

(July 1, 1944, ch. 373, title VIII, §846A, as added Pub. L. 107-205, title II, §203, Aug. 1, 2002, 116 Stat. 817; amended Pub. L. 111-148, title V, §5311(a), Mar. 23, 2010, 124 Stat. 631.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-148, §5311(a)(1), substituted “School of nursing student loan fund” for “Establishment” in heading and inserted “accredited” before “school” in text.

Subsec. (c)(2). Pub. L. 111-148, §5311(a)(2)(A), substituted “\$35,500, during fiscal years 2010 and 2011 fiscal years (after fiscal year 2011, such amounts shall be adjusted to provide for a cost-of-attendance increase for the yearly loan rate and the aggregate loan;” for “\$30,000, plus any amount determined by the Secretary on an annual basis to reflect inflation;”.

Subsec. (c)(3)(A). Pub. L. 111-148, §5311(a)(2)(B), inserted “an accredited” before “a school of nursing”.

Subsec. (e). Pub. L. 111-148, §5311(a)(3), substituted “an accredited school” for “a school”.

Subsec. (f). Pub. L. 111-148, §5311(a)(4), substituted “2010 through 2014” for “2003 through 2007”.

§ 297o. Eligible individual student loan repayment

(a) In general

The Secretary, acting through the Administrator of the Health Resources and Services Administration, may enter into an agreement with eligible individuals for the repayment of education loans, in accordance with this section, to increase the number of qualified nursing faculty.

(b) Agreements

Each agreement entered into under this subsection shall require that the eligible individual shall serve as a full-time member of the faculty of an accredited school of nursing, for a total period, in the aggregate, of at least 4 years during the 6-year period beginning on the later of—

- (1) the date on which the individual receives a master’s or doctorate nursing degree from an accredited school of nursing; or
- (2) the date on which the individual enters into an agreement under this subsection.

(c) Agreement provisions

Agreements entered into pursuant to subsection (b) shall be entered into on such terms and conditions as the Secretary may determine, except that—

- (1) not more than 10 months after the date on which the 6-year period described under subsection (b) begins, but in no case before the individual starts as a full-time member of the faculty of an accredited school of nursing¹ the Secretary shall begin making payments, for and on behalf of that individual, on the outstanding principal of, and interest on, any loan of that individual obtained to pay for such degree;
- (2) for an individual who has completed a master’s in nursing or equivalent degree in nursing—
 - (A) payments may not exceed \$10,000 per calendar year; and
 - (B) total payments may not exceed \$40,000 during the 2010 and 2011 fiscal years (after fiscal year 2011, such amounts shall be ad-

justed to provide for a cost-of-attendance increase for the yearly loan rate and the aggregate loan); and

(3) for an individual who has completed a doctorate or equivalent degree in nursing—

- (A) payments may not exceed \$20,000 per calendar year; and
- (B) total payments may not exceed \$80,000 during the 2010 and 2011 fiscal years (adjusted for subsequent fiscal years as provided for in the same manner as in paragraph (2)(B)).

(d) Breach of agreement

(1) In general

In the case of any agreement made under subsection (b), the individual is liable to the Federal Government for the total amount paid by the Secretary under such agreement, and for interest on such amount at the maximum legal prevailing rate, if the individual fails to meet the agreement terms required under such subsection.

(2) Waiver or suspension of liability

In the case of an individual making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such paragraph if compliance by the individual with the agreement involved is impossible or would involve extreme hardship to the individual or if enforcement of the agreement with respect to the individual would be unconscionable.

(3) Date certain for recovery

Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

(4) Availability

Amounts recovered under paragraph (1) shall be available to the Secretary for making loan repayments under this section and shall remain available for such purpose until expended.

(e) Eligible individual defined

For purposes of this section, the term “eligible individual” means an individual who—

- (1) is a United States citizen, national, or lawful permanent resident;
- (2) holds an unencumbered license as a registered nurse; and
- (3) has either already completed a master’s or doctorate nursing program at an accredited school of nursing or is currently enrolled on a full-time or part-time basis in such a program.

(f) Priority

For the purposes of this section and section 297n-1 of this title, funding priority will be awarded to School of Nursing Student Loans² that support doctoral nursing students or Individual Student Loan Repayment³ that support doctoral nursing students.

²So in original. Probably should not be capitalized.

³So in original. Probably should be “individual student loan repayments”.

¹So in original. Probably should be followed by a comma.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014. (July 1, 1944, ch. 373, title VIII, § 847, as added Pub. L. 111-148, title V, § 5311(b), Mar. 23, 2010, 124 Stat. 632.)

PRIOR PROVISIONS

A prior section 847 of act July 1, 1944, was classified to section 297n of this title prior to repeal by Pub. L. 102-408.

A prior section 297q, act July 1, 1944, ch. 373, title VIII, § 841, as added Pub. L. 105-392, title I, § 123(5), Nov. 13, 1998, 112 Stat. 3569, was renumbered section 871 of act July 1, 1944, and amended by Pub. L. 111-148, title V, §§ 5310(b)(7), 5312, Mar. 23, 2010, 124 Stat. 631, 633, and transferred to section 298d of this title.

PART F—NATIONAL ADVISORY COUNCIL ON
NURSE EDUCATION AND PRACTICE

CODIFICATION

Pub. L. 111-148, title V, § 5310(b)(8)(B), Mar. 23, 2010, 124 Stat. 631, redesignated part G “National Advisory Council on Nurse Education and Practice” as F.

PRIOR PROVISIONS

A prior part F, consisting of section 297q, was redesignated part I (§ 298d) of this subchapter.

§ 297t. National Advisory Council on Nurse Education and Practice**(a) Establishment**

The Secretary shall establish an advisory council to be known as the National Advisory Council on Nurse Education and Practice (in this section referred to as the “Advisory Council”).

(b) Composition**(1) In general**

The Advisory Council shall be composed of—

(A) not less than 21, nor more than 23 individuals, who are not officers or employees of the Federal Government, appointed by the Secretary without regard to the Federal civil service laws, of which—

(i) 2 shall be selected from full-time students enrolled in schools of nursing;

(ii) 2 shall be selected from the general public;

(iii) 2 shall be selected from practicing professional nurses; and

(iv) 9 shall be selected from among the leading authorities in the various fields of nursing, higher, secondary education, and associate degree schools of nursing, and from representatives of advanced education nursing groups (such as nurse practitioners, nurse midwives, and nurse anesthetists), hospitals, and other institutions and organizations which provide nursing services; and

(B) the Secretary (or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson)).

(2) Appointment

Not later than 90 days after November 13, 1998, the Secretary shall appoint the members

of the Advisory Council and each such member shall serve a 4 year term. In making such appointments, the Secretary shall ensure a fair balance between the nursing professions, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved. A majority of the members shall be nurses.

(3) Minority representation

In appointing the members of the Advisory Council under paragraph (1), the Secretary shall ensure the adequate representation of minorities.

(c) Vacancies**(1) In general**

A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(2) Filling unexpired term

An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) Duties

The Advisory Council shall—

(1) provide advice and recommendations to the Secretary and Congress concerning policy matters arising in the administration of this subchapter, including the range of issues relating to the nurse workforce, education, and practice improvement;

(2) provide advice to the Secretary and Congress in the preparation of general regulations and with respect to policy matters arising in the administration of this subchapter, including the range of issues relating to nurse supply, education and practice improvement; and

(3) not later than 3 years after November 13, 1998, and annually thereafter, prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this subchapter.

(e) Meetings and documents**(1) Meetings**

The Advisory Council shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this subchapter where appropriate.

(2) Documents

Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Council shall prepare and make available an agenda of the matters to be considered by the Advisory Council at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting,