



PROFESSIONAL  
CERTIFICATION  
COALITION

April 9, 2021

The Honorable Patty Murray  
Chair  
Committee on Health, Education, Labor,  
and Pensions  
United States Senate  
Washington, DC 20510

The Honorable Richard Burr  
Ranking Member  
Committee on Health, Education, Labor,  
and Pensions  
United States Senate  
Washington, D.C. 20510

**Re: Comments on Legislation to Promote Workforce Development/Career  
Advancement**

Dear Chair Murray and Ranking Member Burr:

The Professional Certification Coalition (“PCC”) appreciates the opportunity to offer comments in response to the HELP Committee’s request for input on policy ideas to promote workforce development. In particular, we write to express our support for two important public policy proposals:

- The PCC’s proposed **Credentialing, Education, Resources, and Training (“CERT”) Act**, which would create a federally funded Career Rebuilding Scholarship Fund, administered by approved worker training programs and private certification organizations, to distribute scholarship funds to eligible individuals who incur covered expenses by enrolling in a training program or incurring certification exam fees. Under our proposed bill, Americans displaced from their jobs as a result of the COVID-19 pandemic could receive scholarships of up to \$4,000 to cover or offset expenses associated with enrollment in training programs or earning occupational credentials to help them rebuild their careers.
- **The Freedom to Invest in Tomorrow’s Workforce Act (S. 905/H.R. 2171)**, a bipartisan and bicameral bill that would permit Americans to use funds in tax-favorable 529 savings plans to cover costs associated with worker training and obtaining or maintaining postsecondary credentials, including professional certifications.

Together, these two bills would promote skills development and renewal in the *short-term* for workers needing to retool for new employment opportunities or seeking to advance in their careers, while providing a *long-term* opportunity for Americans to save for expenses associated with future career development for themselves or their families in a tax-preferred manner. This comment letter outlines the PCC’s support for these two important bills and our views on how they would help workers obtain the skills and credentials they need to succeed in a 21<sup>st</sup> Century economy.

## **About the PCC**

The PCC is a nonprofit association founded in 2018 to address legislative initiatives around the country that affect professional certification programs and those holding private certification credentials. The PCC has approximately 100 organizational members, including non-governmental professional certification organizations, professional societies, and service providers. The PCC's members collectively represent or certify millions of professionals across the country and reflect a wide spectrum of professions, including engineering, healthcare, financial services, and IT services, among many other high-demand occupations. The certifications the PCC's members provide also encompass a range of credential and skill levels and include certifications available to workers who do not have college degrees.

The PCC is governed by our founding organizations, the American Society of Association Executives (the leading organization for association management, known as the "association for associations") and the Institute for Credentialing Excellence (the leading developer of accreditation standards for professional certification programs). The law firm Pillsbury Winthrop Shaw Pittman manages the PCC on a daily basis. A list of current PCC members is appended to this comment letter.

## **The Value of Professional Certification**

Certifications and other postsecondary credentials provide pathways to opportunity and to career growth across fields, from entry level restaurant service jobs (e.g., certifying safe food handling knowledge) to mid-career certifications that allow individuals to advance in fields such as human resources and information technology, to certifications that reflect attainment of highly specialized knowledge, such as for professional engineers and chartered financial analysts. The recognition conferred by a professional certification is widely respected in substantial part because it is granted independently and reflects attainment of knowledge and skill standards developed by subject matter experts in the field. In short, increased access to these postsecondary credentials can benefit nearly all Americans – including individuals who have been out of the workforce for an extended period and are seeking training and credentials to reenter the workforce. Federal policies that promote obtaining and maintaining professional certifications, combined with robust worker education and training programs, provide a platform for individuals to advance in their careers.

## **The PCC's Proposed CERT Act**

Approximately 9½ million U.S. workers lost their jobs between February 2020 and February 2021, and economists forecast that some sectors of the economy may never return to pre-pandemic levels. After extended periods of unemployment or underemployment, some Americans need training or educational opportunities to learn the skills necessary to qualify for new jobs or to earn private certifications or other credentials employers seek. The PCC believes federal support for these opportunities is critical for Americans whose employment was adversely affected by the pandemic to qualify for and succeed in jobs in our transformed economy.

*The Credentialing, Education, Resources, and Training (CERT) Act*

The PCC is proposing introduction and enactment of legislation we are calling the **Credentialing, Education, Resources, and Training (CERT) Act**, which would create a federally funded Career Rebuilding Scholarship Fund, administered by approved training programs and private certification organizations. These programs could apply for authorization to distribute the scholarship funds to eligible individuals displaced from their jobs in 2020 or 2021 and who incur covered expenses by enrolling in a training program or incurring certification exam fees. The programs could offer discounted or no-charge examinations, enrollment, etc., to eligible individuals, with scholarships capped at the lesser of 80% of expenses or \$4,000. The CERT Act was inspired by bipartisan and bicameral legislation introduced in both 2020 and 2021 known as the Skills Renewal Act, but refashions that legislation to allow individuals already suffering from job displacement to avoid paying upfront costs for their training and credential expenses and then receiving a tax credit to recoup those costs later. As such, the CERT Act would provide immediate assistance and opportunities to Americans who otherwise could not afford to obtain the training and credentials they need to rebuild their careers and livelihoods.

Under the CERT Act, training programs and certification organizations would have an incentive to participate by being able to promote these opportunities to potential participants. **Eligible individuals could promptly benefit from the free or reduced cost benefit.** The practical barriers to entry would be low because the programs/organizations are better positioned to learn about the CERT Act funding opportunity and to obtain authorization to participate. **Individuals applying for the discounted/free enrollment would need to provide documentation of their circumstances and eligibility to the training program or certification organization.** Qualifying programs would administer the scholarships to eligible individuals, avoiding the need for resource-intensive federal government review of individual applications.

**The proposed funding mechanism for the CERT Act is similar to the paid leave provisions of the Families First Coronavirus Response Act.** The participating programs/organizations would provide the cost reduction directly to eligible individuals and then apply for a payroll tax credit, supported by the necessary documentation. Since most private certification organizations and many educational programs are nonprofits that do not pay business income taxes, a payroll tax credit would be an inclusive mechanism for distributing the funds to both nonprofit and for-profit participating entities. The CERT Act authorizes an appropriation to cover the resulting shortfall in payroll taxes.

*Department of Labor Approval of Reputable Certification and Training Programs*

**As a central component of this program, the U.S. Department of Labor (DOL) would approve applications from certification organizations and training programs to be recognized as qualified entities to offer Career Rebuilding Scholarships.** The CERT Act

directs the DOL to approve participation by certification programs and training programs that:

- Are accredited by a nationally recognized accreditor of training programs or certification programs;
- Issue a credential that is required for licensure in the profession by any state; or
- Meet criteria for recognized certification or training programs established by the DOL.

With this approach, organizations and programs that have already established their value and rigor through accreditation or recognition by licensure laws will quickly be able to offer federally funded scholarships to eligible individuals, but other certification and training programs would also have a pathway to DOL recognition.

**The CERT Act would also create, for the first time, a federal directory of approved, legitimate training and certification programs on which state workforce development initiatives can rely** and that individuals could consult to find a reliable list of quality credentialing and training programs that can help them rebuild their careers.

#### *Career Rebuilding Scholarships Beyond the Pandemic*

The CERT Act designates individuals who were unemployed, furloughed, or underemployed during 2020 or 2021 as eligible for the federally funded scholarships for training or certification programs completed by 2023. The CERT Act structure and directory of approved programs, however, could also be used in the future, if Congress decides to extend Career Rebuilding Scholarship eligibility to workers seeking training or credentials to transition to “green economy” jobs, underemployed or stay-at-home parents seeking to restart a career, veterans and their spouses making the transition to civilian employment, or other priority groups.

#### **The PCC’s Support for the Freedom to Invest in Tomorrow’s Workforce Act**

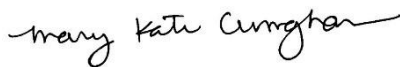
**The Freedom to Invest in Tomorrow’s Workforce Act**, introduced in both the House and the Senate in March 2021 (H.R. 2171/ S. 905), would provide Americans a valuable incentive to save money in tax-favorable accounts on their own behalf or for others, with the funds used to pursue training and professional advancement opportunities that will help more people enter and thrive in the workforce. Specifically, the legislation would amend the Internal Revenue Code to permit beneficiaries to use funds in 529 plans for expenses associated with obtaining and maintaining postsecondary credentials, including costs related to taking examinations and certification maintenance, such as practice exams, test preparation materials, exam fees, continuing education fees, and renewal dues. By enabling individuals to use 529 funds to cover certification-related education and examinations, the legislation would greatly expand the reach of 529 benefits to cover a much broader and more diverse group of individuals seeking to enter the workforce or advance in their occupations, including the fifty percent of Americans whose educational attainment levels never included college, according to Census data.

The PCC views the Freedom to Invest in Tomorrow's Workforce Act as an important measure to ease the financial burden on individuals seeking to apply for or maintain certification, as well as those who are seeking opportunities for career growth by obtaining a credential allowing them to switch careers or advance in their chosen fields, either in addition to or as an alternative to a traditional four-year college degree. While the CERT Act provides funding and opportunities to those experiencing job displacement as a result of the pandemic, the Freedom to Invest in Tomorrow's Workforce Act provides an incentive and tax benefits for any American to access those opportunities, now or in the future, and to invest in career development for themselves or their families. Accordingly, the PCC regards both initiatives as key components in supporting expanded opportunities for Americans and building a stronger workforce.

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Thank you for your leadership on this important issue for our country's families, workers, and employers. The PCC looks forward to working with the HELP Committee to achieving enactment of meaningful workforce development legislation that will spur job growth, wage increases, and economic development. If you would like to discuss our comments further, please feel free to reach out to Craig Saperstein, Partner at Pillsbury and legal counsel to the PCC, at [craig.saperstein@pillsburylaw.com](mailto:craig.saperstein@pillsburylaw.com).

Sincerely,



Mary Kate Cunningham, CAE  
Senior Vice President, Public Policy  
ASAE: The Center for Association Leadership  
Co-Chair, Steering Committee,  
Professional Certification Coalition



Denise Roosendaal, CAE  
Executive Director  
Institute for Credentialing Excellence  
Co-Chair, Steering Committee,  
Professional Certification Coalition

## Current List of PCC Members

ABRET Neurodiagnostic  
Credentialing & Accreditation  
(ABRET)

ABSA International: the  
Association for Biosafety and  
Biosecurity (ABSA)

Academy of Nutrition and Dietetics  
(AND)

Academy for Certification of Vision  
Rehabilitation & Education  
Professionals (ACVREP)

Alliance of Hazardous Materials  
Professionals

American Association of Post-  
Acute Care Nurses (AAPACN)

American Association of Critical-  
Care Nurses (AACN)

American Association of  
Neuromuscular & Electrodagnostic  
Medicine (AANEM)

American Association of  
Professional Landmen

American Board for Certification in  
Orthotics, Prosthetics and  
Pedorthics (ABCOP)

American Board of Certification for  
Gastroenterology Nurses (ABCGN)

American Board of Neuroscience  
Nursing (ABNN)

American Board of Post-Acute and  
Long-Term Care Medicine  
(ABPLM)

American Board of Foot and Ankle  
Surgery (ABFAS)

American Board of Wound  
Management (ABWM)

American Industrial Hygiene  
Association (AIHA)

American Medical Certification  
Association (AMCA)

American Nurses Credentialing  
Center (ANCC)

American Payroll Association  
(APA)

American Society of Association  
Executives (ASAE)

American Society of Civil  
Engineers (ASCE)

American Speech-Language-  
Hearing Association (ASHA)

American Traffic Safety Services  
Association (ATSSA)

American Translators Association  
(ATA)

American Veterinary Medical  
Association (AVMA)

Association for Financial  
Counseling & Planning Education  
(AFCPE)

Association for Financial  
Professionals (AFP)

Association of Surgical  
Technologists (AST)

Behavior Analyst Certification  
Board (BACB)

Building Industry Consulting  
Service International (BICSI)

Board of Certification/Accreditation  
(BOC)

Board of Certified Safety  
Professionals (BCSP)

Board of Pharmacy Specialties  
(BPS)

Building Commissioning  
Certification Board (BCCB)

CCIM Institute (issues the Certified  
Commercial Investment Member  
designation)

CFA Institute

Certification Board for Music  
Therapists (CBMT)

Certification Board of Infection  
Control and Epidemiology (CBIC)

Certification Council for  
Professional Dog Trainers

Certified Financial Planner Board of  
Standards (CFP)

Certified Fund Raising Executive  
International (CFRE)

Commercial Real Estate  
Certification Institute

Commission for Case Manager  
Certification (CCMC)

Commission on Nurse Certification  
(CNC)

CompTIA

Community Association Institute  
(CAI)

Construction Management  
Association of America (CMAA)

Council of Engineering and  
Scientific Specialty Boards (CESB)

Dental Assisting National Board  
(DANB)

Diving Equipment and Marketing  
Association (DEMA)

Entertainment Services and  
Technology Association (ESTA)

ETA International (ETA)

Financial Planning Association  
(FPA)

Hearth, Patio, & Barbecue  
Education Foundation

Heuristic Solutions

Hospice and Palliative  
Credentialing Center (HPCC)

Institute for Credentialing  
Excellence (ICE)

Institute of Certified Management  
Accountants (ICMA)

Institute of Hazardous Materials  
Management (IHMM)

Institute of Internal Auditors (IIA)

Inteleos (includes the American  
Registry for Diagnostic Medical  
Sonography (ARDMS) and the  
Alliance for Physician Certification  
& Advancement (APCA))

Irrigation Association

International Association of  
Healthcare Central Service Materiel  
Management (IAHCMM)

International Association of  
Lighting Designers (IALD)

International Coach Federation  
(ICF)

International Foundation for Retirement Education (InFRE)	Hearing Instrument Sciences (NBC-HIS)	Nephrology Nursing Certification Commission
International Society of Automation (ISA)	National Kitchen and Bath Association (NKBA)	Oncology Nursing Certification Corporation
Institute of Real Estate Management (IREM)	National Board of Certification in Occupational Therapy (NBCOT)	Professional Association of Therapeutic Horsemanship International (PATH)
International Information System Security Certification Consortium (ISC <sup>2</sup> )	National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)	Pediatric Nursing Certification Board (PNCB)
IT Certification Council (ITCC)	Certification Board for Diabetes Care and Education (CBDCE)	Pharmacy Technician Certification Board (PTCB)
Laborers' International Union of North America Training & Education Fund (LIUNA)	National Certification Corporation (NCC)	PSI Services
Medical-Surgical Nursing Certification Board (MSNCB)	National Commission on Certification of Physician Assistants (NCCPA)	Pearson Vue
National Association of Legal Assistants, Inc. (NALA)	National Commission for Health Education Credentialing	QualityPro
National Association of Insurance and Financial Advisors (NAIFA)	National Council on Family Relations (NCFR)	School Nutrition Association (SNA)
National Association of Personal Financial Advisors (NAPFA)	National Recreation and Park Association (NRPA)	SeaCrest Consulting
National Athletic Trainers' Association Board of Certification, Inc. (BOC)	National Restaurant Association (NRA)	Security Industry Association
National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)	National Roofing Contractors Association (NRCA)	Society of Broadcast Engineers (SBE)
National Board of Certification in	National Society of Professional Engineers (NSPE)	Specialty Pharmacy Certification Board (SPCB)
		Spray Polyurethane Foam Alliance (SPFA)
		Towing and Recovery Association of America, Inc. (TRA)