

Availability of appropriations.

Absorption of increased costs.

Nonapplicability.

Effective date.

amended to read as follows: "The legal adviser shall be appointed by the President, by and with the advice and consent of the Senate."

SEC. 7. The applicable appropriation for the fiscal year ending June 30, 1950, shall be available for payment of compensation at the rate established for any position by or pursuant to this Act unless it is specifically provided that such appropriation shall not be available for such purpose.

SEC. 8. The head of each department or independent agency in the executive branch of the Government, having personnel subject to the provisions of this Act, is authorized and directed to absorb the increased costs during the fiscal year 1950 resulting from the enactment of this Act within any unobligated or unexpended balances in appropriations available to such department or independent agency. This section shall not apply to any agency with respect to which the Director of the Bureau of the Budget shall certify that absorption of such increased costs would impair the proper performance of its functions.

SEC. 9. This Act shall take effect on the first day of the first pay period which begins after the date of enactment of this Act.

Approved October 15, 1949.

[CHAPTER 696]

AN ACT

To amend section 801 of the Federal Food, Drug, and Cosmetic Act, as amended.

October 18, 1949
[H. R. 160]
[Public Law 360]

Federal Food, Drug, and Cosmetic Act, amendment.
52 Stat. 1058.

Destruction of inadmissible articles; exception.

52 Stat. 1058.
21 U. S. C. § 381 (b).
Delivery pending decision.

Bond.

Relabeling, etc., of article.

Supervision.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 801 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 381 (a)), is amended by striking out the period at the end of the second sentence and inserting in lieu thereof: "except as provided in subsection (b) of this section. The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within ninety days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations."

SEC. 2. Subsection (b) of such section is amended to read:

"(b) Pending decision as to the admission of an article being imported or offered for import, the Secretary of the Treasury may authorize delivery of such article to the owner or consignee upon the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury. If it appears to the Administrator that an article included within the provisions of clause (3) of subsection (a) of this section can, by relabeling or other action, be brought into compliance with the Act or rendered other than a food, drug, device, or cosmetic, final determination as to admission of such article may be deferred and, upon filing of timely written application by the owner or consignee and the execution by him of a bond as provided in the preceding provisions of this subsection, the Administrator may, in accordance with regulations, authorize the applicant to perform such relabeling or other action specified in such authorization (including destruction or export of rejected articles or portions thereof, as may be specified in the Administrator's authorization). All such relabeling or other action pursuant to such authorization shall in accordance with regulations be under the supervision of an officer or employee of the Federal Security Agency designated by the Administrator, or an officer or employee

of the Department of the Treasury designated by the Secretary of the Treasury."

SEC. 3. Subsection (c) of such section is amended to read:

"(c) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in subsection (a) of this section and the supervision of the relabeling or other action authorized under the provisions of subsection (b) of this section, the amount of such expenses to be determined in accordance with regulations, and all expenses in connection with the storage, cartage, or labor with respect to any article refused admission under subsection (a) of this section, shall be paid by the owner or consignee and, in default of such payment, shall constitute a lien against any future importations made by such owner or consignee."

Approved October 18, 1949.

[CHAPTER 697]

AN ACT

To enable the Secretary of Agriculture to extend financial assistance to homestead entrymen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make a loan or loans for any purpose authorized by and in accordance with the terms of the Bankhead-Jones Farm Tenant Act, as amended, or the Act of August 28, 1937, as amended, to any person eligible for assistance under said Acts who has made or makes a homestead entry on public land or who has contracted for or contracts for the purchase of other land of the United States in a reclamation project pursuant to the applicable provisions of the homestead and reclamation laws. Any such loans required by the Secretary of Agriculture or by law to be secured by a real-estate mortgage may be secured by a mortgage contract which shall create a lien against the land in favor of the United States acting through the Secretary of Agriculture and any patent thereafter issued shall recite the existence of such lien. The first installment for the repayment of any such loan or any other loan made under the Bankhead-Jones Farm Tenant Act, as amended, or the Act of August 28, 1937, as amended, to the owner of a newly irrigated farm in a reclamation project, may be deferred for a period of not to exceed two years from the date of the first advance under such loan.

SEC. 2. Any entry or purchase contract land with respect to which a loan is made under the authority of this Act shall be subject to cancellation by the Secretary of the Interior as provided by existing law or upon request of the Secretary of Agriculture whenever default occurs in the terms, conditions, covenants, or obligations contained in the mortgage. After cancellation or relinquishment of an entry or purchase contract, land on which there is a mortgage lien, pursuant to the provisions of this Act, shall thereafter, except as hereinafter provided, only be open to entry or resale to persons eligible for both an original entry or purchase contract and an original loan. Such entry or resale shall be subject to the outstanding balance of any amounts due the United States with respect to such land or such portion thereof as may be determined by the Secretary of Agriculture and the Secretary of the Interior, or their delegates, to be within the entryman's or purchaser's ability to pay on the basis of the long-time earning capacity of the land. If no entry or purchase is made within one year after the cancellation or relinquishment of a prior entry or purchase of land on which there is such a mortgage lien, the

52 Stat. 1058.
21 U. S. C. § 381 (c).
Expenses.

Ante, p. 882.

Ante, p. 882.

Lien.

October 19, 1949
[H. R. 2514]
[Public Law 361]

Homestead entry-
men.
Financial assist-
ance.

50 Stat. 522, 881.
7 U. S. C. §§ 1000-
1029, 343f, 343g; Supp.
II, § 1001 *et seq.*

Mortgage contract.

Repayment.

Cancellation of con-
tract.

Resale.

Disposition of land
by Secretary of Agri-
culture.