

119TH CONGRESS
1ST SESSION

S. 1129

To amend the National Nutrition Monitoring and Related Research Act of 1990 to improve the dietary guidelines, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 25, 2025

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the National Nutrition Monitoring and Related Research Act of 1990 to improve the dietary guidelines, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dietary Guidelines Re-
5 form Act of 2025”.

6 **SEC. 2. ESTABLISHMENT OF DIETARY GUIDELINES.**

7 (a) IN GENERAL.—Section 301(a) of the National
8 Nutrition Monitoring and Related Research Act of 1990
9 (7 U.S.C. 5341(a)) is amended—

10 (1) in paragraph (1)—

1 (A) by striking the paragraph designation
2 and heading and all that follows through “five
3 years” in the first sentence and inserting the
4 following:

5 “(1) IN GENERAL.—At least every 10 years,”;
6 and

7 (B) by adding at the end the following:
8 “Rulemaking requirements under section 553 of
9 title 5, United States Code, shall apply to the
10 development of each report under this para-
11 graph.”;

12 (2) by indenting paragraphs (2) and (3) appro-
13 priately;

14 (3) in paragraph (2), by striking “shall” and all
15 that follows through the period at the end and in-
16 serting the following: “shall—

17 “(A) be based on significant scientific
18 agreement that is determined by evidence-based
19 review (as defined in paragraph (9)(A));

20 “(B) be current at the time that the report
21 is prepared;

22 “(C) be derived from the questions gen-
23 erated under paragraph (5)(E);

24 “(D) address high-priority areas of concern
25 to advance health outcomes;

“(E) be designed to achieve nutritional adequacy and promote health, as specified by the Food and Nutrition Board of the National Academies of Sciences, Engineering, and Medicine, through the consumption of food, including nutrients and bioactive food components occurring naturally and in fortified foods;

“(F) include nutritional and dietary information relevant to individuals with common nutrition-related chronic diseases, as defined by the Centers for Disease Control and Prevention; and

“(G) include recommendations that are affordable, available, and accessible for the general population.”;

(4) by redesignating paragraph (3) as paragraph (8);

(5) by inserting after paragraph (2) the following:

“(3) FREQUENCY.—The Secretaries may publish the report required under paragraph (1) more frequently than required under that paragraph if the Secretaries determine that more frequent publication is necessary to promote health based on updated dietary reference intake values specified by—

1 “(A) the Food and Nutrition Board of the
2 National Academies of Sciences, Engineering,
3 and Medicine; and

4 “(B) other relevant scientific advancements
5 based on continuous review of the totality of
6 publicly available scientific evidence.

7 “(4) NOTIFICATION OF UPDATE.—

8 “(A) IN GENERAL.—Not later than 90
9 days before the Secretaries plan to update a re-
10 port under paragraph (1), the Secretaries shall
11 submit notification of that plan, in writing, to
12 the Committees on Agriculture, Nutrition, and
13 Forestry and Health, Education, Labor, and
14 Pensions of the Senate and the Committees on
15 Agriculture and Energy and Commerce of the
16 House of Representatives.

17 “(B) JUSTIFICATION.—The notification
18 under subparagraph (A) shall include a jus-
19 tification for updating the report.

20 “(5) INDEPENDENT ADVISORY BOARD.—

21 “(A) IN GENERAL.—Not later than 90
22 days after the Secretaries submit a notification
23 under paragraph (4)(A), the Secretaries shall
24 establish an Independent Advisory Board (re-
25 ferred to in this paragraph as the ‘Board’).

1 “(B) MEMBERS.—The Board shall com-
2 prise not more than 8 members, of which—

3 “(i) 4 shall be appointed by the Secre-
4 taries, 2 of whom shall not be Federal em-
5 ployees; and

6 “(ii) 1 shall be appointed by each of
7 the highest-ranking Member on each Com-
8 mittee described in paragraph (4)(A) of
9 the opposite political party of the President
10 of the United States.

11 “(C) EXPERTISE.—Each member ap-
12 pointed to the Board shall have expertise in nu-
13 trition science or food science, including aca-
14 demic and applied experience.

15 “(D) MEETINGS.—

16 “(i) IN GENERAL.—The first meeting
17 of the Board shall take place on or after
18 the date that is 90 days after the Secre-
19 taries submit a notification under para-
20 graph (4)(A).

21 “(ii) QUORUM.—A $\frac{6}{8}$ majority of the
22 members shall constitute a quorum for the
23 transaction of the business of the Board.

24 “(E) DUTIES.—Not later than 1 year after
25 the establishment of the Board, the Board shall

submit to the Secretaries and the Committees described in paragraph (4)(A) a list of scientific questions based on the proposed report under paragraph (1), which questions shall be used to inform the work of the Secretaries on that report and any relevant work of the Committees described in paragraph (4)(A).

“(F) TERMINATION.—The authority of the Board shall terminate, and the Board shall disband, immediately after carrying out subparagraph (E).

“(6) DIETARY REFERENCE INTAKE UPDATES.—

“(A) IN GENERAL.—The Secretaries shall coordinate with the Joint United States-Canada Dietary Reference Intake Working Group to ensure that the Food and Nutrition Board of the National Academies of Sciences, Engineering, and Medicine update the dietary reference intake values to represent the most up-to-date understanding of nutritional science.

“(B) UPDATES.—The Joint United States-Canada Dietary Reference Intake Working Group is encouraged—

“(i) to initiate at least 1 dietary reference intake update per year; and

1 “(ii) to identify updates that are of
2 highest priority and necessitate review.

3 “(7) EXCLUSION.—The information and guide-
4 lines contained in each report required under para-
5 graph (1) shall not be based on or include topics
6 that are not relevant to dietary guidance, as deter-
7 mined by the Secretaries, in consultation with the
8 Independent Advisory Board established under para-
9 graph (5), including taxation, social welfare policies,
10 purchases under Federal feeding programs, food and
11 agricultural production practices, food labeling, so-
12 cioeconomic status, race, religion, ethnicity, culture,
13 or regulations relating to nutrition.”; and

14 (6) by adding at the end the following:

15 “(9) EVIDENCE-BASED REVIEW.—

16 “(A) DEFINITION OF EVIDENCE-BASED
17 REVIEW.—In this paragraph, the term ‘evi-
18 dence-based review’ means a process under
19 which—

20 “(i) the totality of the scientific evi-
21 dence relevant to a question of interest is
22 collected, analyzed, and evaluated;

23 “(ii) scientific studies, conclusions,
24 and recommendations are rated, adhering

1 strictly to standardized, generally accepted
 2 evidence-based review methods; and

3 “(iii) external peer review is con-
 4 ducted by nongovernment experts with rec-
 5 ognized expertise in quality-of-evidence
 6 evaluation.

7 “(B) STRENGTH OF EVIDENCE.—Each
 8 guideline contained in a report published under
 9 paragraph (1) shall be assigned a rating by the
 10 Secretaries for the strength of evidence used,
 11 including the extent to which the guideline will
 12 improve the Healthy Eating Index.

13 “(10) TRANSPARENCY.—

14 “(A) DISCLOSURE.—Any individual ap-
 15 pointed to the Dietary Guidelines Advisory
 16 Committee or an Independent Advisory Board
 17 established under paragraph (5) shall provide
 18 full disclosure of all financial and nonfinancial
 19 conflicts of interest relevant to their member-
 20 ship using the Office of Government Ethics
 21 Form 450 (or successor form).

22 “(B) PUBLICATION.—Notwithstanding any
 23 other provision of law, not later than 30 days
 24 after the date on which a Dietary Guidelines

1 Advisory Committee is established, the Secre-
2 taries shall make publicly available—

3 “(i) the disclosures required under
4 subparagraph (A), categorized by the name
5 of the individual; and

6 “(ii) a detailed plan for managing any
7 disclosed conflicts of interest, including fi-
8 nancial or ethical conflicts of interest, pref-
9 erences, values, and beliefs.

10 “(11) FUNDING.—Of the funds made available
11 by section 32 of the Act of August 24, 1935 (7
12 U.S.C. 612c), the Secretary of Agriculture shall
13 make available to carry out this subsection
14 \$5,000,000 for each of fiscal years 2025 through
15 2029, to remain available until expended.”.

16 (b) CONTROLLING REPORT.—The 2020 Dietary
17 Guidelines for Americans published by the Secretaries
18 under section 301(a)(1) of the National Nutrition Moni-
19 toring and Related Research Act of 1990 (7 U.S.C.
20 5341(a)(1)) (as in effect before the date of enactment of
21 this Act) shall be considered the most recent Dietary
22 Guidelines for Americans until the publication of the first
23 report under that section (as amended by subsection (a)).

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