House side, we are now up to 70+ co-sponsors on *Freedom to Invest*, with several other Members having verbally agreed to join. We have more than 45 Republicans and 25 Democrats. Given Republican control in the House, this is indicative that it is a bipartisan, indeed nonpartisan, bill.
 - ii. We are still recruiting co-sponsors of legislation to allow aviation workers to use 529 plans for pilot or mechanic training. As that bill is not really moving, we're meeting with them and trying to get them to support our bill, which applies to their programs.
 - iii. Our highest priority remains finding a Democratic sponsor from the House Ways and Means Committee.
 - iv. On the Senate side, we gained a few co-sponsors but also lost one with the unfortunate passing of Senator Diane Feinstein. We had a very positive meeting with Senator Tim Scott (R-SC). We have 10 co-sponsors, 6 Republicans and 4 Democrats. Adding in Senator Amy Klobuchar, our lead Senate sponsor, makes it 6 to 5.
 - v. If you feel like you need advocacy tools from the PCC, like talking points, draft language, or advice on who to contact, please don't hesitate to reach out via info@profcertcoalition.org.
 - vi. Jeff Evans from ASAE will also be providing updates through the Tomorrow's Workforce Coalition. We are up to 672 members and about 60-70% of PCC members have joined. Thank you to all our dual-coalition members!
 - vii. The Tomorrow's Workforce Coalition just sent a sign-on letter to the House Ways and Means and Senate Finance Committees. As the Coalition grows, we will resend the letter on new letterhead reflecting any new members, so there is still time to join.

b. *REBUILD Skills Act*

- i. We are still working through what we hope are the last round of changes and discussions related to introduction of the bill.
- ii. With Rep. Derek Kilmer’s (D-WA) staff, we are keeping an eye out for potential legislative vehicles that it could be attached to (as very few bills move on a standalone basis in Congress these days).
- iii. We hope to have information to share with you about introduction over the coming weeks.
- iv. We also met with Rep. Hillary Scholten’s (D-MI) staff. She is leading a different bill (H.R. 2621) that would call for licensing and certifications to be included in the census. This is something that complements the work we do quite well, and at the very least will be helpful to us.

3. Updates on State Legislative Activity

- a. Updated watchlists and executive summary are on the Members Only portion of PCC website.
- b. As prefilings of bills will begin shortly, our legislative updates at the state level will likely become more robust going forward.
- c. High priority bill monitoring:

State	Bill Number	Category	Last Movement	Notes
Massachusetts	H 348/ SD 2536	Ex-offender Reentry	10/02/2023 (SD 2536)	Still in first chamber
Wisconsin	SB 191/ AB 202	Ex-offender Reentry (variant)	06/08/2023	Passed first chamber (AB 202)

4. Generative AI and Copyright Discussion

a. Public Comment on Copyright Office Notice of Inquiry

- i. We sent you an article written by some of our colleagues and published by the ASAE newsletter about some of the issues raised by generative AI.
- ii. There are certain issues related to copyright laws that are of specific relevance to certification organizations.
- iii. Written content generated by generative AI tools is not going to be copyrightable, unless there is sufficient human authorship.
- iv. Currently, organizations are exploring using generative AI as a way to produce content, and it is not yet being used for high stake test items.
- v. The Copyright Office has been looking into how generative AI may raise new legal and policy issues and has issued a notice of inquiry, seeking public input that it will use to inform its recommendations on statutory changes and its decisions on regulations and policies relating to generative AI, so The PCC will be submitting public comment in response to the Notice of Inquiry.
- vi. If generative AI is used to produce initial content in secure test items, and that content is reviewed and edited by human subject matter experts, the fact that some of that content comes from a generative AI tool should not render the whole test item to be non-copyrightable, but the PCC’s comment will request clear guidance on this point.

- vii. The comment will also address copyright infringement claims arising from generative AI platforms training their AI tools on copyrighted material.

b. AI Political and Policy Landscape – The Honorable Jerry McNerney (CA)

Former Member of Congress/Chair, Congressional AI Caucus and Senior Policy Advisor, Pillsbury LLP

- i. We are so excited to have Rep. McNerney on our team! In his 16 years in Congress he built out his reputation as one of the most serious thinkers in Congress as it pertains to science and technology. He was the leader of the Congressional AI Caucus and is a mathematician by training.
- ii. He joined Pillsbury a few months ago and has hit the ground running as it pertains to AI policy matters.
- iii. Rep. Jerry McNerney
 - a. There is a mountain of legal work that is coming down from the AI technology: copyright, autonomous vehicles, medical practices, privacy.
 - b. We created an AI trade association to be managed by Pillsbury so we can provide the leadership that's needed in this field.
 - c. There are two kinds of AI, narrow AI and general AI. Narrow AI detects things in pictures, like tumors in radiology, and has a narrow set of applications.
 - d. Broader than that are the large language models generative AI, which takes data like whole novels and all kinds of information.
 - e. Members of Congress are not very educated on the issue and the public is fearful.

5. Outreach

a. Meeting with Sen. Jay Collins (R-FL)

- i. You may recall that we hired lobbyist Natalie Kato to advocate for our interests regarding several high priority bills pending in Florida.
- ii. Natalie arranged for us to meet with the sponsor for one of the bills we were interested in regarding licensing reciprocity, Fla. S. 1364.
- iii. We wanted to make sure he was aware of the PCC's work and take the opportunity to share our views.
- iv. We had engaged because the bill wasn't just about reciprocal licensure, it also offered alternative pathways to licensure that came from states that didn't have the same licensing requirements from Florida, including via any certification or work experience.
- v. Part of the impetus for these bills is because Florida doesn't have enough licensed professionals in certain areas.
- vi. We explained our concerns regarding the broad brush approach, and that it is our view that reciprocity should be addressed on a profession-specific basis. Sen. Collins committed to reviewing the amendment language, and we are planning to circle back once he indicates he's ready to talk again.

b. American Board of Nursing Specialties presentation

- i. Invited Julia to speak on legislative issues, and she discussed the PCC and its work.

c. Upcoming:

- i. I.C.E. Exchange 2023 presentation – Julia and Jeff are co-presenting on the PCC’s work, covering federal and state activity and going more in-depth into the issues with generative AI and copyright.

Women in Government – Leadership & Innovation Summit — Craig is going to present during the round robin session. This event brings together women state legislators from all around the country on a bipartisan basis and stakeholders that work on legislative issues of interest.