

as Camp Dodge and Polk County Target Range, to the State of Iowa", approved June 1, 1955 (69 Stat. 70), so that such tract with respect to which such modification is given may be used by such State for law enforcement academy purposes. The exact description of the tract with respect to which such restriction is modified by the Secretary pursuant to this authority shall be agreed upon by the Secretary and the State of Iowa, but in no event shall the total area of such tract exceed nine acres.

SEC. 2. The Secretary of the Army is authorized to impose such terms and conditions on the modification authorized by this Act as he deems appropriate to protect the interests of the United States. All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this Act shall be borne by the State of Iowa.

Approved July 30, 1968.

Public Law 90-445

AN ACT

July 31, 1968
[H. R. 12120]

To assist the courts, correctional systems, community agencies, and primary and secondary public school systems to prevent, treat, and control juvenile delinquency; to support research and training efforts in the prevention, treatment, and control of juvenile delinquency; and for other purposes.

Juvenile Delinquency Prevention and Control Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Delinquency Prevention and Control Act of 1968".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that delinquency among youths constitutes a national problem which can be met by assisting and coordinating the efforts of public and private agencies engaged in combating the problem, and by increasing the number and extent of the services available for preventing and combating juvenile delinquency. It is, therefore, the purpose of this Act to help State and local communities strengthen their juvenile justice and juvenile aid systems, including courts, correctional systems, police agencies, and law enforcement and other agencies which deal with juveniles, and to assist communities in providing diagnosis, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent, to encourage the development of community-based rehabilitation and prevention programs to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provision of such services, to provide support for comprehensive planning, development of improved techniques, and information services in the field of juvenile delinquency, and to provide technical assistance in such field.

TITLE I—PLANNING AND PREVENTIVE AND REHABILITATIVE SERVICES

PART A—STATE AND LOCAL PLANNING AND STATE ASSISTANCE TO LOCALITIES

STATE AND LOCAL PLANNING

SEC. 101. (a) In order to encourage States and localities to prepare and adopt comprehensive plans covering their respective jurisdictions, based on a thorough evaluation of problems of juvenile delinquency and youths in danger of becoming delinquent in the State, the Secretary is authorized to make grants to any State or local public agency to assist in preparing or revising such a plan. No such grant may exceed 90 per centum of the cost of the planning with respect to which such grant is made.

(b) The Secretary may impose as a condition to any grants under this title within any State or locality that such planning be undertaken and that, where he deems it appropriate, a comprehensive plan or plans be prepared within a reasonable period.

GRANTS FOR PLANNING PROJECTS OR PROGRAMS

SEC. 102. The Secretary is authorized to make grants to any State, county, municipal, or other public agency or nonprofit private agency or organization to assist it in meeting the cost of planning any project or program for which a grant may be made under the other provisions of this title. No such grant may exceed 90 per centum of the cost of the planning with respect to which such grant is made.

PART B—REHABILITATIVE SERVICES

STATEMENT OF PURPOSE

SEC. 111. The purpose of this part is to assist courts, correctional institutions, law enforcement agencies, and other agencies having responsibilities with respect to delinquent youths and youths in danger of becoming delinquent, including youths who are on parole or probation, to develop, improve, and make full use of State and community rehabilitation services for the diagnosis, treatment, and rehabilitation of such youths; to assist and encourage States to devote resources under other programs, in the fields of general and vocational education, job training, prevention and detection of crime, health, and welfare, to support programs for the diagnosis, treatment, and rehabilitation of delinquent youths and youths in danger of becoming delinquent, including support through the provision of assistance to establish linkage between the planning, conduct, and delivery of services under such other programs and programs under this act for delinquent youths and youths in danger of becoming delinquent; and to encourage the development in communities of new designs and new methods of care and treatment, including the operation of full-time or part-

time community-based residential facilities for such youths requiring residential care, diagnosis, treatment, and rehabilitation.

AUTHORIZATION OF GRANTS

SEC. 112. The Secretary is authorized to make grants to meet not to exceed 60 per centum of the cost of projects or programs designed to carry out the purposes of this part.

APPLICATIONS

SEC. 113. (a) Grants under this part may be made only upon application, to a State agency or, in the case of direct grants under section 132, to the Secretary, by a State, county, municipality, or other public agency or combination thereof, which contains or is accompanied by satisfactory assurances that—

(1) such applicant agency will provide to the extent feasible for coordinating, on a continuing basis, its operations with the operations of public agencies and private nonprofit organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

(2) such applicant agency will make reasonable efforts to secure or provide any of such services which are necessary for diagnosing, treating, and rehabilitating youths referred to in section 111 and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

(3) maximum use will be made under the program or project of other Federal, State, or local resources available for provision of such services;

(4) financial resources will, in the case of grants for construction, be available for the non-Federal share of such construction and for continued operation of the facility constructed; and

(5) public and private agencies and organizations (including courts, law enforcement and other agencies involved in the youth correction process) providing the services referred to in paragraph (1) will be consulted in the formulation by the applicant of the project or program, taking into account the services and expertise of such agencies and organizations, and with a view to adapting such services to the better fulfillment of the purposes of this part.

(b) Such application shall contain such information as may be necessary to carry out the purpose of this Act, including—

(1) a description of the services for youths described in section 111 which are available in the State or community;

(2) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services; and

(3) a showing that the project or program is consistent with any comprehensive plan developed under any other Act which is related to the purpose of this Act.

PART C—PREVENTIVE SERVICES

STATEMENT OF PURPOSE

SEC. 121. The purpose of this part is to promote the use of community-based services for the prevention of delinquency of youths; and to assist States and communities to establish special preventive services, including educational delinquency prevention programs in schools, for youths in danger of becoming delinquent, including youths who are on parole or probation.

AUTHORIZATION OF GRANTS

SEC. 122. The Secretary is authorized to make grants to meet not to exceed 75 per centum of the cost of projects or programs designed to carry out the purposes of this part.

APPLICATIONS

SEC. 123. (a) Grants under this part may be made only upon application, to a State agency or, in the case of direct grants under section 132, to the Secretary, by a public agency or nonprofit private agency or organization, which contains or is accompanied by satisfactory assurances that—

(1) steps have been or will be taken toward provision, within a reasonable period of time, of a program of services in the area served which are necessary for the prevention of delinquency of youths, including diagnosis, treatment, and rehabilitation of youths in danger of becoming delinquent;

(2) such applicant agency or organization will make special efforts to assure that the services provided by the program or project will be available for youths with serious behavioral problems;

(3) such applicant agency or organization will provide to the extent feasible for coordinating, on a continuing basis, its operations with the operations of public agencies and private nonprofit organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

(4) such applicant agency or organization will make reasonable efforts to secure or provide any of such services which are necessary for diagnosing, treating, and rehabilitating youths referred to in section 121 and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

(5) maximum use will be made under the program or project of other Federal, State, or local resources available for provision of such services; and

(6) public and private agencies and organizations (including courts, law enforcement and other agencies involved in the youth correction process) providing the services referred to in paragraph (3) will be consulted in the formulation by the applicant

of the project or program, taking into account the services and expertise of such agencies and organizations, and with a view to adapting such services to the better fulfillment of the purposes of this part.

Information.

(b) Such application shall contain such information as may be necessary to carry out the purpose of this Act, including—

(1) a description of the services for youths described in section 121 which are available in the State or community;

(2) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services; and

(3) a showing that the project or program is consistent with any comprehensive plan developed under any other Act which is related to the purpose of this Act.

PART D—GENERAL PROVISIONS

STATE PLAN

SEC. 131. (a) Any State which desires to receive a grant under part B or C of this title in order to make program or project grants within such State shall, through a single State agency designated for the purposes of this title, submit to the Secretary a comprehensive juvenile delinquency plan in such detail as the Secretary deems necessary.

(b) The Secretary shall approve a State plan or modification thereof for any fiscal year for purposes of this section if he determines that the plan for that fiscal year—

(1) provides that the grant to the State will be used solely (A) for projects and programs which are submitted to the State agency by a community, municipal, or other local public agency or local nonprofit private agency or organization, or combination thereof, which meet the requirements of section 113 or section 123, and which are approved by such State agency, and (B) for paying up to 75 per centum of the cost of administering the plan approved under this section;

(2) (A) sets forth, on the basis of an analysis and survey of the needs in the State for assistance under part B or C, a method of distribution of funds under the plan, including establishment of priorities for locations and types of projects and programs, which gives emphasis to community based alternatives to programs of institutionalization and which conforms to criteria of the Secretary, and (B) provides for distribution of such funds, insofar as financial resources make possible, in accordance with such method;

(3) provides for an appropriate balance of rehabilitation and preventive projects and programs;

(4) provides for (A) effective coordination of plans and programs developed and conducted by the State in fields related to juvenile delinquency, including programs under the Elementary and Secondary Education Act of 1965, the Social Security Act, the Manpower Development and Training Act of 1962, and pro-

grams for the prevention and detection of crime, with plans, projects, and programs developed and conducted by the State under this title, and (B) appropriate application of resources under such other plans and programs to support and reinforce plans, projects, and programs under this title;

(5) provides for the effective participation of persons representative of local and areawide public and private groups and organizations familiar with the field of juvenile delinquency and with associated fields in the development and implementation of the State plan;

(6) demonstrates the capability of the State agency in the areas of planning, project and program development, technical assistance, and evaluation, and sets forth the administrative organization and procedures in such detail as the Secretary may prescribe by regulation;

(7) provides for the maximum use of other Federal, State, and local resources, including resources available through the programs referred to in paragraph (4), in carrying out the State plan and projects and programs under it;

(8) sets forth policies and procedures which give assurance that the Federal grant for any fiscal year will be used to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Secretary by regulation) that would, in the absence of such Federal grant, be made by the State, and subdivisions thereof, in the field of juvenile delinquency;

(9) provides for adoption of effective procedures (A) for the evaluation at least annually of the effectiveness of the programs and projects supported under the State plan, and (B) for dissemination of information secured thereby and other useful information to local public or nonprofit private agencies and organizations in the State operating in the field of juvenile delinquency or a related field;

(10) provides for adoption of procedures to assure that funds paid to local public or nonprofit private agencies and organizations with respect to projects and programs under the plan will be used in accordance with applications therefor approved under the plan;

(11) provides for making an annual report and such other reports, in such form and containing such information and evaluations, as the Secretary may reasonably require;

(12) provides that final action by the State agency denying (in whole or in part), or withholding funds with respect to, any application (or amendment thereof) made to it for a grant under part B or C shall not be taken without first affording the applicant reasonable notice and opportunity for a hearing;

(13) provides, in the case of an application for a program or a project which is in the nature of an amendment to the State plan or a clear departure from the purview of the State plan, that final approval by the State agency of such application shall not be given unless such application has been submitted to the Secretary together with a brief statement describing the proposed program or project, and the Secretary has not, within thirty days after such submission, disapproved such application; and

(14) provides assurance that the State will furnish at least one-half of the non-Federal share of funds required to meet the cost of programs and projects aided under the State plan.

(c) Depending upon the availability of funds, and the other applications under part B or C, the Secretary may approve all or part of

the assistance requested by a State agency pursuant to an approved State plan, but all assistance requested by such agency, pursuant to an approved State plan, may be disapproved only if he determines that the provision of such assistance would so disperse available funds that the effectiveness of other projects or programs under part B or C which would more effectively carry out the purposes of part B or C, would be impaired.

(d) The Secretary may, if he finds that a State plan for a fiscal year is in substantial (but not complete) compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available to that State only those funds which he determines to be necessary to carry out that part of the plan so approved.

(e) (1) The Secretary shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State agency submitting the plan reasonable notice and opportunity for a hearing.

(2) Whenever the Secretary, after reasonable notice and opportunity for hearing to any State agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under this section, the Secretary shall notify the agency that further payments will not be made to the State under parts B and C (or, in his discretion, that the State agency shall not make further payments thereunder to specified public agencies or nonprofit private agencies or organizations affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under such parts or payments by the State agency under such parts shall be limited to public agencies or nonprofit private agencies and organizations not affected by the failure, as the case may be.

DIRECT GRANTS

SEC. 132. Until a State has submitted a State comprehensive juvenile delinquency plan under this title and the Secretary has approved such plan, or upon failure of the State to carry out such plan according to the terms and conditions specified in such plan as approved, the Secretary may make grants directly to public agencies or nonprofit private agencies and organizations in accordance with the provisions of parts B and C of this title. No grant under this section shall be for an amount in excess of 60 per centum in the case of part B or 75 per centum in the case of part C of the cost of the project or program with respect to which it is made.

USE OF FUNDS

SEC. 133. Funds paid to any agency or organization (whether directly or through a State agency) under part B or C of this title may be used for—

(1) meeting the cost of securing or providing services designed to carry out the purposes of such part, but only to the extent and for the period reasonably necessary for the community to provide such services; and

(2) in the case of part B, meeting not to exceed 50 per centum of the cost of construction of community-based, unusual, and special purpose or innovative types of facilities which, in the judgment of the Secretary, are necessary for carrying out the purposes of part B, including community-based, unusual, and special purpose or innovative (A) combination detention and diagnostic facilities, (B) halfway houses for youths who because of special behavioral

problems have a high risk of becoming delinquent or who have been determined to be delinquent and are not yet ready for full return to society; (C) small, special-purpose, residential, community-based facilities for diagnosis, treatment, and rehabilitation of youths; (D) training schools for the rehabilitation and education of youths who are in custody of any public agency charged with the care of delinquent youths; but, in developing plans for such facilities, due consideration shall be given to excellence of architecture and design: *Provided, however*, That not to exceed 25 per centum of the funds appropriated for any fiscal year under this Act may be used to meet such costs of construction.

It shall be a condition of any grant under part B which is wholly or partially for construction that all laborers and mechanics employed by contractors or subcontractors on such construction shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to these labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 P.R. 36, 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011.

63 Stat. 108;
72 Stat. 967.

NOTIFICATION

SEC. 134. The Secretary shall not approve an application for a grant under part A or section 132 until a copy of the application has been submitted—

(1) to the Governor of the State, or an officer designated by him or by State law, and a reasonable opportunity has been afforded the Governor or such officer to prepare and submit to the Secretary his evaluation of the planning, program, or project, which shall include comments on the relationship of the application to other applications then pending and to existing or proposed plans in the State for the development of new or additional programs for the diagnosis, treatment, or rehabilitation or preventive services for youths who are delinquent or in danger of becoming delinquent; and

(2) to the governing bodies of the political units principally affected, and a reasonable opportunity afforded such governing bodies, acting through such officers as they may designate, to prepare and submit to the Secretary an evaluation of the planning, program, or project.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 135. In determining whether or not to approve applications for grants under part B or C of this title, the State agency or, in the case of grants under section 132, the Secretary shall consider, among other relevant factors in the State or community of the applicant—

(1) the relative costs and effectiveness of the project or program in effectuating the purposes of such part;

(2) the incidence of and rate of increase in youth offenses and juvenile delinquency;

(3) school dropout rates;

(4) the adequacy of existing facilities and services for carrying out the purposes of such part;

(5) the extent of comprehensive planning in the community for carrying out the purposes of such part;

(6) youth unemployment rates;

(7) the extent to which proposed programs or projects incorporate new or innovative techniques within the State or community to carry out the purposes of such part; and

(8) the extent to which the proposed programs or projects incorporate programs for the parents of youths who are delinquent or in danger of becoming delinquent, as well as programs for other adults who offer guidance or supervision to such youths.

TITLE II—TRAINING

AUTHORIZATION

SEC. 201. The Secretary is authorized, with the concurrence of the Secretary of Labor, to make grants or contracts for projects for the training of personnel employed in or preparing for employment in fields related to the diagnosis, treatment, or rehabilitation of youths who are delinquent or in danger of becoming delinquent, or for the counseling or instruction of parents in the improving or parental instruction and supervision of youths who are delinquent or in danger of becoming delinquent. Such projects shall include special programs which provide youths and adults with training for career opportunities, including new types of careers, in such fields. Such projects may include, among other things, development of courses of study and of interrelated curricula in schools, colleges, and universities, establishment of short-term institutes for training at such schools, colleges, and universities, inservice training, and traineeships with such stipends, including allowances for travel and subsistence expenses, as the Secretary may determine to be necessary.

RECIPIENTS AND CONDITIONS OF GRANTS AND CONTRACTS

SEC. 202. Such grants may be made to and such contracts may be made with any Federal, State, or local public or nonprofit private agency or organization; and to the extent he deems it appropriate, the Secretary shall require the recipient of any such grant or contract to contribute money, facilities, or services for carrying out the projects for which the grant or contract is made.

TITLE III—IMPROVED TECHNIQUES AND PRACTICES

NEW TREATMENT AND SERVICES

SEC. 301. (a) The Secretary is authorized to develop improved techniques and practices which, in his judgment, hold promise of making a substantial contribution toward prevention of delinquency and treatment of youths who are delinquent or in danger of becoming delinquent or toward improvement in the rehabilitative services for delinquent youths, including techniques and practices for the training of personnel.

(b) The Secretary may also make grants for such purposes to any State, local, or other public agency or nonprofit private agency or organization; and, to the extent he deems it appropriate, the Secretary shall require the recipient of any such grant to contribute money, facilities, or services for carrying out the project for which such grant was made.

(c) The Secretary is further authorized to enter into contracts for any such purposes with public or private agencies and organizations and with individuals.

(d) Not more than 10 per centum of the funds appropriated for any fiscal year under this Act, or \$2,000,000, whichever is the lesser, may be used to carry out this section.

Grants.

Contracts.

Appropriation,
limitation.

TECHNICAL ASSISTANCE

SEC. 302. The Secretary is authorized to cooperate with and, either directly or through grants to or contracts with any public agency or nonprofit private agency or organization, render technical assistance to State, local, or other public or private agencies or organizations in matters relating to prevention of delinquency or to rehabilitative services for delinquent youths and youths in danger of becoming delinquent, and to provide short-term training and instruction of a technical nature with respect to such matters.

STATE ASSISTANCE TO LOCAL UNITS

SEC. 303. The Secretary is authorized to make grants to any State agency which is able and willing to provide technical assistance to local public agencies and nonprofit private agencies and organizations engaged in or preparing to engage in activities for which aid may be provided under this Act. No such grant may exceed 90 per centum of the cost of the activities of the State agency with respect to which such grant is made.

INFORMATION SERVICES

SEC. 304. The Secretary is directed to collect, evaluate, publish, and disseminate information and materials relating to research and programs and projects conducted under this Act, and other matters relating to prevention or treatment of delinquency or provision of rehabilitative services for delinquent youths and youths who are in danger of becoming delinquent, such information and materials to be for the general public and for agencies, organizations, and personnel engaged in programs concerning youths who are delinquent or in danger of becoming delinquent.

TITLE IV—ADMINISTRATION

PAYMENT PROCEDURE

SEC. 401. Payments of any grant or under any contract under this Act may be made (after necessary adjustment on account of previously made overpayments or underpayments) in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes for which the grant or contract is made.

APPROPRIATIONS

SEC. 402. There are authorized to be appropriated for grants and contracts under this Act, to the Department of Health, Education, and Welfare, \$25,000,000 for the fiscal year ending June 30, 1969, \$50,000,000 for the fiscal year ending June 30, 1970, and \$75,000,000 for the fiscal year ending June 30, 1971.

AMOUNTS AVAILABLE FOR EACH STATE

SEC. 403. (a) The total of the grants made under title I of this Act for any fiscal year with respect to activities in any one State may not exceed 15 per centum of the total of the funds available for such grants under such title for such fiscal year.

(b) Of the funds available for grants under title I for any fiscal year—

(1) \$25,000 each shall be reserved for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) \$100,000 shall be reserved for each other State; except that, if the Secretary determines, on the basis of the information available to him on the last day of the ninth month of any fiscal year, that any portion of such \$25,000 or \$100,000 for any State will not be required for such grants under title I of this Act for such year, such portion shall be available for grants under such title for such year with respect to activities in any other State (in the case of which such a determination has not been made).

EVALUATION

SEC. 404. (a) The Secretary shall provide for the continuing evaluation of the programs, projects, and other activities under this Act, including their effectiveness in achieving stated goals and their relationship to and impact on related Federal, State, and local activities. This evaluation shall include comparisons with proper control groups composed of persons who have not participated in programs under this Act. The results of such evaluations shall be included in the report required by section 408.

(b) In addition to funds otherwise available for evaluation, such portion of any appropriation under section 402 as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the activities for which such appropriation is made.

JUDICIAL REVIEW

SEC. 405. In the case of action taken by the Secretary terminating or refusing to continue financial assistance to a grantee, such grantee may obtain judicial review of such action in accordance with chapter 7 of title 5 of the United States Code.

80 Stat. 392.
5 USC 701-706.

JOINT FUNDING

SEC. 406. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency or organization assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

COORDINATION

SEC. 407. To avoid duplication of efforts, it shall be the responsibility of the Secretary to consult and coordinate with the Attorney General and such other Federal officers as are charged with responsibilities in the area of combating juvenile delinquency or crime in general.

ANNUAL REPORT

SEC. 408. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary, with the appropriate assistance and concurrence of the heads of other Federal agencies who are consulted and whose activities are coordinated under section 407, shall

prepare and submit to the President for transmittal to the Congress a full and complete report on all Federal activities in the fields of juvenile delinquency, youth development, and related fields. Such report shall include, but not be limited to—

- (1) planning, program, and project activities conducted under this Act;
- (2) the nature and results of model programs and technical assistance conducted under title III of this Act;
- (3) the number and types of training projects, number of persons trained and in training, and job placement and other follow-up information on trainees and former trainees assisted under title II of this Act; and
- (4) steps taken and mechanisms and methods used to coordinate and avoid duplication of Federal activities in the fields of juvenile delinquency, youth development, and related fields and the effectiveness of such steps, mechanisms, and methods.

ADVISORY COMMITTEES

SEC. 409. (a) The Secretary is authorized to appoint an advisory committee to advise him with respect to matters of general policy involved in the administration of this Act, and particularly with respect to the coordination of activities under this Act and related activities under other Federal, State, or local laws and on such other matters relating to this Act as the Secretary may request.

(b) (1) The Secretary is also authorized to appoint such other technical or advisory committees to advise him in connection with activities under this Act as he deems necessary.

(2) Members of any committee appointed under this section who are not otherwise in the regular full-time employ of the United States, while attending meetings of their respective committees, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$100 per diem (or, if higher, the rate specified at the time of such service for grade GS-18 in title 5, United States Code, section 5332), including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

5 USC 5332
note.

80 Stat. 499.

DEFINITIONS

SEC. 410. For purposes of this Act—

(1) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) The term "State agency" means the State agency designated in a State's comprehensive juvenile delinquency plan.

(3) The term "public agency" means a duly elected political body or a subdivision thereof and shall not be construed to include the Office of Economic Opportunity. Such term includes an Indian tribe. In the case of a grant under part A of title I or section 132, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of any planning, project, or program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary, notwithstanding the maximum otherwise imposed by this Act on the portion of such cost which may be so payable.

(4) The term "nonprofit private agency or organization" means any accredited institution of higher education, and any other agency, organization, or institution which is owned and operated by one or

more nonprofit corporations or organizations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, but only if such agency, organization, or institution was in existence at least two years before the date of an application under this Act. Such term shall not be construed to include the Office of Economic Opportunity. Participation by the Office of Economic Opportunity is expressly prohibited in administering this Act.

(5) The term "Secretary" means the Secretary of Health, Education, and Welfare.

Approved July 31, 1968.

Public Law 90-446

AN ACT

July 31, 1968
[H. R. 10673]

To amend title III of the Packers and Stockyards Act, 1921, as amended.

Packers and
Stockyards Act,
amendment.

42 Stat. 163;
72 Stat. 1750.
"Stockyard."

Market agencies
and dealers, ap-
proval by stock-
yard owners.

7 USC 201.
Penalty.

Services with-
out discrimina-
tion.
44 Stat. 397.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 201 et seq.), is amended as follows:

(a) Section 302(a) (7 U.S.C. 202(a)) is amended to read:

"(a) When used in this title the term 'stockyard' means any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce."

(b) Section 303 (7 U.S.C. 203) is amended to read:

"SEC. 303. After the expiration of thirty days after the Secretary has given public notice that any stockyard is within the definition of section 302, by posting copies of such notice in the stockyard, no person shall carry on the business of a market agency or dealer at such stockyard unless (1) the stockyard owner has determined that his services will be beneficial to the business and welfare of said stockyard, its patrons, and customers, which determination shall be made on a basis which is not unreasonable or unjustly discriminatory, and has given written authorization to such person, and (2) he has registered with the Secretary, under such rules and regulations as the Secretary may prescribe, his name and address, the character of business in which he is engaged, and the kinds of stockyards services, if any, which he furnishes at such stockyard. Every other person operating as a market agency or dealer as defined in section 301 of the Act may be required to register in such manner as the Secretary may prescribe. Whoever violates the provisions of this section shall be liable to a penalty of not more than \$500 for each such offense and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States."

(c) Section 304 (7 U.S.C. 205) is amended to read:

"SEC. 304. All stockyard services furnished pursuant to reasonable request made to a stockyard owner or market agency at such stockyard shall be reasonable and nondiscriminatory and stockyard services which are furnished shall not be refused on any basis that is unreasonable or unjustly discriminatory: *Provided*, That in any State where the weighing of livestock at a stockyard is conducted by a duly authorized department or agency of the State, the Secretary, upon application