

(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.