

§ 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 men-

tioned 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.)

Editorial Notes

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.)

Editorial Notes

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.

§ 2607. Protection of Oregon and California Railroad grant lands

(a) Definitions

For purposes of this section:

(1) O & C land

The term “O & C land” means the land (commonly known as “Oregon and California Railroad grant land”) that—

(A) revested in the United States under the Act of June 9, 1916 (39 Stat. 218, chapter 137); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) CBWR land

The term “CBWR land” means the land (commonly known as “Coos Bay Wagon Road grant land”) that—

(A) was reconveyed to the United States under the Act of February 26, 1919 (40 Stat. 1179, chapter 47); and

(B) is managed by the Secretary of the Interior through the Bureau of Land Management under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(3) Geographic area

The term “geographic area” means the area in the State of Oregon within the boundaries of the Medford District, Roseburg District, Eugene District, Salem District, Coos Bay District, and Klamath Resource Area of the Lakeview District of the Bureau of Land Management, as the districts and the resource area were constituted on January 1, 1998.

(4) Secretary

The term “Secretary” means the Secretary of the Interior.

(b) Policy of no net loss of O & C land and CBWR land

In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on October 30, 2008, and on the expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area is not less than the number of acres of such land on October 30, 1998.

(c) Relationship to Umpqua land exchange authority

Notwithstanding any other provision of this section, this section shall not apply to an exchange of land authorized pursuant to section 1028 of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 110 Stat. 4231), or any implementing legislation or administrative rule, if the land exchange is consistent with the memorandum of understanding between the Umpqua Land Exchange Project and the Association of Oregon and California Land Grant Counties dated February 19, 1998.

(Pub. L. 105-321, §3, Oct. 30, 1998, 112 Stat. 3022; Pub. L. 106-176, title III, §304, Mar. 10, 2000, 114 Stat. 33.)

Editorial Notes

REFERENCES IN TEXT

Act of June 9, 1916, referred to in subsec. (a)(1)(A), is act June 9, 1916, ch. 137, 39 Stat. 218, which is not classified to the Code.

Act of August 28, 1937 (43 U.S.C. 1181a et seq.), referred to in subsec. (a)(1)(B), (2)(B), probably means act Aug. 28, 1937, ch. 876, 50 Stat. 874, which was formerly classified principally to sections 1181a to 1181f of this title prior to editorial reclassification, and is now classified principally to this subchapter. Section 3 of the Act, former section 1181c of this title, was repealed by Pub. L. 94-579, title VII, §702, Oct. 21, 1976, 90 Stat. 2787. Sections 1181f-1 to 1181f-4 of this title, included within the parenthetical reference to sections 1181a to 1181j, were enacted by act May 24, 1939, ch. 144, 53 Stat. 753, and were editorially reclassified as subchapter II (§2621 et seq.) of this chapter. Sections 1181g to 1181j of this title, also included within the parenthetical reference to sections 1181a to 1181j, were enacted by act June 24, 1954, ch. 357, 68 Stat. 270, and were editorially reclassified as subchapter III (§2631 et seq.) of this chapter. For complete classification of these Acts to the Code, see Tables.

Act of February 26, 1919, referred to in subsec. (a)(2)(A), is act Feb. 26, 1919, ch. 47, 40 Stat. 1179, which is not classified to the Code.

Section 1028 of the Omnibus Parks and Public Lands Management Act of 1996, referred to in subsec. (c), is section 1028 of Pub. L. 104-333, div. I, title X, §1028, Nov. 12, 1996, 110 Stat. 4231, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Oregon Public Lands Transfer and Protection Act of 1998, and not as part of the Act of August 28, 1937, which comprises this subchapter.