

in the work of the Council, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707). Appointed members of the Council may not be employed by the Federal Government.

(c) To the extent provided by law and subject to the availability of appropriations, the Department of Agriculture shall provide the Council with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

SEC. 6. *General provision.* Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to the Council shall be performed by the Secretary of Agriculture, in accordance with guidelines and procedures established by the Administrator of General Services.

SEC. 7. The Council shall terminate 10 years after the final comprehensive plan is prepared under section 103 of the Act.

GEORGE BUSH.

### § 5332. Functions of Council

The Council shall—

(1) provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan;

(2) evaluate the scientific and technical quality of the comprehensive plan and the effectiveness of the coordinated program;

(3) recommend to the Secretaries, on an annual basis, means of enhancing the comprehensive plan and the coordinated program; and

(4) submit to the Secretaries annual reports that—

(A) shall contain the components specified in paragraphs (2) and (3); and

(B) shall be included in full in the biennial reports of the Secretaries to the President for transmittal to Congress under section 5312(b) of this title.

(Pub. L. 101–445, title II, §202, Oct. 22, 1990, 104 Stat. 1042.)

## SUBCHAPTER III—DIETARY GUIDANCE

### § 5341. Establishment of dietary guidelines

#### (a) Report

##### (1) In general

At least every five years the Secretaries shall publish a report entitled “Dietary Guidelines for Americans”. Each such report shall contain nutritional and dietary information and guidelines for the general public, and shall be promoted by each Federal agency in carrying out any Federal food, nutrition, or health program.

##### (2) Basis of guidelines

The information and guidelines contained in each report required under paragraph (1) shall be based on the preponderance of the scientific and medical knowledge which is current at the time the report is prepared.

##### (3) Pregnant women and young children

Not later than the 2020 report and in each report thereafter, the Secretaries shall include

national nutritional and dietary information and guidelines for pregnant women and children from birth until the age of 2.

#### (b) Approval by Secretaries

##### (1) Review

Any Federal agency that proposes to issue any dietary guidance for the general population or identified population subgroups shall submit the text of such guidance to the Secretaries for a sixty-day review period.

##### (2) Basis of review

###### (A) In general

During the sixty-day review period established in paragraph (1), the Secretaries shall review and approve or disapprove such guidance to assure that the guidance either is consistent with the “Dietary Guidelines for Americans” or that the guidance is based on medical or new scientific knowledge which is determined to be valid by the Secretaries. If after such sixty-day period neither Secretary notifies the proposing agency that such guidance has been disapproved, then such guidance may be issued by the agency. If both Secretaries disapprove of such guidance, it shall be returned to the agency. If either Secretary finds that such guidance is inconsistent with the “Dietary Guidelines for Americans” and so notifies the proposing agency, such agency shall follow the procedures set forth in this subsection before disseminating such proposal to the public in final form. If after such sixty-day period, either Secretary disapproves such guidance as inconsistent with the “Dietary Guidelines for Americans” the proposing agency shall—

(i) publish a notice in the Federal Register of the availability of the full text of the proposal and the preamble of such proposal which shall explain the basis and purpose for the proposed dietary guidance;

(ii) provide in such notice for a public comment period of thirty days; and

(iii) make available for public inspection and copying during normal business hours any comment received by the agency during such comment period.

###### (B) Review of comments

After review of comments received during the comment period either Secretary may approve for dissemination by the proposing agency a final version of such dietary guidance along with an explanation of the basis and purpose for the final guidance which addresses significant and substantive comments as determined by the proposing agency.

###### (C) Announcement

Any such final dietary guidance to be disseminated under subparagraph (B) shall be announced in a notice published in the Federal Register, before public dissemination along with an address where copies may be obtained.

###### (D) Notification of disapproval

If after the thirty-day period for comment as provided under subparagraph (A)(ii), both

Secretaries disapprove a proposed dietary guidance, the Secretaries shall notify the Federal agency submitting such guidance of such disapproval, and such guidance may not be issued, except as provided in subparagraph (E).

**(E) Review of disapproval**

If a proposed dietary guidance is disapproved by both Secretaries under subparagraph (D), the Federal agency proposing such guidance may, within fifteen days after receiving notification of such disapproval under subparagraph (D), request the Secretaries to review such disapproval. Within fifteen days after receiving a request for such a review, the Secretaries shall conduct such review. If, pursuant to such review, either Secretary approves such proposed dietary guidance, such guidance may be issued by the Federal agency.

**(3) Limitation on definition of guidance**

For purposes of this subsection, the term “dietary guidance for the general population” does not include any rule or regulation issued by a Federal agency.

**(4) “Identified population subgroups” defined**

For purposes of this subsection, the term “identified population subgroups” shall include, but not be limited to, groups based on factors such as age, sex, or race.

**(c) Existing authority not affected**

This section does not place any limitations on—

- (1) the conduct or support of any scientific or medical research by any Federal agency;
- (2) the presentation of any scientific or medical findings or the exchange or review of scientific or medical information by any Federal agency; or
- (3) the authority of the Food and Drug Administration under the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321<sup>1</sup> et seq.).

(Pub. L. 101-445, title III, § 301, Oct. 22, 1990, 104 Stat. 1042; Pub. L. 113-79, title IV, § 4204, Feb. 7, 2014, 128 Stat. 822.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (c)(3), is act June 25, 1938, ch. 675, 52 Stat. 1040, which is classified generally to chapter 9 (§ 301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

**AMENDMENTS**

2014—Subsec. (a)(3). Pub. L. 113-79 added par. (3).

**§ 5342. Nutrition training report**

The Secretary of Health and Human Services, in consultation with the Secretaries of Agriculture, Education, and Defense, and the Director of the National Science Foundation, shall submit, within one year after October 22, 1990, a

report describing the appropriate Federal role in assuring that students enrolled in United States medical schools and physicians practicing in the United States have access to adequate training in the field of nutrition and its relationship to human health.

(Pub. L. 101-445, title III, § 302, Oct. 22, 1990, 104 Stat. 1044.)

**CHAPTER 85—ADMINISTRATION OF ENVIRONMENTAL PROGRAMS**

Sec.	
5401.	Establishment of Agricultural Council on Environmental Quality.
5402.	Office of Agricultural Environmental Quality.
5403.	Environmental Quality Policy Statement.
5404.	Good Neighbor Environmental Board.
5405.	Agricultural air quality research oversight.

**§ 5401. Establishment of Agricultural Council on Environmental Quality**

**(a) Establishment**

The Secretary shall establish an Agricultural Council on Environmental Quality in the Department of Agriculture (hereafter in this chapter referred to as the “Council”). The Council shall be under the direct authority of the Secretary, and shall be responsible for carrying out the provisions of this chapter, and for coordination and direction of all environmental policies and programs of the Department.

**(b) Membership**

Membership of the Council shall consist of the Secretary, the Deputy Secretary, the Assistant Secretary for Natural Resources and Environment, the Assistant Secretary for Science and Education, other under and assistant secretaries as may be designated by the Secretary, and the Director of the Office of Agricultural Environmental Quality, established in section 5402 of this title, who shall serve as the Executive Director of the Council. The Secretary shall designate a member of the Council, other than the Executive Director, as chair of the Council.

(Pub. L. 101-624, title XIV, § 1471, Nov. 28, 1990, 104 Stat. 3619.)

**§ 5402. Office of Agricultural Environmental Quality**

**(a) Establishment**

The Secretary shall establish an Office of Agricultural Environmental Quality in the Department of Agriculture (hereafter in this chapter referred to as the “Office”).

**(b) Director**

The Office shall be administered by a director who shall be appointed by the Secretary. The Director shall be an individual who has demonstrated technical expertise and experience in agricultural and environmental matters.

**(c) Staff**

**(1) Appointments**

The Director may appoint such employees as may be necessary to assist the Director in carrying out this section. Such employees shall include individuals who have professional expertise in matters related to environmental

<sup>1</sup> So in original. Probably should be “301”.