

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. 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.