

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. 301 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.)

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, as amended, 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 quality, including (but not limited to) agricultural production, water quality, wetland, wildlife conservation, soil conservation, and agricultural chemical usage.

**(2) Liaisons**

The Administrator of the Environmental Protection Agency and the Secretary of the Interior shall detail to the Office upon request of the Secretary, on a reimbursable basis, at least one employee, respectively, with expertise in matters related to agriculture and environmental quality. Such detailed employees shall serve as a liaison for their respective agencies with the Department of Agriculture to assist the Director in carrying out the provisions of this section. The term of the detail shall not exceed 3 years.

**(3) Additional staff**

Upon request of the Secretary, the head of any Federal agency is authorized to detail, on

a reimbursable basis, employees of such agency to the Office to assist the Director.

**(d) Duties of Director**

**(1) In general**

The Director shall assist the Council in developing a departmental and agency-specific environmental quality policy statement and implementation plan and an annual agricultural environmental quality report, as specified in section 5403 of this title. The Director shall coordinate and monitor the activities of the Department regarding initiatives and programs related to environmental quality and the interpretation of departmental policies affecting environmental quality. The Director shall serve as a member of the Council and as its Executive Director.

**(2) Additional duties**

The Director shall also be responsible for—

(A) recommending to the Council environmental protection goals and specific programs, initiatives, and policies that will balance the needs of production agriculture with environmental concerns;

(B) providing advice to the Council on the development, implementation, and review of activities of agencies of the Department to ensure consistency with the Department's environmental protection goals;

(C) coordinating environmental policy within the Department through the program managers, and between the Department and other Federal agencies, regional authorities, State and local governments, land-grant and other colleges and universities, and non-profit and commercial organizations, regarding programs and actions relating to environmental quality;

(D) serving as a coordinator for the Department's data, information, programs, and initiatives dealing with environmental quality;

(E) developing the plans and reports required as specified by this chapter; and

(F) providing such staff as may be necessary to support the activities of the Council.

(Pub. L. 101-624, title XIV, §1472, Nov. 28, 1990, 104 Stat. 3619.)

**§ 5403. Environmental Quality Policy Statement**

**(a) Environmental Quality Policy Statement, implementation plan, and annual report**

**(1) Policy statement**

The Council shall develop an Environmental Quality Policy Statement that identifies goals and objectives for addressing the effects of agriculture on environmental quality. The policy statement shall be based upon an assessment, in accordance with paragraph (2), of the current status and level of effort, in terms of staff and funding, of programs at the Department of Agriculture to evaluate, prevent, and mitigate environmental problems that may result from agricultural production. The policy statement shall be revised at least every 5 years.

**(2) Assessment**

The assessment under paragraph (1) shall include:

(A) Detailed descriptions of the roles of the involved Departmental agencies.

(B) A description of current efforts to coordinate the individual activities of each of the involved departmental agencies.

(C) Recommendations for precluding any undesirable duplication of efforts within the Department and among the Department and other Federal and State programs.

(D) Specific recommendations for new initiatives in monitoring, research, extension, and technical assistance efforts to address present and potential environmental quality problems.

The assessment may incorporate existing documents and planning processes within the Department.

**(b) Implementation plan**

The Director, subject to the approval of the Council, shall prepare a plan to implement the Environmental Quality Policy Statement. The plan shall include an assessment of the activities of each departmental agency to mitigate or reduce any negative effects on environmental quality of agricultural policies, programs, and practices under their respective jurisdictions and shall describe in detail new departmental and agency-specific initiatives intended to achieve the goals and objectives of the policy statement. The plan shall be revised at least every 5 years.

**(c) Annual environmental quality report**

Not later than January 31, 1992, and annually thereafter, the Council, through the Director, shall prepare and submit an annual report to the Congress, other appropriate Federal and State agencies, and the public on the progress being made toward the goals and objectives established in the Environmental Quality Policy Statement. The report shall also include—

(1) a review of the environmental activities and initiatives of the Department during the preceding year;

(2) specific action taken to coordinate the environmental programs of the Department with programs of other Federal agencies and related State programs; and

(3) such recommendations as the Secretary considers appropriate regarding current or additional environmental protection programs, initiatives, or policies that will balance the needs of production agriculture while addressing environmental concerns.

**(d) Authorization of appropriations**

There are hereby authorized to be appropriated annually not to exceed \$2,000,000 to carry out this chapter.

(Pub. L. 101-624, title XIV, §1473, Nov. 28, 1990, 104 Stat. 3620; Pub. L. 102-237, title II, §201(d), Dec. 13, 1991, 105 Stat. 1847.)

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-237, §201(d)(1), substituted “paragraph (2)” for “subparagraph (B)”.

Subsec. (a)(2). Pub. L. 102-237, §201(d)(2), substituted “paragraph (1)” for “subparagraph (A)” in introductory provisions.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-237 effective as if included in the provision of the Food, Agriculture, Conservation,