

ment 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.);<sup>1</sup> 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));<sup>1</sup> 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.)—<sup>1</sup>

(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))<sup>1</sup> 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), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§ 450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§ 5301 et seq.) of this title. Section 4 of the Act was classified to section 450b of this title prior to editorial reclassification as section 5304 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and not as part of the Indian Health Care Improvement Act which comprises this chapter.

Section was formerly classified to section 443c of this title prior to editorial reclassification and renumbering as this section.

#### 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”.

### § 1685. 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).<sup>1</sup>

##### (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).<sup>1</sup>

#### (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;

<sup>1</sup> See References in Text note below.

(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, a tribal organization, a State, a county or county equivalent, a local educational agency, and an entity or person authorized to facilitate the donation, storage, preparation, or serving of traditional food by the operator of a food service program shall not be liable in any civil action for any damage, injury, or death caused to any person by the donation to or storage, preparation, 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 et seq.).<sup>1</sup>

(Pub. L. 113–79, title IV, §4033, Feb. 7, 2014, 128 Stat. 818; Pub. L. 115–334, title IV, §4203, Dec. 20, 2018, 132 Stat. 4656.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsecs. (b)(4), (6) and (d)(2), is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203, which was classified principally to subchapter II (§450 et seq.) of chapter 14 of this title prior to editorial reclassification as chapter 46 (§5301 et seq.) of this title. Section 4 of the Act was classified to section 450b of this title prior to editorial reclassification as section 5304 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of the Indian Health Care Improvement Act which comprises this chapter.

Section was formerly classified to section 443d of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (d)(1). Pub. L. 115–334 substituted “a tribal organization, a State, a county or county equivalent, a local educational agency, and an entity or person authorized to facilitate the donation, storage, preparation, or serving of traditional food by the operator of a food service program” for “and a tribal organization” and “donation to or storage, preparation, or serving of traditional foods” for “donation to or serving of traditional foods”.

**CHAPTER 19—INDIAN LAND CLAIMS SETTLEMENTS**

**SUBCHAPTER I—RHODE ISLAND INDIAN CLAIMS SETTLEMENT**

Sec.

1701 to 1716. Omitted.

**SUBCHAPTER II—MAINE INDIAN CLAIMS SETTLEMENT**

1721 to 1735. Omitted.

**SUBCHAPTER III—FLORIDA INDIAN (MICCOSUKEE) LAND CLAIMS SETTLEMENT**

1741 to 1750e. Omitted.

**SUBCHAPTER IV—CONNECTICUT INDIAN LAND CLAIMS SETTLEMENT**

1751 to 1760. Omitted.

**SUBCHAPTER V—MASSACHUSETTS INDIAN LAND CLAIMS SETTLEMENT**

1771 to 1771i. Omitted.

**SUBCHAPTER VI—FLORIDA INDIAN (SEMINOLE) LAND CLAIMS SETTLEMENT**

1772 to 1772g. Omitted.

**SUBCHAPTER VII—WASHINGTON INDIAN (PUYALLUP) LAND CLAIMS SETTLEMENT**

1773 to 1773j. Omitted.

**SUBCHAPTER VIII—SENECA NATION (NEW YORK) LAND CLAIMS SETTLEMENT**

1774 to 1774h. Omitted.

**SUBCHAPTER IX—MOHEGAN NATION (CONNECTICUT) LAND CLAIMS SETTLEMENT**

1775 to 1775h. Omitted.

**SUBCHAPTER X—CROW LAND CLAIMS SETTLEMENT**

1776 to 1776k. Omitted.

**SUBCHAPTER XI—SANTO DOMINGO PUEBLO LAND CLAIMS SETTLEMENT**

1777 to 1777e. Omitted.

**SUBCHAPTER XII—TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT**

1778 to 1778h. Omitted.

**SUBCHAPTER XIII—CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS CLAIMS SETTLEMENT**

1779 to 1779g. Omitted.

**SUBCHAPTER XIV—PUEBLO DE SAN ILDEFONSO CLAIMS SETTLEMENT**

1780 to 1780p. Omitted.

CODIFICATION

This chapter, comprised of sections 1701 to 1780p of this title, relating to settlement of the land claims of certain Indian tribes, was omitted from the Code as being of special and not general application.