

(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.).¹

(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.

SUBCHAPTER I—RHODE ISLAND INDIAN
CLAIMS SETTLEMENT

PART A—GENERAL PROVISIONS

§ 1701. Omitted

CODIFICATION

Section, Pub. L. 95-395, §2, Sept. 30, 1978, 92 Stat. 813, which set out congressional findings and declaration of policy, was omitted from the Code as being of special and not general application.

SHORT TITLE

Pub. L. 95-395, §1, Sept. 30, 1978, 92 Stat. 813, provided that Pub. L. 95-395, enacting this subchapter, could be cited as the ‘‘Rhode Island Indian Claims Settlement Act’’.

§ 1702. Omitted

CODIFICATION

Section, Pub. L. 95-395, §3, Sept. 30, 1978, 92 Stat. 813, which set out definitions for this subchapter, was omitted from the Code as being of special and not general application.

§ 1703. Omitted

CODIFICATION

Section, Pub. L. 95-395, §4, Sept. 30, 1978, 92 Stat. 814, which established the Rhode Island Indian Claims Settlement Fund, was omitted from the Code as being of special and not general application.

§ 1704. Omitted

CODIFICATION

Section, Pub. L. 95-395, §5, Sept. 30, 1978, 92 Stat. 814, which related to option agreements to purchase private settlement lands, was omitted from the Code as being of special and not general application.

§ 1705. Omitted

CODIFICATION

Section, Pub. L. 95-395, §6, Sept. 30, 1978, 92 Stat. 815, which related to publication of findings as to whether the State of Rhode Island had satisfied the conditions set forth in section 1706 of this title and consequences of such publication, was omitted from the Code as being of special and not general application.

§ 1706. Omitted

CODIFICATION

Section, Pub. L. 95-395, §7, Sept. 30, 1978, 92 Stat. 816, which provided that section 1705 of this title would not take effect until the Secretary of the Interior had made certain findings, was omitted from the Code as being of special and not general application.

§ 1707. Omitted

CODIFICATION

Section, Pub. L. 95-395, §8, Sept. 30, 1978, 92 Stat. 816, which related to purchase and transfer of private settlement lands, was omitted from the Code as being of special and not general application.

§ 1708. Omitted

CODIFICATION

Section, Pub. L. 95-395, §9, Sept. 30, 1978, 92 Stat. 817; Pub. L. 104-208, div. A, title I, §101(d) [title III, §330], Sept. 30, 1996, 110 Stat. 3009-181, 3009-227, which related to applicability of Rhode Island law and treatment of

settlement lands under the Indian Gaming Regulatory Act, was omitted from the Code as being of special and not general application.

§ 1709. Omitted

CODIFICATION

Section, Pub. L. 95-395, §10, Sept. 30, 1978, 92 Stat. 817, which provided for preservation of certain other Federal benefits, was omitted from the Code as being of special and not general application.

§ 1710. Omitted

CODIFICATION

Section, Pub. L. 95-395, §11, Sept. 30, 1978, 92 Stat. 817, which authorized appropriations of \$3,500,000 to carry out the purposes of this subchapter, was omitted from the Code as being of special and not general application.

§ 1711. Omitted

CODIFICATION

Section, Pub. L. 95-395, §12, Sept. 30, 1978, 92 Stat. 817, which related to limitation of actions and jurisdiction, was omitted from the Code as being of special and not general application.

§ 1712. Omitted

CODIFICATION

Section, Pub. L. 95-395, §13, Sept. 30, 1978, 92 Stat. 817, which related to approval of prior transfers and extinguishment of claims and aboriginal title outside the town of Charlestown, Rhode Island, was omitted from the Code as being of special and not general application.

PART B—TAX TREATMENT

§ 1715. Omitted

CODIFICATION

Section, Pub. L. 95-395, title II, §201, as added Pub. L. 96-601, §5(a), Dec. 24, 1980, 94 Stat. 3498, which provided for tax exemption for settlement lands, with certain exceptions, was omitted from the Code as being of special and not general application.

§ 1716. Omitted

CODIFICATION

Section, Pub. L. 95-395, title II, §202, as added Pub. L. 96-601, §5(a), Dec. 24, 1980, 94 Stat. 3499; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095, which related to deferral of capital gains, was omitted from the Code as being of special and not general application.

SUBCHAPTER II—MAINE INDIAN CLAIMS
SETTLEMENT

§ 1721. Omitted

CODIFICATION

Section, Pub. L. 96-420, §2, Oct. 10, 1980, 94 Stat. 1785, which set out Congressional findings and declaration of policy, was omitted from the Code as being of special and not general application.

SHORT TITLE

Pub. L. 96-420, §1, Oct. 10, 1980, 94 Stat. 1785, provided that Pub. L. 96-420, enacting this subchapter, could be cited as the ‘‘Maine Indian Claims Settlement Act of 1980’’.

§ 1722. Omitted

CODIFICATION

Section, Pub. L. 96-420, §3, Oct. 10, 1980, 94 Stat. 1786, which set out definitions for this subchapter, was omitted.