

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.

AMENDMENTS

2020—Subsec. (g). Pub. L. 116-136 struck out subsec. (g). Text read as follows: “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.”

PART F—NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE

Editorial Notes

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, nurse anesthetists, and clinical nurse specialists), 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 2 years after March 27, 2020, and annually thereafter, prepare and submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and 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, the Advisory Council shall prepare and make available a summary of the meeting and any actions taken by the Council based upon the meeting.

(f) Compensation and expenses**(1) Compensation**

Each member of the Advisory Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) Expenses

The members of the Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the Council.

(g) Funding

Amounts appropriated for carrying out parts B, C, and D may be utilized by the Secretary to support the nurse education and practice activities of the Council.

(h) Chapter 10 of title 5

Chapter 10 of title 5 shall apply to the Advisory Committee under this section only to the extent that the provisions of chapter 10 of title 5 do not conflict with the requirements of this section.

(July 1, 1944, ch. 373, title VIII, §851, formerly §845, as added Pub. L. 105-392, title I, §123(5), Nov. 13, 1998, 112 Stat. 3572; renumbered §851, Pub. L. 111-148, title V, §5310(b)(8)(A), Mar. 23, 2010, 124 Stat. 631; amended Pub. L. 116-136, div. A, title III, §3404(a)(11), Mar. 27, 2020, 134 Stat. 394; Pub. L. 116-260, div. BB, title III, §331(b), Dec. 27, 2020, 134 Stat. 2938; Pub. L. 117-286, §4(a)(240), Dec. 27, 2022, 136 Stat. 4332.)

Editorial Notes

CODIFICATION

November 13, 1998, referred to in subsec. (b)(2), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 105-392, which enacted this part, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 851 of act July 1, 1944, was renumbered section 861 and classified to section 297w of this title, prior to repeal by Pub. L. 116-136.

Another prior section 851 of act July 1, 1944, was classified to section 298 of this title, prior to repeal by Pub. L. 105-392.

AMENDMENTS

2022—Subsec. (h). Pub. L. 117-286 substituted “Chapter 10 of title 5” for “FACA” in heading and “Chapter 10 of title 5 shall apply to the Advisory Committee under this section only to the extent that the provisions of chapter 10 of title 5” for “The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act” in text.

2020—Subsec. (b)(1)(A)(iv). Pub. L. 116-136, §3404(a)(11)(A), substituted “nurse anesthetists, and clinical nurse specialists” for “and nurse anesthetists”.

Subsec. (d)(3). Pub. L. 116-260 substituted “Coronavirus Aid, Relief, and Economic Security Act” for “Title VIII Nursing Reauthorization Act” in the original, and accordingly, “the date of enactment of the Coronavirus Aid, Relief, and Economic Security Act” was translated to “March 27, 2020”. The Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136, was approved Mar. 27, 2020.

Pub. L. 116-136, §3404(a)(11)(B), substituted “2 years after the date of enactment of the Title VIII Nursing Reauthorization Act” for “3 years after November 13, 1998” and “Health, Education, Labor, and Pensions” for “Labor and Human Resources” and inserted “Energy and” before “Commerce”.

Subsec. (g). Pub. L. 116-136, §3404(a)(11)(C), substituted “for carrying out parts B, C, and D” for “under this subchapter”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2020 AMENDMENT

Amendment by Pub. L. 116-260 effective as if included in the enactment of Pub. L. 116-136, see section 331(d) of div. BB of Pub. L. 116-260, set out as a note under section 294c of this title.

TERMINATION OF ADVISORY COMMITTEES

Pub. L. 93-641, §6, Jan. 4, 1975, 88 Stat. 2275, set out as a note under section 217a of this title, provided that an advisory committee established pursuant to the Public Health Service Act shall terminate at such time as may be specifically prescribed by an Act of Congress enacted after Jan. 4, 1975.

PART G—PUBLIC SERVICE ANNOUNCEMENTS

Editorial Notes

CODIFICATION

Pub. L. 111-148, title V, §5310(b)(9)(B), Mar. 23, 2010, 124 Stat. 631, redesignated part H “Public Service Announcements” as G.

PRIOR PROVISIONS

A prior part G, consisting of section 297t, was redesignated part F of this subchapter.

§§ 297w, 297x. Repealed. Pub. L. 116-136, div. A, title III, §3404(a)(12), Mar. 27, 2020, 134 Stat. 394

Section 297w, act July 1, 1944, ch. 373, title VIII, §861, formerly §851, as added Pub. L. 107-205, title I, §102, Aug. 1, 2002, 116 Stat. 812; renumbered §861, Pub. L. 111-148, title V, §5310(b)(9)(A), Mar. 23, 2010, 124 Stat. 631, related to public service announcements by the Secretary to promote the nursing profession.

A prior section 861 of act July 1, 1944, was classified to section 298c of this title, prior to the reorganization and amendment of this subchapter by Pub. L. 90-490.

Another prior section 861 of act July 1, 1944, was classified to section 298c-1 of this title, prior to renumbering as section 846 by Pub. L. 94-63, transfer to section 297k of this title, and subsequent repeal.

Section 297x, act July 1, 1944, ch. 373, title VIII, §862, formerly §852, as added Pub. L. 107-205, title I, §102, Aug. 1, 2002, 116 Stat. 812; renumbered §862, Pub. L. 111-148, title V, §5310(b)(9)(A), Mar. 23, 2010, 124 Stat. 631, related to State and local public service announcements to promote the nursing profession.

A prior section 862 of act July 1, 1944, was classified to section 298c-1 of this title, prior to the reorganization and amendment of this subchapter by Pub. L. 90-490.