

Appendix A

Regulation Authorizing Nutrition-Related Research and Education

Legislative Authority for USDA's Nutrition Information and Education Activities 1986-1990

In the legislation that established the USDA (Department of Agriculture Organic Act of 1862, 7 U.S.C. 2201), Congress gave the Department authority for nutrition education and information dissemination. The Act called for “the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected to agriculture and rural development.” A 1977 amendment added “. . .aquaculture and human nutrition. . .” to the subjects specified.

The Smith-Lever Act of 1914, directed USDA to undertake cooperative extension work with State and local agriculture agencies “in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics. . .” A 1953 amendment to the Smith-Lever act specified nutrition as well as agriculture and home economics as such information topics and authorized “the necessary printing of information.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 directed the Secretary to carry out the following specific functions related to nutrition education and information: (1) Conduct research in human nutrition education activities; (2) Coordinate research, extension and teaching in the food and agricultural sciences conducted or financed by USDA or by other Federal agencies; (3) Establish a national nutrition education program to disseminate results of food and human nutrition research performed by USDA; (4) Establish a Food and Nutrition Information and Education Resources Center within the National Agricultural Library.

The Human Nutrition Information service (HNIS) of the USDA has been specified for leadership in providing the policy basis for Federal dietary guidance to the public for several years in Conference Reports accompanying the Agricultural, Rural Development, and Related Agencies Appropriation Bill. For example, the Conference Report accompanying House Joint Resolution 395 states, “The National Agricultural Research, Extension and Teaching Policy Act of 1977 defined certain lead agency responsibilities for the Department of Agriculture in nutrition research. In accordance with this law, the conferees will expect the Human Nutrition Information Service to provide the policy basis for issuing Federal nutritional guidance to the public.” This agency has been directed to coordinate with others “to ensure that Government speaks with one voice in issuing the most accurate available nutritional information.”

In addition, the conference committee report on the Rural Development, Agriculture, and Related Agencies Appropriation Act, 1988, states that “The Human Nutrition Information Service, on behalf of the Department of Agriculture and in conjunction with the Department of Health and Human Services, shall reestablish a Dietary Guidelines

Advisory Group on a periodic basis. This Advisory Group will review the scientific data relevant to nutritional guidance and make recommendations on appropriate changes to the Secretaries of the Departments of Agriculture and Health and Human Services.”

On October 22, 1990, the National Nutrition Monitoring and Related Research Act of 1990 was enacted (Attachment 7). Title II of the law calls for the Secretaries of Agriculture and health and Human Services to publish a report entitled, “Dietary Guidelines for Americans” at least every five years. This report will contain nutritional and dietary guidance for the general public. In addition, the law calls for approval by both Secretaries of any dietary guidance for the general population prior to the release of that information to ensure that the guidance is consistent with the “Dietary Guidelines” or is based on new medical or scientific knowledge determined to be valid by the Secretaries.