



# PROFESSIONAL CERTIFICATION COALITION

## PCC Member Strategy Call Thursday, June 5, 2025 1:00 pm ET

*Steering Committee:* I.C.E. (Denise Roosendaal), ASAE (Mary Kate Cunningham)  
*Legal Counsel:* Jerry Jacobs, Craig Saperstein, Julia Judish, Lori Panosyan, Laura Killalea (Pillsbury)

### **I. Welcome/Membership Updates**

- a. Welcome, everyone and thank you for being here.
- b. We are nearing the end of the fiscal year (on June 30<sup>th</sup>). For those that have not yet fulfilled their dues commitments for the fiscal year, we appreciate you doing so at your earliest convenience. For those who have, you will be receiving your invoices in July for the new fiscal year beginning July 1<sup>st</sup>. We kindly ask that you submit your dues at your earliest convenience.
- c. As always, we greatly appreciate your continued support for this coalition.

### **II. Federal Legislative Activity**

- a. *Nonprofit Threats in Tax Reform Legislative Update*
  - i. If you follow the news from ASAE or the Community Impact Coalition, you may be aware that we have been concerned about threats to non-profit tax status to be included in the reconciliation bill (aka, “the One Big Beautiful Bill Act”).
  - ii. Early versions of the House reconciliation package did not include the broad-based tax removal of tax-exempt status or other tax increases on nonprofits. It did, however, contain several problematic provisions for nonprofit organizations, including:
    - 1) A “parking tax,” which would place a tax on nonprofit expenses for parking and transportation fringe benefits.
    - 2) A “royalties tax,” which would place a tax on royalties derived from a nonprofit organization licensing its name or logo.
    - 3) A “terror financing provision,” which would give the Treasury Secretary the ability to remove tax-exempt status by designating non-profits as terrorist-supporting organizations.
  - iii. The final version of the House bill, which passed on May 22, 2025, removed the

- royalties tax and terror financing provision, but kept the parking tax. We are engaging on the Senate side both to ensure that the former two provisions remain out of the bill, and to urge the Senate to also remove the parking tax.
- iv. Debate now moves to the Senate. The Senate aims to pass a final bill before July 4, 2025. Congress has a hard deadline for the end of July to pass the final bill as long as the Trump administration and congressional leaders insist on including an increase in the debt ceiling as part of the reconciliation bill.

b. *Impact of the Trump-Musk Dynamic*

- i. There is an interest dynamic playing out between Elon Musk and President Trump, which may have broader impacts on this bill.
- ii. In the days following his official exit from the Trump administration, Musk came out strongly opposed to the “One Big Beautiful Bill.” He took his attack to X, where he posted: “I’m sorry, but I just can’t stand it anymore. This massive, outrageous, pork-filled Congressional spending bill is a disgusting abomination. Shame on those who voted for it: you know you did wrong. You know it.”
- iii. This is an important political dynamic to watch. Musk is trying to create opposition and seems suddenly empowered to communicate this to Congress. If his efforts gain steam, then the July 4<sup>th</sup> time frame for moving bill out of the Senate may be less achievable and conservative Republicans “on the fence” about the bill may be emboldened to hold out for what they deem to be a bill more favorable to their policy priorities.

**III. Update on Freedom to Invest in Tomorrow’s Workforce Act ([H.R. 1151/S. 756](#)) and Other Federal Activity**

- a. We were happy to report to you all several weeks ago that our bill – which will allow folks to use funds and 529 plans to cover the costs associated with obtaining and maintaining post-secondary credentials – was included in the House-passed version of the “One Big Beautiful Bill.”
  - i. We feel that we are well-positioned to keep our legislation as part of that larger bill. In fact, we had a very productive meeting earlier this week with the Senate Finance Committee majority staff (Republican staff) who are crafting the Senate version of the bill and determining what stays and what goes from the House bill (and what else can be added)
  - ii. We don’t have guarantees, but we are generally feeling optimistic that this is a provision that will be retained. We would encourage all of your organizations – to the extent you’re doing advocacy – to continue to do so.
  - iii. If you are part of [Tomorrow’s Workforce Coalition](#), expect to receive resources in the next few days regarding how to contact members of Congress and express your support for this bill.

- b. Given the complicated political dynamics and the fact that passage of the reconciliation bill is far from a sure thing, we are continuing to push our bill as a standalone bill as an alternative pathway to victory.
- c. We are now up officially to 189 co-sponsors on the House side for our bill, with 109 Republican sponsors and 80 Democratic sponsors – a very bipartisan bill.
- d. Our most recent addition is Congressman Randy Feenstra from Iowa. His sign-on is particularly exciting because he is a member of the Ways and Means Committee, which is the committee of jurisdiction for our bill.

#### **IV. Trump Anti-DEI Updates**

- a. *Supreme Court Update: Ames v. Ohio Department of Youth Services*
  - i. There was a Supreme Court ruling issued today in a case called *Ames* that held, by a unanimous vote, that there is no higher standard of proof for a member of a majority group to bring a discrimination claim under anti-discrimination statutes. This is not a particularly surprising decision, because it was somewhat settled among lower courts. The ruling will probably be welcomed by this Administration as it continues to focus on DEI programs, characterizing them as a guise for discrimination against majority groups.
- b. *Court Challenges Against Anti-DEI Executive Orders*
  - i. There have been a great number of successful challenges and issuances of injunctive relief – but most of these have been stayed pending appeal. There are still standing injunctions against the Department of Education’s “Dear Colleague Letter,” which we’ve discussed in previous member meetings. The portions of that letter that are still enjoined are only with respect to the Department of Education.
- c. *Anti-DEI Executive Order Addressing Accreditation Organizations*
  - i. On April 23, 2025, Trump issued an Executive Order titled “[Reforming Accreditation to Strengthen Higher Education](#).” The Executive Order (EO) targets reforming the higher education accreditation system, asserting that accreditors have abused their power, approved low-quality educational institutions, and promoted unlawful discriminatory practices through diversity, equity, and inclusion (DEI) standards.
  - ii. The order mandates investigations and oversight by the Department of Education and calls for the Department to remove recognition from accrediting bodies that do not make structural reforms to redirect accreditation toward improving student outcomes and academic quality without engaging in “discriminatory” DEI practices. Higher education institutions must have accreditation from an accrediting body with Department of Education

recognition in order to receive federal financial aid funds to disburse to their students.

- iii. While this doesn't directly affect certification organizations, there is a nexus, as many of your organizations require candidates to have completed an accredited education program in order to take a certification exam. This executive order basically calls for Department of Education to remove recognition from accrediting bodies, both generally and with respect to accrediting bodies for law schools and for medical programs, to the extent those accreditation standards require any DEI-related activities or for the member institutions who use data on program outcomes related to race, ethnicity, or sex. Some accreditation organizations are responding to this by pausing their standards that relate to DEI programs.

d. *Civil Rights Fraud Initiative*

- i. On May 19, 2025, Deputy Attorney General Todd Blanche announced the creation of the [Civil Rights Fraud Initiative](#).
- ii. You may recall from our discussions regarding the anti-DEI executive orders that one requirement was for agencies to include a certification provision in any federal contract or grant, which requires the contractor or grantee to certify that they do not promote DEI programs in violation of federal law. This is a building block to claims under the federal False Claims Act (FCA).
- iii. The Civil Rights Fraud Initiative calls on the federal government to prosecute FCA cases against any recipients of federal funding, including institutions of higher education, research centers, and federal contractors, that falsely certify their compliance with federal civil rights laws. This represents a dramatic expansion of how the DOJ has used the FCA.
- iv. In addition, the False Claims Act is a unique statute in that it deputizes private individuals to bring claims on behalf of the government in what's called a *qui tam* filing, (or a whistleblower filing). With *qui tam* actions, if an individual believes that someone is defrauding the government, they can "whistleblow" and, if the government does not prosecute the claim in a certain amount of time, the individual can bring the claims themselves using a *qui tam* filing. Notably, if there is a recovery, the individual receives a portion of it – which incentivizes such actions.
- v. If you're interested in reading more about the implications of this initiative, please review Pillsbury's client alert, "[New DOJ Initiative Expands FCA Use to Enforce Civil Rights Compliance and Target DEI Initiatives.](#)"

**V. State Legislative Activity**

a. *High Priority Legislation*

- i. Legislative sessions are winding down. Since we last spoke, nearly a dozen of bills have died – several of which were high priority, problematic bills.
- ii. Among these is TX SB 2713. We don't often reach out to encourage members to speak up, but SB 2713 was particularly threatening – the bill would have treated it as unlawful for a certification organization or professional society to discipline members or certificants for public speech that violates the rules of the organization. We submitted letters in strong opposition to the bill as infringing on certification organizations' own First Amendment rights, and many of you voiced your concerns, too. Thankfully, in the waning days of the legislature's session, the bill was left in committee and, with the Texas legislature's adjournment, the bill is now dead.
- iii. Another is FL HB 1461, which we spoke about at length at our last member meeting. HB 1461 was a broad de-regulation bill that would have eliminated licensing boards, transferring their role in reviewing licensing applications to a single state agency. We expect to see this back (perhaps in lighter form), but we consider its failure to pass a victory for this session.
- iv. One high priority bill, TX HB 5629 / SB 2255, made it out of the legislature and is now awaiting the Governor's signature. This bill lowers the threshold for reciprocal licensure for military members, military spouses, and veterans.

## **VI. Concluding Remarks**

- a. As always, if you have any questions about the issues raised today – or any other issues – please don't hesitate to contact us at [info@profcertcoalition.org](mailto:info@profcertcoalition.org). You are also always free to reach out to any of us individually.
- b. Thank you as always for being here, and we'll see you at our next meeting!