

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

of such department or agency, may register it as a market agency for the weighing of livestock received in such stockyard, and upon such registration such department or agency and the members thereof shall be amenable to all the requirements of this Act, and upon failure of such department or agency or the members thereof to comply with the orders of the Secretary under this Act he is authorized to revoke the registration of such department or agency and to enforce such revocation as provided in section 315 of this Act."

(d) Section 307 (7 U.S.C. 208) is amended to redesignate the first sentence as paragraph "(a)" and to add a new paragraph (b) as follows:

"(b) It shall be the responsibility and right of every stockyard owner to manage and regulate his stockyard in a just, reasonable, and nondiscriminatory manner, to prescribe rules and regulations and to require those persons engaging in or attempting to engage in the purchase, sale, or solicitation of livestock at such stockyard to conduct their operations in a manner which will foster, preserve, or insure an efficient, competitive public market. Such rules and regulations shall not prevent a registered market agency or dealer from rendering service on other markets or in occasional and incidental off-market transactions."

(e) Section 312(a) (7 U.S.C. 213(a)) is amended by inserting after the words "in connection with" the phrase "determining whether persons should be authorized to operate at the stockyards, or with".

Approved July 31, 1968.

7 USC 216.

Nondiscriminat-
ing stockyard
management.

42 Stat. 167;
72 Stat. 1750.

Public Law 90-447

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1969, and for other purposes.

July 31, 1968

[H. J. Res. 1420]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1968 (Public Law 90-366), is hereby amended by striking out "July 31, 1968" and inserting in lieu thereof "September 30, 1968".

Approved July 31, 1968, 7:45 p.m.

Continuing ap-
propriations,
1969.

Ante. p. 276.