

§ 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).¹

(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).¹

(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 op-

erated 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, 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.)

Editorial Notes

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

¹ See References in Text note below.

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.

Sec.

Editorial Notes

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

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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

Editorial Notes

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

Editorial Notes

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

Editorial Notes

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

Editorial Notes

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

Editorial Notes

CODIFICATION

Section, Pub. L. 95-395, §7, Sept. 30, 1978, 92 Stat. 816, which provided that section 1705 of this title would not