

lation 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 subpara-

graph (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.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 sections 1758, 1760.

§ 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.

- Sec.
- (a) Establishment.
(b) Membership.
5402. Office of Agricultural Environmental Quality.
(a) Establishment.
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5405. Agricultural air quality research oversight.
(a) Findings.
(b) Purpose.
(c) Oversight coordination.
(d) Task force.

§ 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 car-

rying 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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5401, 5506 of this title.

§ 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, and Trade Act of 1990, Pub. L. 101-624, to which the amendment relates, see section 1101(b)(1) of Pub. L. 102-237, set out as a note under section 1421 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5402 of this title.

§ 5404. Good Neighbor Environmental Board

(a) Establishment

The President shall establish an advisory board to be known as the Good Neighbor Environmental Board (hereinafter in this section referred to as the “Board”).

(b) Purpose

The purpose of the Board shall be to advise the President and the Congress on the need for implementation of environmental and infrastructure projects (including projects that affect agriculture, rural development, and human nutrition) within the States of the United States contiguous to Mexico in order to improve the quality of life of persons residing on the United States side of the border.

(c) Membership

The Board shall be composed of—

(1) representatives from the United States Government, including a representative from the Department of Agriculture and representatives from other appropriate agencies;

(2) representatives from the governments of the States of Arizona, California, New Mexico, and Texas; and

(3) representatives from private organizations, including community development, academic, health, environmental, and other non-governmental entities with experience and expertise on environmental and infrastructure problems along the southwest border.

(d) Annual reports to President and Congress

(1) In general

The Board shall submit to the President and the Congress of the United States an annual report on—

(A) the environmental and infrastructure projects referred to in subsection (a) of this section that have been implemented, and

(B) the need for the implementation of additional environmental and infrastructure projects.

(2) Transmission of copies to Board members

The Board shall—

(A) transmit to each member of the Board a copy of any report to be submitted pursuant to paragraph (1) at least 14 days before its submission, and

(B) allow each member of the Board to have 14 days within which to prepare and submit supplemental views with respect to the recommendations of the Board for inclusion in such report.

(Pub. L. 102-532, § 6, Oct. 27, 1992, 106 Stat. 3513.)

CODIFICATION

Section was enacted as part of the Enterprise for the Americas Initiative Act of 1992, and not as part of subtitle F (§1471 et seq.) of title XIV of Pub. L. 101-624 which comprises this chapter.

DELEGATION OF AUTHORITY

Authority of President under this section delegated to Administrator of Environmental Protection Agency by section 10 of Ex. Ord. No. 12916, May 13, 1994, 59 F.R. 25780, set out as a note under section 3473 of Title 19, Customs Duties.

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 5405. Agricultural air quality research oversight

(a) Findings

Congress finds that—

(1) various studies have alleged that agriculture is a source of PM-10 emissions;

(2) many of these studies have often been based on erroneous data;

(3) Federal research activities are currently being conducted by the Department of Agriculture to determine the true extent to which agricultural activities contribute to air pollution and to determine cost-effective ways in which the agricultural industry can reduce any pollution that exists; and

(4) any Federal policy recommendations that may be issued by any Federal agency to address air pollution problems related to agriculture or any other industrial activity should be based on sound scientific findings that are subject to adequate peer review and should take into account economic feasibility.

(b) Purpose

The purpose of this section is to encourage the Secretary of Agriculture to continue to strengthen vital research efforts related to agricultural air quality.

(c) Oversight coordination

(1) Intergovernmental cooperation

The Secretary shall, to the maximum extent practicable with respect to the Department of Agriculture and other Federal departments and agencies, ensure intergovernmental cooperation in research activities related to agricultural air quality and avoid duplication of the activities.

(2) Correct data

The Secretary shall, to the maximum extent practicable, ensure that the results of any research related to agricultural air quality conducted by Federal agencies not report erroneous data with respect to agricultural air quality.

(d) Task force

(1) Establishment

The Chief of the National Resources Conservation Service shall establish a task force to address agricultural air quality issues.

(2) Composition

The task force shall be comprised of employees of the Department of Agriculture, industry representatives, and other experts in the fields of agriculture and air quality.

(3) Duties

The task force shall advise the Secretary with respect to the role of the Secretary for providing oversight and coordination related to agricultural air quality.

(Pub. L. 104-127, title III, §391, Apr. 4, 1996, 110 Stat. 1025.)

CODIFICATION

Section was enacted as part of the Federal Agriculture Improvement and Reform Act of 1996, and not as part of subtitle F (§1471 et seq.) of title XIV of Pub. L. 101-624 which comprises this chapter.

CHAPTER 86—WATER QUALITY RESEARCH, EDUCATION, AND COORDINATION

Sec.

5501 to 5505. Repealed.

5506. Water policy with respect to agrichemicals.

(a) Authority.

(b) Effect on existing authority.

(c) Participation.

§§ 5501 to 5505. Repealed. Pub. L. 105-185, title III, § 302(c), June 23, 1998, 112 Stat. 563

Section 5501, Pub. L. 101-624, title XIV, §1481, Nov. 28, 1990, 104 Stat. 3622; Pub. L. 104-127, title VIII, §831, Apr. 4, 1996, 110 Stat. 1168, set forth short title and purpose of chapter, provided definitions, and authorized appropriations.

Section 5502, Pub. L. 101-624, title XIV, §1482, Nov. 28, 1990, 104 Stat. 3622, related to soil and water activities.

Section 5503, Pub. L. 101-624, title XIV, §1483, Nov. 28, 1990, 104 Stat. 3623; Pub. L. 102-237, title II, §201(e), Dec. 13, 1991, 105 Stat. 1847, required establishment of water quality coordination program within each State.

Section 5504, Pub. L. 101-624, title XIV, §1484, Nov. 28, 1990, 104 Stat. 3624, established water quality and nutrient management research program.

Section 5505, Pub. L. 101-624, title XIV, §1485, Nov. 28, 1990, 104 Stat. 3626; Pub. L. 102-237, title II, §201(f), Dec. 13, 1991, 105 Stat. 1847; Pub. L. 104-66, title I, §1011(r), Dec. 21, 1995, 109 Stat. 710, directed establishment of re-