

113TH CONGRESS
1ST SESSION

S. 1374

To allow traditional foods to be served at public facilities.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2013

Mr. BEGICH introduced the following bill; which was read twice and referred
to the Committee on Indian Affairs

A BILL

To allow traditional foods to be served at public facilities.

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 “Traditional Foods
5 Nourishment Act of 2013”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ALASKA NATIVE.**—The term “Alaska Na-
9 tive” means a person who is a member of any Native
10 village, Village Corporation, or Regional Corpora-
11 tion, as those terms are defined in section 3 of the

1 Alaska Native Claims Settlement Act (43 U.S.C.
2 1602).

3 (2) FOOD SERVICE PROGRAM.—The term “food
4 service program” includes—

5 (A) food service at a residential child care
6 facility with a license from an appropriate State
7 agency;

8 (B) a child nutrition program (as defined
9 in section 25(b) of the Richard B. Russell Na-
10 tional School Lunch Act (42 U.S.C. 1769f(b));

11 (C) food service at a hospital, clinic, or
12 long-term care facility; and

13 (D) a senior meal program.

14 (3) INDIAN; INDIAN TRIBE.—The terms “In-
15 dian” and “Indian tribe” have the meanings given
16 those terms in section 4 of the Indian Self-Deter-
17 mination and Education Assistance Act (25 U.S.C.
18 450b).

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture.

21 (5) TRADITIONAL FOOD.—

22 (A) IN GENERAL.—The term “traditional
23 food” means food that has traditionally been
24 prepared and consumed by an Indian tribe.

1 (B) INCLUSIONS.—The term “traditional
2 food” includes—

- 3 (i) wild game meat;
- 4 (ii) fish;
- 5 (iii) seafood;
- 6 (iv) marine mammals;
- 7 (v) plants; and
- 8 (vi) berries.

9 (6) TRIBAL ORGANIZATION.—The term “tribal
10 organization” has the meaning given the term in
11 section 4 of the Indian Self-Determination and Edu-
12 cation Assistance Act (25 U.S.C. 450b).

13 **SEC. 3. FINDINGS; PURPOSES.**

14 (a) FINDINGS.—Congress finds that—

15 (1) consumption of traditional foods is proven
16 to benefit health, physical well-being, and fitness;

17 (2) the National Institutes of Health has indi-
18 cated that an increase in the consumption of tradi-
19 tional foods results in positive health effects among
20 Alaska Natives;

21 (3) the leading cause of death among Alaska
22 Natives is diet-related health problems resulting in
23 cancer and heart disease;

24 (4) traditional foods such as wild salmon, ma-
25 rine mammals, migratory birds, moose, caribou, ber-

1 ries, and plants can have a positive health impact
2 when consumed regularly;

3 (5) the Department of Agriculture and the Eco-
4 nomic Research Center have indicated that food
5 from local sources is proven to be fresher and less
6 processed and to retain more nutrients;

7 (6) providing access to traditional foods in food
8 service programs promotes healthier lifestyles;

9 (7) many patients find that traditional foods
10 provide comfort while undergoing treatment or re-
11 covery;

12 (8) opening food service programs to the dona-
13 tion of traditional foods would aid patients receiving
14 care in a public facility physically and mentally dur-
15 ing the healing process;

16 (9) food plays an incredibly large part in the
17 culture and lifestyle of a community and expanding
18 traditional food options to school systems would pro-
19 mote more extensive cultural education;

20 (10) by increasing demand for local produce,
21 economic stimulation can occur, furthering the devel-
22 opment of local communities;

23 (11) providing local food donations can lower
24 the cost of meal programs in schools, resulting in
25 more financially stable beneficiaries and a reduction

1 in expenditures by the Federal Government on the
2 child nutrition program (as defined in section 25(b)
3 of the Richard B. Russell National School Lunch
4 Act (42 U.S.C. 1769f(b));

5 (12) the program established by this Act would
6 bring communities together;

7 (13) the expansion of opportunities for the do-
8 nation of traditional foods supports hunters;

9 (14) game hunters are required to harvest all of
10 the edible meat from most large game; and

11 (15) this Act provides a direct opportunity for
12 hunters to donate the meat to food service pro-
13 grams.

14 (b) PURPOSES.—The purposes of this Act are—

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

17 (2) to encourage increased consumption of tra-
18 ditional foods to decrease health disparities among
19 Indians, particularly Alaska Natives; and

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

22 **SEC. 4. SERVICE OF TRADITIONAL FOODS IN FOOD SERV-**
23 **ICE PROGRAMS.**

24 (a) PROGRAM.—Notwithstanding any other provision
25 of law, the Secretary shall allow the donation to and serv-

1 ing of traditional food through a food service program at
2 a public facility or a nonprofit facility, including a facility
3 operated by an Indian tribe or a tribal organization, that
4 primarily serves Indians if the operator of the food service
5 program—

6 (1) ensures that the food is received whole, gut-
7 ted, gilled, as quarters, or as a roast, without fur-
8 ther processing;

9 (2) makes a reasonable determination that—

10 (A) the animal was not diseased;

11 (B) the food was butchered, dressed, trans-
12 ported, and stored to prevent contamination,
13 undesirable microbial growth, or deterioration;
14 and

15 (C) the food will not cause a significant
16 health hazard or potential for human illness;

17 (3) carries out any further preparation or proc-
18 essing of the food at a different time or in a dif-
19 ferent space from the preparation or processing of
20 other food for the applicable program to prevent
21 cross-contamination;

22 (4) cleans and sanitizes food-contact surfaces of
23 equipment and utensils after processing the tradi-
24 tional food; and

1 (5) labels donated traditional food with the
2 name of the food and stores the traditional food sep-
3 arately from other food for the applicable program,
4 including through storage in a separate freezer or
5 refrigerator or in a separate compartment or shelf in
6 the freezer or refrigerator.

7 (b) LIABILITY.—

8 (1) IN GENERAL.—The United States, an In-
9 dian tribe, and a tribal organization shall not be lia-
10 ble in any civil action for any damage, injury, or
11 death caused to any person by the donation to or
12 serving of traditional foods through a food service
13 program.

14 (2) RULE OF CONSTRUCTION.—Nothing in
15 paragraph (1) alters any liability or other obligation
16 of the United States under the Indian Self-Deter-
17 mination and Education Assistance Act (25 U.S.C.
18 450 et seq.).

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