

estimates were in excess of or less than the amounts required to be transferred.

**(e) Remaining amounts**

Any amounts remaining in the Fund on September 30 of an applicable fiscal year may be used by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services to carry out the emergency plan under subsection (f) for any subsequent fiscal year.

**(f) Emergency plan**

Not later than 1 year after July 30, 2008, the Attorney General, the Secretary of the Interior, and the Secretary of Health and Human Services, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), shall jointly establish an emergency plan that addresses law enforcement, water, and health care needs of Indian tribes under which, for each of fiscal years 2010 through 2019, of amounts in the Fund—

(1) the Attorney General shall use—

(A) 18.5 percent for the construction, rehabilitation, and replacement of Federal Indian detention facilities;

(B) 1.5 percent to investigate and prosecute crimes in Indian country (as defined in section 1151 of title 18);

(C) 1.5 percent for use by the Office of Justice Programs for Indian and Alaska Native programs; and

(D) 0.5 percent to provide assistance to—

(i) parties to cross-deputization or other cooperative agreements between State or local governments and Indian tribes (as defined in section 479a of this title) carrying out law enforcement activities in Indian country; and

(ii) the State of Alaska (including political subdivisions of that State) for carrying out the Village Public Safety Officer Program and law enforcement activities on Alaska Native land (as defined in section 3902 of this title);

(2) the Secretary of the Interior shall—

(A) deposit 15.5 percent in the public safety and justice account of the Bureau of Indian Affairs for use by the Office of Justice Services of the Bureau in providing law enforcement or detention services, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(B) use not more than \$602,619,000 to implement requirements of Indian water settlement agreements that are approved by Congress (or the legislation to implement such an agreement) under which the United States shall plan, design, rehabilitate, or construct, or provide financial assistance for the planning, design, rehabilitation, or construction of, water supply or delivery infrastructure that will serve an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(3) the Secretary of Health and Human Services, acting through the Director of the Indian

Health Service, shall use 12.5 percent to provide, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)—

(A) contract health services;

(B) construction, rehabilitation, and replacement of Indian health facilities; and

(C) domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 2004a of title 42.

(Pub. L. 110-293, title VI, § 601, July 30, 2008, 122 Stat. 2968; Pub. L. 111-291, title VIII, § 831, Dec. 8, 2010, 124 Stat. 3163.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (f)(2)(A), (3), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

AMENDMENTS

2010—Subsec. (b)(1). Pub. L. 111-291, § 831(1), substituted “\$1,602,619,000” for “\$2,000,000,000”.

Subsec. (f)(2)(B). Pub. L. 111-291, § 831(2), substituted “not more than \$602,619,000” for “50 percent”.

**§ 443d. Service of traditional foods in public facilities**

**(a) Purposes**

The purposes of this section are—

(1) to provide access to traditional foods in food service programs;

(2) to encourage increased consumption of traditional foods to decrease health disparities among Indians, particularly Alaska Natives; and

(3) to provide alternative food options for food service programs.

**(b) Definitions**

In this section:

**(1) Alaska Native**

The term “Alaska Native” means a person who is a member of any Native village, Village Corporation, or Regional Corporation (as those terms are defined in section 1602 of title 43).

**(2) Commissioner**

The term “Commissioner” means the Commissioner of Food and Drugs.

**(3) Food service program**

The term “food service program” includes—

(A) food service at residential child care facilities that have a license from an appropriate State agency;

(B) any child nutrition program (as that term is defined in section 1769f(b) of title 42);

(C) food service at hospitals, clinics, and long-term care facilities; and

(D) senior meal programs.

**(4) Indian; Indian tribe**

The terms “Indian” and “Indian tribe” have the meanings given those terms in section 4 of

the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**(5) Traditional food**

**(A) In general**

The term “traditional food” means food that has traditionally been prepared and consumed by an Indian tribe.

**(B) Inclusions**

The term “traditional food” includes—

- (i) wild game meat;
- (ii) fish;
- (iii) seafood;
- (iv) marine mammals;
- (v) plants; and
- (vi) berries.

**(6) Tribal organization**

The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**(c) Program**

The Secretary and the Commissioner shall allow the donation to and serving of traditional food through food service programs at public facilities and nonprofit facilities, including facilities operated by Indian tribes and facilities operated by tribal organizations, that primarily serve Indians if the operator of the food service program—

- (1) ensures that the food is received whole, gutted, gilled, as quarters, or as a roast, without further processing;
- (2) makes a reasonable determination that—
  - (A) the animal was not diseased;
  - (B) the food was butchered, dressed, transported, and stored to prevent contamination, undesirable microbial growth, or deterioration; and
  - (C) the food will not cause a significant health hazard or potential for human illness;
- (3) carries out any further preparation or processing of the food at a different time or in a different space from the preparation or processing of other food for the applicable program to prevent cross-contamination;
- (4) cleans and sanitizes food-contact surfaces of equipment and utensils after processing the traditional food;
- (5) labels donated traditional food with the name of the food;
- (6) stores the traditional food separately from other food for the applicable program, including through storage in a separate freezer or refrigerator or in a separate compartment or shelf in the freezer or refrigerator;
- (7) follows Federal, State, local, county, tribal, or other non-Federal law regarding the safe preparation and service of food in public or nonprofit facilities; and
- (8) follows other such criteria as established by the Secretary and Commissioner.

**(d) Liability**

**(1) In general**

The United States, an Indian tribe, and a tribal organization shall not be liable in any civil action for any damage, injury, or death caused to any person by the donation to or

serving of traditional foods through food service programs.

**(2) Rule of construction**

Nothing in paragraph (1) alters any liability or other obligation of the United States under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 1450<sup>1</sup> et seq.).

(Pub. L. 113-79, title IV, §4033, Feb. 7, 2014, 128 Stat. 818.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (d)(2), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

**§§ 444 to 449. Repealed. Aug. 5, 1954, ch. 658, §5, 68 Stat. 675**

Sections, act Apr. 3, 1952, ch. 129, §§1-6, 66 Stat. 35, related to Indian hospital services and facilities. See section 2001 et seq. of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1959, see section 6 of act Aug. 5, 1954, set out as an Effective Date note under section 2001 of Title 42, The Public Health and Welfare.

SUBCHAPTER II—INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE

**§ 450. Congressional statement of findings**

**(a) Findings respecting historical and special legal relationship, and resultant responsibilities**

The Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, American Indian people, finds that—

- (1) the prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and
- (2) the Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons.

**(b) Further findings**

The Congress further finds that—

- (1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;
- (2) the Federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement or created the diverse opportuni-

<sup>1</sup> So in original. Probably should be “450”.