



Notes
PCC Member Strategy Call Wednesday,
March 4, 2026
12 p.m. ET

Steering Committee: I.C.E. (Denise Roosendaal), ASAE (Mary Kate Cunningham, Kyle Hayes)

Legal Counsel: Jerry Jacobs, Craig Saperstein, Lori Panosyan, Laura Killalea, Jaria Martin (Pillsbury)

1. Welcome/Membership Updates

- a. Reminder: In-Person Member Meeting: Thursday, March 26, 2026.

2. Guest Speaker: Todd Kim, Partner, Pillsbury Winthrop Shaw Pittman LLP

- a. Effect of Supreme Court jurisprudence on Executive Branch policymaking affecting professional certification.
 - i.) Recent Supreme Court decisions reflect a broader shift in authority from administrative agencies to the courts, with increased emphasis on separation of powers.
 - ii.) The Court is signaling that policymaking authority rests with Congress, rather than agencies.
- b. *Chevron* Deference and *Loper Bright*
 - i.) Under *Chevron*, courts deferred to reasonable agency interpretations of statutes; *Loper Bright* eliminates this framework. Courts are now responsible for determining the best reading of statutes. However, agencies retain limited deference only where explicitly provided by statute.
 - ii.) The overall impact is that agencies have reduced flexibility; courts are now the primary decision-makers.
- c. *Corner Post* Decision
 - i.) This decision revises statute of limitations under the Administrative Procedure Act. Plaintiffs may bring claims within six years of experiencing harm from a regulation. This change will likely increase legal challenges to federal regulations.

d. Major Questions Doctrine

- i.) Requires clear congressional authorization for significant agency actions, but limits agencies' ability to assert broad policymaking authority.

e. Broader Trends

- i.) This demonstrates ongoing changes to administrative law, including claims and remedies. Essentially, the courts are reshaping the balance of power among branches.
- ii.) This shift may create pressure for Congress to take a more active policymaking role, though uncertain, leaving this as a fluid and evolving area of law.

3. Federal Legislative Activity

a. Implementation of *Freedom to Invest in Tomorrow's Workforce Act*

- i.) PCC has engaged with the IRS to emphasize the need for timely implementation and for clear guidance on qualifying credentials.
- ii.) PCC advocacy efforts include outreach to congressional sponsors regarding IRS/Treasury guidance as well as coordination with stakeholders, including 529 community organizations and State treasury organizations.

b. Credential and training assistance for military servicemembers

- i.) The PCC has engaged in ongoing advocacy for more consistent and robust credential assistance programs. Current challenges include lack of uniformity in funding and eligibility across service branches.
- ii.) PCC actions include:
 - (1) Meetings with congressional offices
 - (2) Submission of requests for inclusion of legislative language in the annual National Defense Authorization Act
 - (3) Upcoming meeting with the House Armed Services Committee
- iii.) Exploring both standalone legislation and appropriations as vehicles

c. Implementation of federal student loan cap for "professional degrees" and legislative response

- i.) Proposed changes would reduce loan availability for many PCC-related professions. As such, the PCC is engaged in advocacy related to this rulemaking.
- ii.) Coordinating with a broader coalition supporting legislative responses, including [H.R. 6574, the LEAP Act](#) and [H.R. 6718, the Professional Degree Act](#).

4. U.S. Department of Education Inquiry into PhD Project – Title VI investigations

- a. The Department of Education has entered into settlements with universities regarding diversity-focused programs. Some partnerships, including those related to the Ph.D. Project, have been terminated. Reporting suggests there may be a broader institutional impact, though scope remains unclear.
- b. PCC is monitoring developments as lack of transparency from the Department of Education on this matter remains an issue.

5. State Legislative Activity

- a. New 2026 watchlist on the “For Members” portion of the PCC website.
- b. High Priority Legislation:

State	Bill Number	Category	Last Movement	Status
MA	S 198	Returning Citizens	1/8/2026	In first chamber
NH	HB 1340	Review and Repeal	2/12/2026	In first chamber
KY	SB 78	Miscellaneous	1/15/2026	In first chamber
NE	LB 961	Returning Citizens	1/15/2026	In first chamber
UT	SB 174	First Amendment	3/6/2026	In second chamber