

43 USC Ch. 44: OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANT LANDS
From Title 43—PUBLIC LANDS

CHAPTER 44—OREGON AND CALIFORNIA RAILROAD AND COOS BAY WAGON ROAD GRANT LANDS

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SUBCHAPTER I—ADMINISTRATION

§2601. Conservation management by Department of the Interior; permanent forest production; sale of timber; subdivision

Notwithstanding any provisions in the Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended, such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, shall be managed, except as provided in section 3 ¹ hereof, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal ² of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities: ³ *Provided*, That nothing in this section shall be construed to interfere with the use and development of power sites as may be authorized by law.

The annual productive capacity for such lands shall be determined and declared as promptly as possible after August 28, 1937, but until such determination and declaration are made the average annual cut therefrom shall not exceed one-half billion feet board measure: *Provided*, That timber from said lands in an amount not less than one-half

billion feet board measure, or not less than the annual sustained yield capacity when the same has been determined and declared, shall be sold annually, or so much thereof as can be sold at reasonable prices on a normal market.

If the Secretary of the Interior determines that such action will facilitate sustained-yield management, he may subdivide such revested lands into sustained-yield forest units, the boundary lines of which shall be so established that a forest unit will provide, insofar as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region; but until such subdivision is made the land shall be treated as a single unit in applying the principle of sustained yield: *Provided*, That before the boundary lines of such forest units are established, the Department, after published notice thereof, shall hold a hearing thereon in the vicinity of such lands open to the attendance of State and local officers, representatives of dependent industries, residents, and other persons interested in the use of such lands. Due consideration shall be given to established lumbering operations in subdividing such lands when necessary to protect the economic stability of dependent communities. Timber sales from a forest unit shall be limited to the productive capacity of such unit and the Secretary is authorized, in his discretion, to reject any bids which may interfere with the sustained-yield management plan of any unit.

(Aug. 28, 1937, ch. 876, title I, §1, 50 Stat. 874.)

REFERENCES IN TEXT

Section 3, referred to in first par., is section 3 of act [Aug. 28, 1937, ch. 876, title I](#), 50 Stat. 875, which was classified to section 1181c of this title prior to repeal by Pub. L. 94-579, [title VII, §702, Oct. 21, 1976](#), 90 Stat. 2787.

Acts of June 9, 1916, and February 26, 1919, referred to in text, are acts [June 9, 1916, ch. 137](#), 39 Stat. 218 and [Feb. 26, 1919, ch. 47](#), 40 Stat. 1179, respectively, which are not classified to the Code.

CODIFICATION

Section was formerly classified to section 1181a of this title prior to editorial reclassification and renumbering as this section.

REPEALS

Act [Aug. 28, 1937, ch. 876, title II \(last par.\)](#), 50 Stat. 876, provided: "All Acts or parts of Acts in conflict with this Act [enacting this subchapter and former section 1181c of this title] are hereby repealed to the extent necessary to give full force and effect to this Act."

¹ See References in Text note below.

² So in original. Probably should be "principle".

³ So in original. Probably should be "facilities:".

§2602. Cooperative agreements with other agencies or private owners for coordinated administration

The Secretary of the Interior is authorized, in his discretion, to make cooperative agreements with other Federal or State forest administrative agencies or with private forest owners or operators for the coordinated administration, with respect to time, rate, method of cutting, and sustained yield, of forest units comprising parts of revested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes mentioned in sections 2601 and 2602 of this title.

(Aug. 28, 1937, ch. 876, title I, §2, 50 Stat. 874.)

CODIFICATION

Section was formerly classified to section 1181b of this title prior to editorial reclassification and renumbering as this section.

§2603. Leasing of lands for grazing; disposition of moneys; rules and regulations covering grazing lands

The Secretary of the Interior is authorized, in his discretion, to lease for grazing any of said revested or reconveyed lands which may be so used without interfering with the production of timber or other purposes of this subchapter as stated in section 2601 of this title: *Provided*, That all the moneys received on account of grazing leases shall be covered either into the "Oregon and California land-grant fund" or the "Coos Bay Wagon Road grant fund" in the Treasury as the location of the leased lands shall determine, and be subject to distribution as other moneys in such

funds: *Provided further*, That the Secretary is also authorized to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands.

(Aug. 28, 1937, ch. 876, title I, §4, 50 Stat. 875.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning act Aug. 28, 1937, ch. 876, 50 Stat. 874, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1181d of this title prior to editorial reclassification and renumbering as this section.

§2604. Rules and regulations generally; consultation and agreements with other agencies regarding fire regulations

The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this subchapter into full force and effect. The Secretary of the Interior is further authorized, in formulating forest-practice rules and regulations, to consult with the Oregon State Board of Forestry, representatives of timber owners and operators on or contiguous to said revested and reconveyed lands, and other persons or agencies interested in the use of such lands.

In formulating regulations for the protection of such timberlands against fire, the Secretary is authorized, in his discretion, to consult and advise with Federal, State, and county agencies engaged in forest-fire-protection work, and to make agreements with such agencies for the cooperative administration of fire regulations therein: *Provided*, That rules and regulations for the protection of the revested lands from fire shall conform with the requirements and practices of the State of Oregon insofar as the same are consistent with the interests of the United States.

(Aug. 28, 1937, ch. 876, title I, §5, 50 Stat. 875.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning act Aug. 28, 1937, ch. 876, 50 Stat. 874, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1181e of this title prior to editorial reclassification and renumbering as this section.

§2605. Oregon and California land-grant fund; annual distribution of moneys

On and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows:

(a) Fifty per centum to the counties in which the lands revested under the Act of June 9, 1916 (39 Stat. 218), are situated, to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds: *Provided, however*, That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county.

(b) Twenty-five per centum to said counties as money in lieu of taxes accrued or which shall accrue to them prior to March 1, 1938, under the provisions of the Act of July 13, 1926 (44 Stat. 915), and which taxes are unpaid on said date, such moneys to be paid to said counties severally by the Secretary of the Treasury of the United States, upon certification by the Secretary of the Interior, until such tax indebtedness as shall have accrued prior to March 1, 1938, is extinguished.

From and after payment of the above accrued taxes said 25 per centum shall be accredited annually to the general fund in the Treasury of the United States until all reimbursable charges against the Oregon and California land-grant fund owing to the general fund in the Treasury have been paid: *Provided*, That if for any year after the extinguishment of the tax indebtedness accruing to the counties prior to March 1, 1938, under the provisions of Forty-fourth Statutes, page 915, the total amount payable under subsection (a) of this section is less than 78 per centum of the aggregate amount of tax claims which accrued to said counties under said Act for the year 1934, there shall be additionally payable for such year such portion of said 25 per centum (but not in excess of three-fifths of said 25 per centum), as

may be necessary to make up the deficiency. When the general fund in the Treasury has been fully reimbursed for the expenditures which were made charges against the Oregon and California land-grant fund said 25 per centum shall be paid annually, on or after September 30, to the several counties in the manner provided in subsection (a) hereof.

(c) Twenty-five per centum to be available for the administration of this subchapter, in such annual amounts as the Congress shall from time to time determine. Any part of such per centum not used for administrative purposes shall be covered into the general fund of the Treasury of the United States: *Provided*, That moneys covered into the Treasury in such manner shall be used to satisfy the reimbursable charges against the Oregon and California land-grant fund mentioned in subsection (b) so long as any such charges shall exist.

(Aug. 28, 1937, ch. 876, title II, 50 Stat. 875; June 24, 1954, ch. 357, §1(b), 68 Stat. 271; Pub. L. 94–273, §2(28), Apr. 21, 1976, 90 Stat. 376.)

REFERENCES IN TEXT

Act of June 9, 1916, referred to in subsec. (a), is act [June 9, 1916, ch. 137](#), 39 Stat. 218, which is not classified to the Code.

Act of July 13, 1926 (44 Stat. 915), Forty-fourth Statutes, page 915, and said Act, referred to in subsec. (b), mean act [July 13, 1926, ch. 897](#), 44 Stat. 915, which is not classified to the Code.

This subchapter, referred to in subsec. (c), was in the original "this Act", meaning act [Aug. 28, 1937, ch. 876](#), 50 Stat. 874, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1181f of this title prior to editorial reclassification and renumbering as this section.

Section comprises all of title II of act Aug. 28, 1937, except the last par. which is set out as a Repeals note under section 2601 of this title.

AMENDMENTS

1976—Subsec. (b). Pub. L. 94–273 substituted "September" for "June".

1954—Subsec. (a). Act June 24, 1954, inserted proviso relating to determination of assessment.

§2606. Oregon and California Railroad revested lands and Coos Bay Wagon Road reconveyed lands

(a) In general

Notwithstanding any other provision of law, with respect to the Oregon and California Railroad grant land revested in the United States by the Act of June 9, 1916 (39 Stat. 218, chapter 137), and the Coos Bay Wagon Road grant land reconveyed to the United States by the first section of the Act of February 26, 1919 (40 Stat. 1179, chapter 47), that is managed under the Act of August 28, 1937 (43 U.S.C. 2601 et seq.), the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall not be required to engage in consultation under any law (including section 7 of Public Law 93–205 (16 U.S.C. 1536) and section 402.16 of title 50, Code of Federal Regulations (or a successor regulation)), with respect to—

(1) the listing of a species as threatened or endangered, or a designation of critical habitat, pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), if a land use plan has been adopted by the Secretary of the Interior as of the date of listing or designation; and

(2) any provision of a land use plan adopted as described in paragraph (1).

(b) Effect of section

Nothing in this section affects any applicable requirement of the Secretary of the Interior to consult with the head of any other Federal department or agency—

(1) regarding a project carried out, or proposed to be carried out, pursuant to Public Law 93–205 (16 U.S.C. 1531 et seq.), including any requirement to consult regarding the consideration of the cumulative impacts of completed, ongoing, and planned projects; or

(2) with respect to the development of a new land use plan or the revision of or other significant change to an existing land use plan.

(Pub. L. 115–141, div. O, title II, §209, Mar. 23, 2018, 132 Stat. 1067.)

REFERENCES IN TEXT

Acts of June 9, 1916, and February 26, 1919, referred to in subsec. (a), are acts [June 9, 1916, ch. 137](#), 39 Stat. 218, and [Feb. 26, 1919, ch. 47](#), 40 Stat. 1179, respectively, which are not classified to the Code.

The Act of August 28, 1937, referred to in subsec. (a), is act [Aug. 28, 1937, ch. 876](#), 50 Stat. 874, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Tables.

Public Law 93–205, referred to in subsecs. (a)(1) and (b)(1), is Pub. L. 93–205, [Dec. 28, 1973](#), 87 Stat. 884, known as the Endangered Species Act of 1973, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

CODIFICATION

Section was enacted as part of the Wildfire Suppression Funding and Forest Management Activities Act, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Act of August 28, 1937, which comprises this subchapter.

SUBCHAPTER II—DISPOSITION OF FUNDS

§2621. Coos Bay Wagon Road grant fund; annual payments; appraisal and assessment of land and timber; computation of payments

Beginning with the fiscal year next following May 24, 1939, not to exceed 75 per centum of the receipts derived in any one year from the Coos Bay Wagon Road grant lands in Oregon and deposited in the special fund in the Treasury created by the Act of February 26, 1919 (40 Stat. 1179), and designated "The Coos Bay Wagon Road grant fund" shall be paid annually, in lieu of taxes, by the Secretary of the Treasury, upon certification by the Secretary of the Interior, to the treasurers of Coos and Douglas Counties according to the ratio that the total assessed valuation of the reconveyed Coos Bay Wagon Road grant lands, belonging to the United States, in each of said counties bears to the total assessed valuation of all said lands in those counties, to be used for the purposes mentioned in said Act: *Provided*, That until such time as the general fund of the Treasury of the United States shall have been fully reimbursed by Douglas County for expenditures which were made charges against the Coos Bay Wagon Road grant fund by section 5 of the Act of February 26, 1919, said Douglas County shall be entitled to receive only 50 per centum of the amount to which it would otherwise be entitled under this subchapter: *Provided further*, That prior to making any payment under this authorization an appraisal of the land and timber thereon shall be made, within six months after May 24, 1939, by a committee to consist of a representative of the Secretary of the Interior, one representative for the two counties interested, and a third person satisfactory to the Secretary of the Interior and the county officials, but who shall not be an employee of the United States nor a resident of, nor a property owner in, either Coos or Douglas County. Upon appraisal thereof, the land and timber thereon shall be assessed as are other similar properties within the respective counties, and payments hereunder in lieu of taxes shall be computed by applying the same rates of taxation as are applied to privately owned property of similar character in such counties.

([May 24, 1939, ch. 144, §1](#), 53 Stat. 753.)

REFERENCES IN TEXT

Act of February 26, 1919, referred to in text, is act [Feb. 26, 1919, ch. 47](#), 40 Stat. 1179, which is not classified to the Code.

CODIFICATION

Section was formerly classified to section 1181f–1 of this title prior to editorial reclassification and renumbering as this section.

REPEALS

Act [May 24, 1939, ch. 144, §5](#), 53 Stat. 754, provided that: "All Acts or parts of Acts inconsistent with this Act [enacting this subchapter] are hereby repealed."

§2622. Appraisal of land and timber; manner and frequency; computation of amounts upon basis of last appraisal; deduction of appraisal expenses

Appraisals of the land and timber thereon shall be made, in the manner prescribed in section 2621 of this title, not less frequently than once in each ten-year period, and the amounts due hereunder in any year shall be computed as specified in section 2621 of this title upon the basis of the last appraisal. The expenses of making the appraisements provided for in this subchapter shall be paid by the Secretary of the Treasury upon certification by the

Secretary of the Interior, from that portion of the receipts derived from such lands and timber payable to the counties and shall be deducted from any amount due said counties.

(May 24, 1939, ch. 144, §2, 53 Stat. 754.)

CODIFICATION

Section was formerly classified to section 1181f–2 of this title prior to editorial reclassification and renumbering as this section.

§2623. Additional sum from surplus for meeting payments due from insufficient annual receipts; maximum aggregate of decennial payments; covering of excess receipts into general fund of Treasury

If, during any one year, 75 per centum of the receipts are insufficient fully to meet the payments due the counties hereunder, the Secretary of the Treasury, upon certification by the Secretary of the Interior, may pay an additional sum from any surplus of 75 per centum of prior year receipts: *Provided, however*, That in no event shall the aggregate of payments during any ten-year period commencing with the period beginning July 1, 1940, exceed 75 per centum of the receipts deposited in the Treasury to the credit of the Coos Bay Wagon Road grant fund for such period: *Provided further*, That at the end of each ten-year period, any balance of the 75 per centum not required for payments to the counties shall be covered into the general fund of the Treasury of the United States.

(May 24, 1939, ch. 144, §3, 53 Stat. 754.)

CODIFICATION

Section was formerly classified to section 1181f–3 of this title prior to editorial reclassification and renumbering as this section.

§2624. Amount available for administration of Coos Bay Wagon Road grant lands under subchapter I; covering of unused receipts into general fund of Treasury

Not to exceed 25 per centum of the annual receipts shall be available, in such amounts as the Congress shall from time to time appropriate for the administration of subchapter I, insofar as such sections apply to the Coos Bay Wagon Road grant lands. Any balance not used for administrative purposes shall be covered into the general fund of the Treasury of the United States.

(May 24, 1939, ch. 144, §4, 53 Stat. 754.)

REFERENCES IN TEXT

Subchapter I, referred to in text, was in the original a reference to act [Aug. 28, 1937, ch. 876](#), 50 Stat. 874, which is classified principally to subchapter I (§2601 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1181f–4 of this title prior to editorial reclassification and renumbering as this section.

SUBCHAPTER III—ADMINISTRATIVE JURISDICTION

§2631. Unselected and unpatented odd-numbered sections as revested grant lands; administration as national-forest lands; revenues; prohibition against disposition or exchange

Those unselected and unpatented odd-numbered sections within the indemnity limits of the Oregon and California Railroad land grant authorized by the Act of July 25, 1866 (14 Stat. 239), as amended by the Act of April 10, 1869 (16 Stat. 47), and for which payment was made by the United States to such railroad or its successors in interest under the Act of June 9, 1916 (39 Stat. 218), pursuant to the decree in the case of United States against Oregon and California R. R. Co. (8 F. (2d) 645), which were included within the boundaries of national forests by proclamations of the President of the United States issued under the dates of June 17, 1892, September 28, 1893, October 5, 1906,

January 25, 1907, March 1, 1907, and March 2, 1907, are declared to be revested Oregon and California Railroad grant lands; and said lands shall continue to be administered as national-forest lands by the Secretary of Agriculture subject to all laws, rules, and regulations applicable to the national forests: *Provided*, That all revenues hereafter derived from said lands and those revenues heretofore derived from such lands and placed in special deposit by agreement between the Secretary of Agriculture and the Secretary of the Interior shall be disposed of in accordance with the provisions of section 2605 of this title and said lands shall not hereafter be subject to the provisions of any other laws or parts of laws which otherwise prescribe the disposal or distribution of receipts from lands of the United States, except that none of the provisions of this subchapter shall affect revenues distributed prior to June 24, 1954. No part of said lands or the resources thereof shall be subject to exchange under the provisions of this or any other law applicable to national-forest lands or otherwise.

(June 24, 1954, ch. 357, §1(a), 68 Stat. 270.)

REFERENCES IN TEXT

Acts July 25, 1866, April 10, 1869, and June 9, 1916, referred to in text, are acts [July 25, 1866, ch. 242](#), 14 Stat. 239, [Apr. 10, 1869, ch. 27](#), 16 Stat. 47, and [June 9, 1916, ch. 137](#), 39 Stat. 218, respectively, which are not classified to the Code.

This subchapter, referred to in text, was in the original "this Act", meaning act [June 24, 1954, ch. 357](#), 68 Stat. 270, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1181g of this title prior to editorial reclassification and renumbering as this section.

Section constitutes subsec. (a) of section 1 of act June 24, 1954. Subsec. (b) of section 1 amended section 2605(a) of this title.

§2632. Exchange of jurisdiction between Secretaries; conditions; publication in Federal Register

The Secretary of the Interior and the Secretary of Agriculture are authorized and directed, within two years after June 24, 1954, to exchange administrative jurisdiction of revested Oregon and California Railroad grant lands lying within the boundaries of any national forest or within two miles of such boundaries, and national-forest lands of approximately equal aggregate value, when by such exchange the administration of the lands will be facilitated. Such exchanges shall be made subject to outstanding contracts, permits or other existing rights: *Provided*, That the said national-forest lands, administrative jurisdiction of which is transferred to the Secretary of the Interior, shall be excluded from the national forest and shall become subject to administration under the same provisions of law as the revested lands in exchange for which they were transferred, and the revested lands, administrative jurisdiction of which is transferred to the Secretary of Agriculture, shall become a part of the national forests subject to administration under the laws applicable to national forests: *Provided further*, That subject to the requirement of approximate equal aggregate value for the overall exchange, the revested lands and the national-forest lands, administrative jurisdiction of which is exchanged in any county, shall be approximately equal in area unless otherwise agreed to by the counties concerned. The exchanges provided for in this section shall in each case be evidenced by an order signed by the Secretary of the Interior and the Secretary of Agriculture and such orders shall be transmitted to the Division of the Federal Register for filing and publication.

(June 24, 1954, ch. 357, §2, 68 Stat. 271.)

CODIFICATION

Section was formerly classified to section 1181h of this title prior to editorial reclassification and renumbering as this section.

§2633. Designation of national-forest areas within counties; disposition of revenues; approval by court

For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 2631 of this title are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall be disposed of in accordance with the provisions of title II of the Act of August 28, 1937 (50 Stat. 874), and upon such designation the provisions of that Act shall be applicable to the lands so designated in lieu of the lands described in section 2631 of this title: *Provided, however*, That

such designation shall not become effective until approved by the county court of the county in which the lands are located.

(June 24, 1954, ch. 357, §3, 68 Stat. 271.)

REFERENCES IN TEXT

Act of August 28, 1937, referred to in text, is act [Aug. 28, 1937, ch. 876](#), 50 Stat. 874, which is classified principally to subchapter I (§2601 et seq.) of this chapter. Title II of the Act enacted section 2605 of this title, repealed section 1174 of this title, and enacted provisions set out as a note under section 2601 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 1181i of this title prior to editorial reclassification and renumbering as this section.

§2634. Appropriations to carry out sections 2632 and 2633

For the purpose of carrying out the provisions of sections 2632 and 2633 of this title there are authorized to be appropriated such sums as the Congress may from time to time determine to be necessary.

(June 24, 1954, ch. 357, §4, 68 Stat. 272.)

CODIFICATION

Section was formerly classified to section 1181j of this title prior to editorial reclassification and renumbering as this section.